

RESOLUTION NO. _____, SERIES OF 2024

RESOLUTION IMPOSING AN EMERGENCY TEMPORARY MORATORIUM ON THE CONSTRUCTION OF MAJOR UTILITY PROJECTS IN ALL ZONE DISTRICTS WITHIN FREMONT COUNTY, COLORADO

WHEREAS, pursuant to C.R.S. § 30-11-101(2), the Fremont County Board of County Commissioners has the duty and authority to provide for public health, safety, and welfare; and

WHEREAS, pursuant to C.R.S. §30-28-111 and §30-28-112 the Board of County Commissioners (“Board”) and the Planning Commission for Fremont County have authority to make and adopt a zoning plan for zoning all or any part of the unincorporated territory within the County; and

WHEREAS, on or about November 22, 1994, County duly adopted Resolution No. 54, Series of 1994, which enacted the Fremont County Zoning Resolution (FCZR), to serve the best interests of the inhabitants of Fremont County. The regulations became effective January 1, 1995, in accordance with the Resolution. On or about January 13, 2009, the County readopted the Zoning Resolution, incorporating all amendments into a revised edition of the Fremont County Zoning Resolution; and

WHEREAS, the FCZR is presently undergoing a comprehensive revision which is anticipated to be completed during this calendar year; and

WHEREAS, in connection with its regulation of the use of land located within its unincorporated area, the County has the legal authority to enact an emergency temporary moratorium on land development as part of its inherent police and planning powers, including, but not limited to, its authority under the Local Government Land Use Control Enabling Act of 1974, Title 29, Article 20, Part 1, when necessary for the immediate preservation of public health, safety, and welfare; and

WHEREAS, pursuant to C.R.S. §30-28-121, the Board may promulgate a temporary moratorium not to exceed six months, by Resolution and without a public hearing, prohibiting or regulating in any part of or all of the unincorporated territory of the County structures used or to be used for any business, residential, industrial or commercial purpose; and

WHEREAS, County planning staff has informed the Board that it has received inquiries regarding commercial Battery Energy Storage, Solar Energy Collection, and other major utility projects and that the current regulations in the FCZR are not sufficient to address them; and

WHEREAS, in 1974 the Colorado General Assembly enacted HB 74-1041 for the purpose of allowing local governments to maintain control over certain local development projects which have statewide impacts; and

WHEREAS, pursuant to C.R.S. §24-65.1-203, the Board is authorized to develop standards and processes for the permitting of site selection and construction of major facilities of a public utility, construction or expansion of major domestic water and sewage treatment systems, and the use of geothermal resources for the commercial production of electricity; and

WHEREAS, the primary purpose for enacting an emergency temporary moratorium on the acceptance, processing, or approval of major utility projects is to provide the County sufficient time to develop and promulgate necessary and appropriate standards and processes for permitting projects described herein; and

WHEREAS, the Board does hereby find and determine that an emergency temporary moratorium on major utility projects, including facilities of the generation, transmission or storage of electricity; water and sewage treatment; and/or geothermal resources within any and all zone districts is necessary for the immediate preservation and protection of the public health, safety, and welfare of the citizens of Fremont County.

NOW, THEREFORE, BE IT RESOLVED by the Fremont County Board of County Commissioners as follows:

1. Effective immediately upon the adoption of this Resolution, the Fremont County Planning and Zoning Department and all other County Departments are prohibited from conducting pre-application conferences, accepting, processing, and/or approving land use development applications, special use permit applications, and/or development permits, building permit applications and/or permits, and/or any applications for major utility projects, including facilities of the generation, transmission or storage of electricity; water and sewage treatment; and/or geothermal resources, in any and all zone districts of Fremont County.
2. This moratorium shall expire six months from the date of this Resolution, unless terminated earlier by Board of County Commissioners action or by adoption of regulations pursuant to HB 74-1041 addressing this issue.
3. This emergency temporary moratorium does not amend the FCZR, which shall remain in full force and effect. In the event of any conflict(s) between this emergency temporary moratorium and the FCZR, the provisions of this moratorium shall control and supersede any conflicting provisions in the FCZR.

4. If any one or more sections or provisions of this Resolution shall be adjudged by a Court of competent jurisdiction to be legally unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions set forth herein are severable.

Commissioner _____ moved for adoption of the foregoing Resolution, seconded by Commissioner _____ and approved by roll call vote as follows:

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: _____
Chairman

By: _____
Clerk to the Board