

PHILLIPS COUNTY, COLORADO

Board of County Commissioners – Regular Meeting 11-18-2022

A RESOLUTION ADOPTING REGULATIONS GOVERNING WIND GENERATION FACILITIES IN ALL UNINCORPORATED PORTIONS OF PHILLIPS COUNTY

RESOLUTION NO. 2022-11-18-01

WHEREAS, the development of wind generation facilities and associated power lines is a rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for wind power generation facilities can have an impact on the health, safety and welfare of the citizens of Phillips County (the "County") in a number of ways, including without limitation loss of land for traditional agricultural uses, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 et seq., provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board of County Commissioners of Phillips County ("the Board") believes it has a responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board believes it also has a duty to balance such regulations so as not to overtly interfere with the private property rights and freedom of landowners who maintain the exclusive right to the use, profit, and benefit from their private property.

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, therefore, the Board of County Commissioners desires to adopt comprehensive regulations governing the wind power generation facilities.

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

- 1. The Phillips County Wind Regulations attached hereto as Exhibit A are hereby adopted.

The foregoing resolution was presented by Commissioner Roberts for its adoption. Motion was seconded by Commissioner Hofmeister and upon call of the roll, the Resolution was duly adopted. APPROVED AND ADOPTED this 18th day of November, 2022

Beth Zilla
Beth Zilla
County Clerk and Recorder
Phillips County, Colorado

BOARD OF COUNTY COMMISSIONERS
PHILLIPS COUNTY, COLORADO

Tom Timm
Tom Timm Aye / Nay

Terry Hofmeister
Terry Hofmeister Aye / Nay

Garold Roberts
Garold Roberts Aye / Nay

