

**WELD COUNTY
CODE ORDINANCE 2016-11**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23
ZONING, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 23
ZONING**

**ARTICLE I
GENERAL PROVISIONS**

Amend Sec. 23-1-90. Definitions.

For the purposes of this Chapter, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCIES: Public Utilities or Public Agencies operating or constructing a mine, ELECTRIC TRANSMISSION LINES, domestic water storage facilities, POWER PLANTS, SUBSTATIONS, wastewater treatment facilities, water treatment facilities, including extensions, expansions or enlargements thereof; STORAGE AREAS of utilities providing electricity, water, and wastewater including extension, expansions or enlargements thereof.

UTILITY SERVICE FACILITY: Public utility mains, lines, gas regulator stations, PUBLIC lift or pumping stations for domestic water and sanitary sewer service, and accessory STRUCTURES where no PUBLIC office, repair or storage facilities are operated or maintained.

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CC: FIC(DW)
ACT(BC)
CTB(EG)
PL(MM/TP)
11/15/16

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Remainder of Section – No change.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 2016-11 was, on motion duly made and seconded, adopted by the following vote on the 31st day of October, A.D., 2016.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Eather G. Mesick

Weld County Clerk to the Board

Mike Freeman
Mike Freeman, Chair

Sean P. Conway
Sean P. Conway, Pro-Tem

BY: Chloe A. Rempel
Deputy Clerk to the Board

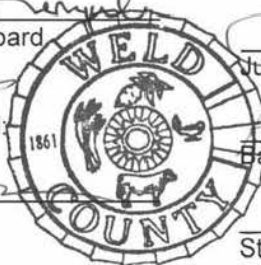
Julie A. Cozad
Julie A. Cozad

APPROVED AS TO FORM:

[Signature]
County Attorney

Barbara Kirkmeyer
Barbara Kirkmeyer

Steve Moreno
Steve Moreno



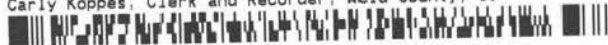
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Publication: August 24, 2016

First Reading: September 19, 2016
Publication: September 28, 2016, in the Greeley Tribune

Second Reading: October 10, 2016
Publication: October 19, 2016, in the Greeley Tribune

Final Reading: October 31, 2016
Publication: November 9, 2016, in the Greeley Tribune

Effective: November 14, 2016

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EXHIBIT INVENTORY CONTROL SHEET

ORDINANCE 2016-11

| <u>Exhibit</u> | <u>Submitted By</u> | <u>Description</u> |
|----------------|----------------------------|---|
| A. | Susan Innis Xcel Energy | Presented at Planning Commission 9/6/16 – Letter of Concern |
| B. | | |
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Michelle Martin

From: Innis, Susan A <Susan.A.Innis@xcelenergy.com>
Sent: Friday, September 02, 2016 3:25 PM
To: Tom Parko Jr.; Michelle Martin
Cc: Bruce Barker; McNeish, Gilbert F.; Stencel, Julie A; Walker, Jeffrey A; Holscher, Derek D; Kirkpatrick, Elizabeth A
Subject: planning commission hearing on substation definition change

Dear Tom and Michelle –

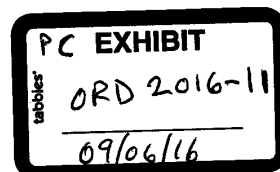
My team from Xcel Energy appreciated the chance to meet both of you on August 25th regarding permitting issues. Based on discussions at that meeting and prior discussion with County representatives on this topic, we were surprised to learn that a code change relative to utility facilities would be heard at the Planning Commission meeting on September 6th.

In August 2015 we sat down with County staff to discuss permitting of substations, the need for clarity and changes in the code, and how best to move that forward in a collaborative manner. In April of this year, Gil McNeish with the law firm of Spencer Fane & Grimshaw, LLP, reached out to Bruce Barker on behalf of Xcel to follow up on our August 2015 conversation. Based on Bruce's response to Gil in April, we had expected to hear from county staff well in advance of any proposed changes to the code, and continued to believe we would have an opportunity to engage in a dialogue about any proposed changes before such items would be heard by the Planning Commission. We still hope to be able to engage with you in that dialogue.

We have concerns about the impacts of the proposed code changes, independently prepared by County staff, being proposed on Tuesday. The code change effectively removes a utility's use by right to build substations in the agricultural zone district. While the County may feel this change is warranted, this is not a land right we are prepared to passively give up without further discussion. In addition, the language change regarding substations does not address the broader concerns we raised with the County in August 2015 regarding the inconsistencies in the County code relative to USR, 1041, and other permit requirements for electric transmission and substation projects.

At Tuesday's Planning Commission meeting, I will attend and will respectfully ask the Commission to postpone hearing this issue so that the planning staff can more fully engage in a dialogue with stakeholders, including Xcel Energy, on these issues.

Thank you in advance for your consideration to the concerns raised in this email. I hope after you have had a chance to review this email you will consider supporting a postponement.



Regards,

Susan Innis

Xcel Energy | Responsible By Nature

Manager, Siting and Land Rights

1800 Larimer St, Suite 400 Denver, CO 80202

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E: susan.a.innis@xcelenergy.com

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