

**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DELTA,
STATE OF COLORADO**

RESOLUTION NO. 2022-R-___

ESTABLISHING A MORATORIUM PROHIBITING ACCEPTANCE OF APPLICATIONS FOR COMMERCIAL-SCALE RENEWABLE ENERGY FACILITIES IN THE UNINCORPORATED AREA OF DELTA COUNTY FOR 6 MONTHS OR UNTIL RENEWABLE ENERGY STANDARDS ADDRESSING CERTAIN ISSUES ARE INCORPORATED INTO THE DELTA COUNTY LAND USE CODE, WHICHEVER OCCURS FIRST.

RECITALS

WHEREAS, Delta County's Master Plan encourages responsible and beneficial development of private, commercial and public renewable energy; and

WHEREAS, the Master Plan directs the County to develop clear standards for commercial renewable energy development covering location, scale, infrastructure needs and site planning; and

WHEREAS, the Master Plan encourages innovative uses that incentivize retaining agricultural lands in production; and

WHEREAS, on January 5, 2021, Delta County Board of County Commissioners (hereinafter "Board") adopted the Delta County Land Use Code (Resolution No 2021-R-001); and

WHEREAS, the Land Use Code (LUC) defines renewable energy by the amount of power generated, using 100 kW as the threshold; and

WHEREAS, the U.S. Department of Energy defines to mean any solar project or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers such as individuals, businesses, nonprofits, and other groups. In most cases, customers are benefitting from energy generated by solar panels at an off-site array; and

WHEREAS, the wholesale energy market and local power grid are stressed by reduced hydroelectric power generation and increased demand when temperatures rise and fall drastically, and water levels drop; and

WHEREAS, renewable energy is important for the future of Delta County; and

WHEREAS, renewable energy is the fastest growing segment of the energy sector; and

WHEREAS, state and federal funding is available for renewable energy projects; and

WHEREAS, the Master Plan encourages small-scale private renewable energy systems that meet requirements; and

WHEREAS, large, industrial, utility-scale renewable energy projects may result in physical and environmental impacts; and

WHEREAS, large-scale, commercial, industrial renewable energy facilities can have positive or negative effects on the following issues:

- Delta County residents have expressed concerns about viewshed, property valuation, environmental, health, or agricultural issues related to the location of these large-scale renewable energy facilities.
- As average temperatures continue to rise, Delta County will see energy demands grow and supplies constrained with water as the key factor on both sides of the equation.
- Delta County has experienced some of the most extreme warming in the nation as well as extreme or severe drought for the last few years.
- Water supplies for agriculture, fisheries, ecosystems, industry, cities, and energy are no longer stable given extreme weather.
- Renewable energy infrastructure provides a tax revenue basis without a corresponding increase in county expenditures.
- Construction can negatively impact already stressed County roadways.
- Delta County has experienced loss of 1000's of acres of irrigated agricultural land each year.

WHEREAS, Delta County respects and values responsible land use regulations that balance property rights with public health, safety, environment, welfare, energy transition, community resiliency, and local warming reduction and climate adaptation interests; and

WHEREAS, on August 16, 2022, following a public hearing on a renewable energy facility application, the Board directed staff to prepare a moratorium on renewable energy facilities that could be considered September 6, 2022; and

WHEREAS, on September 6, 2022, the Board held a hearing to consider a moratorium temporarily prohibiting applications for commercial-scale renewable energy facilities in the unincorporated area of Delta County.

DECISION

NOW, THEREFORE, BE IT RESOLVED, having considered all the written and documentary evidence, the administrative record, and other evidence presented, the Delta County Board of County Commissioners (BoCC) does hereby:

- 1) FIND that the 2021 Land Use Code lacks standards sufficient definition and standards to address potential effects of commercial-scale renewable energy projects in Delta County. The intent of the Land Use Code is to provide clear standards and expectation for the use of property. Utilizing large acreages for commercial-scale renewable energy has the potential to impact agricultural lands, and possible surrounding neighborhoods, unless mitigated. Therefore, this resolution is necessary as an urgency measure for the public health, safety, and welfare of the inhabitants of the County of Delta, State of Colorado.
- 2) APPROVES a moratorium prohibiting acceptance of commercial-scale solar permit applications (as currently defined in the Land Use Code) for 12 months or until renewable energy standards addressing the above stated issues are incorporated into the Delta County Land Use Code, whichever occurs first, unless extended by a separate action. Exceptions to this moratorium are limited to:
 - a. Applications received prior to adoption of this resolution shall be processed in accordance with the regulations in place at the time of application submittal.
 - b. Applications for smaller renewable energy projects, impacting less than two (2) acres, may be processed as a Limited Use pursuant to the Land Use Code.
- 3) DIRECTS the Planning Director to develop renewable energy standards for addition into the Delta County Land Use Code consistent with the above stated issues and County Master Plan provisions.

ADOPTED AS SET FORTH ABOVE on this 6th day of September, 2022.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF DELTA
STATE OF COLORADO

ATTEST:

Don Suppes, Chair

Wendell Koontz, Vice Chair

Teri Stephenson
Delta County Clerk & Recorder

Mike Lane, Commissioner

DRAFT

COUNTY ATTORNEY'S AGENDA

**Board of County Commissioners
Regular Meeting**

September 6, 2022

REGULAR SESSION:

1. Board's consideration of adoption regarding Ordinance Prohibiting the Accumulation of Rubbish (Junk) within Delta County in compliance with § 30-15-406, C.R.S. for second reading and adoption.