

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 1043**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, ESTABLISHING A 12-MONTH
MORATORIUM ON ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR
DEVELOPMENT OF RENEWABLE ENERGY FACILITIES**

WHEREAS, the Board of Trustees of the Town of Mead (“Board”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of public health, safety and welfare; and

WHEREAS, the Town Comprehensive Plan contemplates various strategies to improve energy efficiency and expand use of renewable energy, including solar power, through the following goals, policies, and strategies, among other:

Chapter Two. II *Diverse Economy*

- Strategy 2A-2. Update Mead’s Land Use Code for consistency with the County’s streamlined regulations for development of wind, solar and other renewable energies.

Chapter Two. VI *An Expansive Natural and Agrarian Setting*

GOAL 1: Promote the efficient management of water, energy and waste through a cohesive sustainability program that represents the values of the Mead community.

Policy 1-C: Improve energy efficiency and expand the use of renewable energy including solar power.

- Strategy 1C-1. Work with United Power and Xcel Energy to develop and promote programs and codes that encourage energy efficiency and access to renewable energy.
- Strategy 1C-2. Update the Land Use Code to streamline the permitting process for the development of renewable energy projects, similar to Weld County’s recently updated regulations; and

WHEREAS, Chapter 16 of the Mead Municipal Code (“Land Use Code”) currently does not include any regulations relating to permitting and development of renewable energy projects; and

WHEREAS, at a regular meeting of the Board held on May 8, 2023, the Board instructed Town staff and the Town Attorney’s office to prepare a draft ordinance establishing a temporary moratorium on development of renewable energy facilities and bring such ordinance to the Board for consideration at a later meeting; and

WHEREAS, Town staff seeks to conduct a comprehensive study of the appropriate zoning and development regulations and standards for development and permitting of solar and wind energy facilities, based on impact of such uses on the community and surrounding areas, and, if advisable, to update the Land Use Code accordingly; and

WHEREAS, imposition of a 12-month moratorium on the acceptance and processing of land use applications for solar and wind energy facilities will preserve the status quo and allow the Town to investigate, consider, and if advisable, adopt new regulations for solar and/or wind energy facilities; and

WHEREAS, the imposition of a temporary moratorium on the Town’s acceptance and processing of land use applications for solar and wind energy facilities is reasonable in length, is no longer than is required, and is necessary to provide the Town a period of time to study regulations relating to solar and wind energy facility development that will best preserve the health, peace and safety of the Town; and

WHEREAS, owners and developers of real property affected by this Ordinance desiring to develop their property with renewable energy facilities will not be unfairly prejudiced by the imposition of the short, temporary moratorium imposed by this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Moratorium. The Town shall not accept, review, consider, or approve any applications or requests for Town approval of applications relating to development of solar or wind energy facility land uses, including solar energy generation and storage, under the Land Use Code, until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. The temporary moratorium established by this Ordinance shall commence on the effective date of this Ordinance and shall automatically terminate and be repealed on Wednesday, July 31, 2024, unless terminated earlier by the Board or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the Board from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal. This Ordinance shall not apply to any application for a renewable energy production facility made pursuant to a planned unit development (PUD) where such land use is permitted by a PUD approved or conditionally approved by the Board of Trustees in accordance with the Land Use Code prior to the effective date of this Ordinance.

Section 3. Preservation of Status Quo and Violation. Any person or entity that has received approval of a land use application for a renewable energy production facility from the Town prior to the effective date of this Ordinance may continue to rely on such approvals throughout the duration of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions of the Town Municipal Code and enforcement action in municipal court.

Section 4. Properties Annexed to Town. For properties annexed to the Town following the effective date of this Ordinance, the Board of Trustees removes the right to exempt any such parcel(s) from the effect of this Ordinance in an annexation agreement. Any such annexation agreement(s) shall contain specific terms and conditions related to the development of renewable energy facility land uses acceptable to the Board of Trustees.

Section 5. Effective Date. This Ordinance shall be published and become effective as provided by law.

Section 6. Applicability. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect. The provisions of this Ordinance and the 12-month moratorium imposed hereby shall not affect or otherwise prohibit the processing of applications for uses and proposals outside of the specific scope defined herein.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 31ST DAY OF JULY 2023.

ATTEST:

TOWN OF MEAD:

By: 
Mary E. Strutt, MMC Town Clerk



By: 
Colleen G. Whitlow, Mayor