

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF PROWERS, STATE OF COLORADO**

A RESOLUTION AMENDING GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST OF PROWERS COUNTY BY AMENDING CERTAIN PROVISIONS AND ADDING NEW PROVISIONS REGARDING DEFINITIONS AND BATTERY ENERGY STORAGE SYSTEMS

WHEREAS, pursuant to C.R.S. §30-11-103 and 30-11-107(1)(e), the Board of County Commissioners of Prowers County, Colorado (hereinafter “Board” or “County”), has the legislative authority to manage the business and concerns of the County and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the interests of the County and its residents; and

WHEREAS, the Board is further authorized by *inter alia*, C.R.S. §§30-28-101, *et seq.*, C.R.S. §§30-28-201, *et seq.*, and C.R.S. §§29-20-101, *et seq.*, to adopt regulations for the protection of the public health, safety and welfare of its residents; and

WHEREAS, the Board has specific authority to regulate and designate matters of state interest, including areas and activities of state interest and to adopt and amend guidelines and regulations for administration of areas and activities of state interest pursuant to the Areas and Activities of State Interest Act, C.R.S. § 24-65.1-101, *et seq.*, in Prowers County; and

WHEREAS, the Board has determined that the “Guidelines and Regulations for Areas and Activities of State Interest, County of Prowers, State of Colorado,” as amended, should be further amended as set forth on the attached “EXHIBIT A” (the “Amendments”); and

WHEREAS, legal notice of the hearing was scheduled on February 20, 2024 in conformance with the requirements of C.R.S. § 24-65.1-404(2)(a) was published in the *Lamar Ledger* on January 18, 2024, and said notice and materials relating to this matter, including the draft Amendments contained on “EXHIBIT A”, were made available to the public at the Prowers County Land Use Administrator and Board of County Commissioners office.

WHEREAS, on February 20, 2024 the Board conducted the public hearing to consider amending the Regulations as advertised, at which hearing various witnesses were heard and exhibits were presented for the Board's consideration, and testimony was taken from County staff and any and all persons desiring to appear and give such testimony and present evidence; and

WHEREAS, based on the evidence, testimony, exhibits and presentations by County staff and all interested persons, and comments, **THE BOARD DOES FIND AS FOLLOWS:**

1. That proper publication and public notice were provided as required by law for the hearing before the Board.

2. That the public hearings were complete, that all pertinent facts, matters and issues were submitted, and all interested persons were heard at the hearing.
3. That all exhibits were received into evidence, which included:
 - a. Copies of the legal notice of the hearing scheduled for February 20, 2024;
 - b. Draft proposed Amendments to the Regulations are attached hereto as "EXHIBIT A;"
 - c. Testimony and exhibits presented by the general public and all interested persons, if any; and
 - d. Presentations made by County staff concerning the Amendments proposed to the Regulations as contained in "EXHIBIT A," including any additional minor revisions identified during the public review and hearing process.
4. That the Board has taken into consideration the following:
 - a. The proposed amendments are in conformance with the "Guidelines and Regulations for Areas and Activities of State Interest, County of Prowers, State of Colorado;" and
 - b. The changes requested promote the public necessity, health, safety and general welfare and is consistent with good land use and zoning practice.
5. That all requirements of law have been met.

NOW THEREFORE, BE IT RESOLVED AND ORDERED:

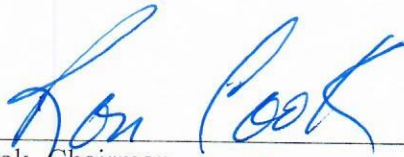
That the "Guidelines and Regulations for Areas and Activities of State Interest, County of Prowers, State of Colorado" as amended on August 17, 2006, amended on October 24, 2017, and further amended on March 7, 2023 are further amended as set forth in "EXHIBIT A," which is incorporated herein by this reference.

That the Amendments are hereby declared to be effective upon the effective date of this Resolution.

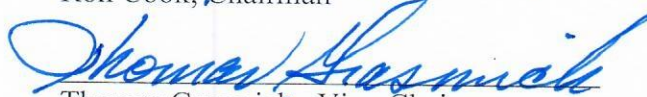
That the County Attorney is authorized to make additional form and style revisions, including but not limited to spelling, numbering, statutory references and other conforming and non-substantive corrections, prior to public distribution and recording.

That the "Guidelines and Regulations for Areas and Activities of State Interest, County of Prowers, State of Colorado" as amended on August 17, 2006, amended on October 24, 2017, and further amended on March 7, 2023 shall be supplemented, replaced, superseded or amended by the Amendments only as set forth in "EXHIBIT A;" shall constitute the now currently enacted and effective version; and shall be kept in the office of the Board of County Commissioners for Prowers County, Colorado, there to be made available for public inspection.

ADOPTED this 20th day of February, 2024, by the Board of County Commissioners of Prowers County, Colorado.



Ron Cook, Chairman



Thomas Grasmick, Vice-Chairman



Wendy Buxton-Andrade, Commissioner

ATTEST:



Jana Coen, County Clerk



EXHIBIT A

Proposed Amendments to the Guidelines and Regulations for Areas and Activities of State Interest of Prowers County

Amendment #1:

A new Section 6.303(5) shall be added to Chapter 6, Article 3, with the following language:

(5) Battery Energy Storage Systems must meet the standards set forth in Section 18(y), Supplementary Regulations of the Prowers County Zoning Regulations. Applicant shall pay all fees associated with these I041 Regulations.