

ROCKY MOUNTAIN LAND USE INSTITUTE



Local Responses to Oil and Gas Development

“Non-Regulatory Approaches Available to Local Jurisdiction”



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External Approach #1

Create and Foster Relationships.



External Approach #2

Participate in Federal and State Legislative, Administrative, Rulemaking, and Permitting.

- **U.S. Forest Service.**
- **U.S. Bureau of Land Management.**
- **Colorado General Assembly.**
- **Colorado Oil and Gas Conservation Commission.**
- **Colorado Water Quality Control Commission.**
- **Colorado Air Quality Control Commission.**



External Approach #3

**COGCC Local Government
Designee.**



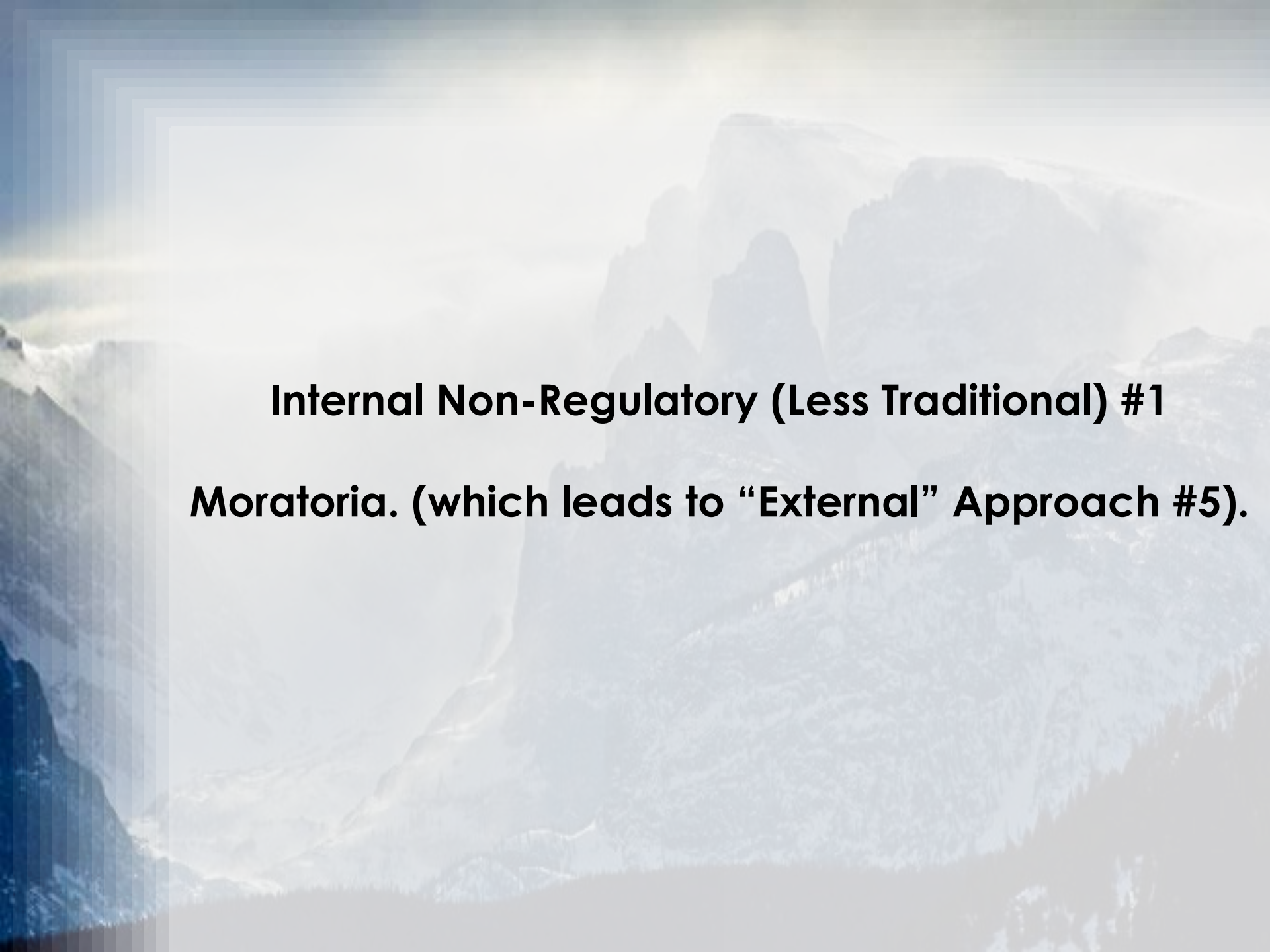
External Approach #4

- **Memorandum of Agreement.**
- **Intergovernmental Agreement.**
- **Agreements with Industry.**

External Approach #5

Lawsuits:

- Refrain from lawsuits but do **NOT** abstain.
- **Get sued...**
- And **WIN.**



**Internal Non-Regulatory (Less Traditional) #1
Moratoria. (which leads to “External” Approach #5).**

Internal Non-Regulatory (Less Traditional) #2

- **Performance Zoning – identifies intended outcomes but allows different ways to accomplish them.**
- **Form Based Zoning – this technique integrates zoning and design considerations into a regulatory framework.**



Internal Non-Regulatory (Less Traditional) #3

- **Permit Caps – “rate of growth” mechanism; tied to master plan and/or local government capacity to provide services OR community ability assimilate impacts.**

Internal Non-Regulatory (Less Traditional) #4

- **Impact Fees – A fee imposed by a local government on new or proposed development to pay for all or a portion of the costs of providing public services for that development (e.g. roads).**
- **Fee must have a direct connection to the development, and the fee must be proportionate to the impact. (Can “keep up” but can’t use to “catch up”).**

Internal Non-Regulatory (Less Traditional) #5

- **Watershed Ordinances – See C.R.S. § 31-15-707(b) which authorizes a municipality to protect its source of water- extraterritorially – from pollution/contamination, 5 miles above the point where it is taken (e.g. grading, erosion, sediment control, deposition of material).**



Internal Non-Regulatory (Less Traditional) #6

- **“1041 Authority”.**



Internal Non-Regulatory (Less Traditional) #7

- **Double Split Estate Ownership.**



Internal Non-Regulatory (Less Traditional) #8

- **Conservation Easements (e.g. easement to preserve historic district).**

Internal Non-Regulatory (Less Traditional) #9

- **Land Reserve: Government can strategically purchase/acquire lands and then issue RFPs in the future to develop lands for a specific purpose (e.g. worker housing).**

Internal Non-Regulatory (Less Traditional) #10

- **Strategic Investment of Public Infrastructure/Control of Utilities:**

Simply deciding where and where not to build roads, water lines, mass transit, etc. can fundamentally affect development patterns.

Internal Non-Regulatory (Less Traditional) #11

- **Water Rights: Purchasing or influencing water rights with public dollars.**
 - **See Pitkin County Tax – used public dollars for purchasing water rights.**