



Legislation Text

File #: 2014-0368, **Version:** 5

Resolution to Extend Oil and Gas Well Drilling Moratorium

Whereas, at a special meeting held on August 26, 2014, the Rochester Hills City Council adopted Resolution No. RES0190-2014 establishing a six (6) month moratorium, through February 26, 2015, on the consideration, review or action by any City boards, departments, officials, employees and/or agents on applications, proposals, requests, permits, approvals, zoning compliance or certificates regarding oil and gas well siting and drilling operations in the City, and that during the moratorium period, no oil and gas well siting or drilling shall be allowed to take place in the City; and

Whereas, the purposed of the moratorium was to allow time, while maintaining the status quo, for the state legislative process to proceed regarding Senate Bill 1026; and also for the City to further study, consider and adopt, within the confines of applicable state and federal law, appropriate local regulations of oil and gas well siting and drilling in the City; and

Whereas, the City Council's moratorium resolution also directed the City's Planning Commission to consider, develop and recommend to City Council local ordinances to regulate oil and gas well siting and drilling, pipelines and other aspects of oil and gas exploration, development, processing and transport as determined to be appropriate, necessary and lawful to protect and balance property rights; protect, preserve and conserve our environment, natural resources and community character and values, and to protect and promote the public health safety and general welfare of the City and its residents; and

Whereas, although Senate Bill 1026 has apparently failed to garner enough support to be enacted, the City's Planning Commission continues to study, consider and develop appropriate local regulations on oil and gas exploration and development and has held public meetings including a recent public hearing with presentations from MDEQ officials and questions from residents; and

Whereas, the City Council, at its regular meeting on December 15, 2014, also authorized the Mayor to request an opinion from the Michigan Attorney General clarifying what powers cities have to regulate oil and gas development through local zoning; and

Whereas, it appears the Planning Commission's work and the City Council's consideration of the Planning Commission's recommendation and proposed local regulations will not likely be completed before the current moratorium expires on February 26 and additional time is needed, and

Whereas, upon information and belief, there are no pending applications filed with the City or State to drill or site an oil or gas well in the City that will be affected by an extension of the current moratorium.

Therefore, It Is Resolved, that the moratorium established on the consideration, review or action by any City boards, departments, officials, employees and/or agents on applications, proposals, requests, permits, approvals, zoning compliance or certificates regarding oil and gas well siting and drilling operations in the City is hereby extended an additional six (6) months, through August 26, 2015, and that during the moratorium period, no oil and gas well siting or drilling shall be allowed to take place in the City.

It Is Further Resolved, that the Rochester Hills City Council directs the City Planning Commission to continue, with all due diligence, to consider, develop and recommend to City Council local ordinances to regulate oil and gas well siting and drilling, pipelines and other aspects of oil and gas exploration, development, processing and transport as determined to be appropriate, necessary and lawful to protect and balance property rights; protect, preserve and conserve our environment, natural resources and community character and values, and to protect and promote the public health safety and general welfare of the City and its residents.

It Is Further Resolved, that any property owner or lessee aggrieved by this moratorium may request an opportunity to be heard by City Council and to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate federal or state law.