



STATE OF COLORADO)
) ss
COUNTY OF PHILLIPS)

RESOLUTION No. 2025-09-30-01

AUTHORIZING THE ADOPTION OF A TEMPORARY MORATORIUM ON PROCESSING APPLICATIONS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS OR BATTERY ENERGY STORAGE SYSTEMS LOCATED WHOLLY OR PARTIALLY WITHIN UNINCORPORATED PHILLIPS COUNTY, COLORADO

WHEREAS, Phillips County (“County”) is a statutory county vested with the authority by the Colorado Revised Statutes to enact laws to govern and regulate the use of land within the County; and

WHEREAS, under the County’s current Land Use Code, utility-scale solar energy systems and battery energy storage system projects (“Projects”) require Major Land Use Change Permits before such Projects can proceed in the County; and

WHEREAS, the existing County regulations do not sufficiently address the potential adverse impacts to the County of Projects; and

WHEREAS, regionally, counties are experiencing a significant increase in utility-scale solar energy systems and battery energy storage system development, and the County has experienced an increase in questions regarding its regulations; and

WHEREAS, the Phillips County Board of County Commissioners (“Board”) has directed County staff to consider revisions to County regulations to address impacts of such Projects; and

WHEREAS, the County desires to institute a moratorium while undertaking revisions to the County regulations, during which time the County will not review and process applications for Projects; and

WHEREAS, at its September 30, 2025 public meeting, the Board considered instituting a moratorium on the processing of applications for Projects located wholly or partially in the County, pending the County revisions to its regulations regarding the same; and

WHEREAS, based on evidence presented at the public meeting and matters included in the record, the Board desires to adopt a six-month moratorium on processing Project applications while it develops or revises its regulations; and

WHEREAS, the County has express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while considering amendments to regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PHILLIPS, COLORADO:

- 1. Findings.** The above findings are hereby incorporated by reference as specific findings

and determinations of this Board.

2. **Moratorium Enacted.** The Board hereby enacts a six-month temporary moratorium ("Moratorium") on processing applications for utility-scale solar energy systems and battery energy storage systems located wholly or partially within Phillips County. The Moratorium shall end on March 30, 2026, unless terminated or extended by a resolution of the Board.
3. **Definitions.** For purposes of this Moratorium, the following definitions shall apply.
 - A. "Utility-scale solar energy system" means an electricity generating facility consisting of ground-mounted solar arrays and associated control or conversion electronics, occupying more than 5 acres and used to produce utility power to off-site customers.
 - B. "Utility-scale battery energy storage system" means an energy conversion system that collects energy from the grid or from an electricity generating facility, stores it, and later discharges that energy as needed to provide electricity or other grid services to off-site customers.
4. **Direction to Revise Regulations.** The BOCC hereby directs County staff to review and revise the existing County regulations pertaining to utility-scale solar energy systems and battery energy storage systems to ensure that the regulations will sufficiently protect public health, safety, welfare, and the environment.
5. **Emergency Declared.** The Board hereby finds that that passage of this Resolution is necessary for the immediate preservation of the public peace, health, and safety, in order to prevent the filing of a Permit application for a utility-scale solar energy system or battery energy storage system until the County has had a reasonable opportunity to determine what regulations should be imposed or revised to address impacts from such projects. Failure to immediately impose the moratorium may create adverse impacts to the County. The Board further finds that adopting this Resolution as an emergency resolution is in the best interest of the County.
6. **Effective Date.** This Resolution shall take effect as of the date of the adoption of this Resolution by the Board.

THE ABOVE AND FOREGOING RESOLUTION WAS, ON A MOTION DULY MADE AND SECONDED, ADOPTED THIS 30th DAY OF SEPTEMBER 2025, BY VOTE OF THE BOARD OF PHILLIPS COUNTY COMMISSIONERS.

ATTEST:

Clerk & Recorder, Beth Zilla

BOARD OF COUNTY COMMISSIONERS
COUNTY OF PHILLIPS, COLORADO

Commissioner Tom Timm, Chairman

Commissioner Terry Hofmeister

Commissioner Garold Roberts