



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

## BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #1

October 19, 2022

Hearing to be Hybrid Due to COVID-19

### PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Andrea Vaughn, Long Range Planner; Ethan Abner, Long Range Planner;

#### **Docket DC-22-0002: Accessory Ground Mounted Solar Energy Systems**

Text amendment to the Boulder County Land Use Code Article 4-516.K Accessory Solar Energy System creating a prescriptive path for accessory ground mounted systems to be permitted by the issuance of a building permit and other changes to the Code necessary to integrate the text amendment.

*Action Requested by Planning Commission: Recommendation of Approval to BOCC*

### PACKET CONTENTS

| Item                                                   | Pages |
|--------------------------------------------------------|-------|
| Staff Recommendation                                   | 1-6   |
| Draft Land Use Code Amendments (Exhibit A)             | A1-A2 |
| Authorization of Text Amendment Memo (Exhibit B)       | B1    |
| Analysis of Permitted Ground-Mounted Solar (Exhibit C) | C1-C4 |
| Referral Responses (Exhibit D)                         | D1-D5 |

### **SUMMARY**

On April 26, 2022, the Board of County Commissioners authorized Community Planning & Permitting (CP&P) staff to pursue a text amendment to the Boulder County Land Use Code (the Code) regarding accessory ground-mounted solar energy systems. The subject text amendment is intended to facilitate development of onsite solar energy systems and to utilize the Site Plan Review Waiver process only for those systems that could have significant impacts and where a site-specific evaluation is necessary to evaluate those impacts. The Accessory Solar Energy System use was added to the Code in 2009. Since the most recent

2018 Code update, all ground mounted accessory systems have required Site Plan Review Waiver approval. This site-specific review process has been used to evaluate and mitigate the impacts (visual, disturbance, etc.) of ground mounted solar systems. CP&P over the years has developed a better understanding of the impacts of solar development and the scale of the Accessory type projects. Site Plan Review Waiver approval is required prior to the issuance of a building permit for these systems and building permit records provide the best information about what was constructed. Staff analyzed the building permit history to develop the proposed parameters in this text amendment to the Code. The proposed parameters define the scope of a project which results in a known and acceptable level of impact, projects that meet the parameters will no longer require the Site Plan Review Waiver process before applying for a building permit. With these parameters clearly defined, applicants may design their project to proceed with a building permit only.

### **PROJECT GOALS**

This proposed text amendment to Article 4-516.K and related sections in Article 4-802 are intended to propose a set of defined parameters that will eliminate the need for a Site Plan Review Waiver prior to issuance of a building permit for ground-mounted solar systems and therefore facilitate the installation of these systems. The Site Plan Review Waiver review would continue to be applicable for those projects that do not fit within the established parameters.

The goals of the text amendment can be summarized as follows:

1. Scale the level of review. Since 2018, staff has compiled a body of knowledge about how these systems are installed, which has allowed us to identify characteristics of projects and their corresponding level of impact. By including a set of parameters that outline acceptable levels of impact in the Code, staff can eliminate low impact projects from requiring a site-specific analysis. By allowing staff to focus on projects where the impacts are less obvious or need more scrutiny and require site specific analysis, the county will more efficiently utilize staff resources. More simply stated, staff intends to use the planning review processes when there are concerns about the potential impacts of development rather than reviewing all projects regardless of the expected impacts. For example, Site Plan Review Waiver is currently required for systems less than 0.5 acres (21,780 sq. ft) in disturbance while the median size of systems that staff reviews is 0.03 acres (1307 sq. ft.). This shows that the current Code language is drafted for a much larger scope of project than applicants generally propose.
2. Limit the impacts of accessory ground-mounted solar energy system installation. The Site Plan Review Waiver requirement was intended to assess and mitigate the impacts of development on natural resources in the county, as well as to help preserve the views that define the landscape of Boulder County. The proposed text amendment seeks to maintain a review for more impactful projects but allow projects with minimal impacts to proceed with issuance of a building permit only.

## **DISCUSSION**

The proposed Code amendment modify Article 4-802.C.7, “Applicability and Scope of the Site Plan Review Process for Development”, and Article 4-516.K.5 “Accessory Uses, Accessory Solar Energy Systems, Additional Provisions” by adding new subsections, e, f and g. The components of the text amendment are discussed below.

### **Article 4-802.C.7 Applicability and Scope of the Site Plan Review Process for Development**

Currently, all Accessory Ground-Mounted Solar Energy Systems require the Site Plan Review or Site Plan Review Waiver process to analyze their impacts prior to issuance of a building permit. The proposed text amendments define parameters that can be met in lieu of a planning review and therefore limits when Site Plan Review or Site Plan Review Waiver is required.

### **Section 4-516.K Accessory Solar Energy Systems**

This section defines the Accessory Solar Energy System use and includes additional provisions and requirements.

Subsection 4-516.K.2 describes the required review process for these systems in all zoning districts. The proposed text amendment would allow ground-mounted systems that meet the proposed parameters, to proceed directly to building permit review without the need for the Site Plan Review Waiver process.

Subsection 4-516.K.5.e.i-iv details the paraments for Ground-Mounted Solar Energy systems that, if met, would replace the need for the Site Plan Review Waiver process. The following paragraphs review each parameter in more detail:

i. **The height of the system is no more than 10 feet;**

Negative visual impacts are commonly caused by intrusive or disruptive elements in the landscape, thus limiting the height of structures in the landscape is a common and effective tool which allows structures to blend in rather than stand out. By addressing and setting an acceptable height, this provision limits the potential visual impact of ground-mounted solar systems. In the analysis conducted by staff, approximately 81% of the ground-mounted systems, permitted between 2015 and 2019, were 10 feet or less in height. Staff believes the 10-foot height limit both serves to preserve the visual character of the County while calibrating the Code to best reflect the needs of applicants.

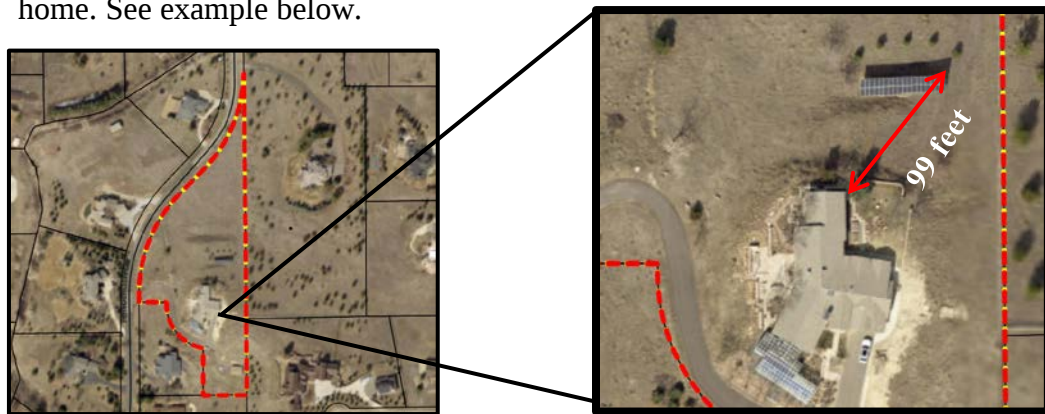
ii. **The system complies with applicable zoning district setbacks;**

Solar arrays are considered “structures” according to the Code, all of which are required to meet the required setbacks from lot lines in each zoning district in the county. At present, ground-mounted solar energy systems reviewed through the Site Plan Review Waiver process may encroach into the setbacks, if the encroachment helps achieve maximum efficiency. Staff recommends that any system that requires an encroachment into the specified setback continue to be analyzed through Site Plan Review Waiver, as zoning district setbacks set expectations in the community regarding where development may occur and the impacts that may result as well as serve safety purposes. Deviations from setback compliance and the impacts of the

proposed development should continue to be individually evaluated and that an allowance to help achieve efficiency still be considered.

- iii. The panels of the system are located within 100 feet of the use the system is accessory to (e.g., Single Family Dwelling, agricultural facility) as measured from the furthest extent of the panel(s) to the closest point of the structure or facility that the system is providing power to;

This provision requires that the systems be located near the existing development on the site. New natural resource and visual impacts to the community are limited by locating development in or proximate to already disturbed areas and near other structures. Analysis of aerial imagery was conducted on 72 parcels that have installed ground-mounted solar since 2018 (aerial imagery is currently only available up to 2020) found that of those 72 parcels, 47% of the ground-mounted systems were located within 100 feet of the primary use, when measured from the closest point. However, staff found that measuring from the closest point did not adequately accomplish the goals of limiting the impacts of development and recommends that the distance be measured using the furthest point on the panel to the closest point of the home. See example below.



An example of a ground mounted solar energy system where the system has been installed within 100 feet of the primary structure that it is providing power to

- iv. The cumulative area of the system(s) panels is no more than 750 square feet.

This provision establishes a cumulative area threshold of 750 square feet for projects that can proceed without a planning review. To determine the size most suitable for this amendment, staff analyzed the size of the panels to best understand customers solar needs and the expected impacts. Generally, utility companies, such as Xcel, do not permit solar energy systems that would produce more energy than the structure needs. Analysis of the 72 panels that were measured using aerial imagery show that 71% of the panels were of 750 sq. ft. size or smaller (please see Exhibit C for more details and charts related to the data). The cumulative area is measured by drawing a rectangle around the perimeter of the panels or group of panels. If the panels of a system are located close together, they will occupy less space than if the same panels are spread out. Staff believes that limiting the overall size of the project is a valid method for establishing an acceptable level of impact, which helps offset the need for

a site-specific analysis. Demonstrating compliance with the parameter is something applicants can easily show on building permit application materials so that zoning review of building permits can be easily performed.



An example of a ground mounted solar energy system whose panel area does not exceed 750 sq ft

Subsections f and g include additional requirements that apply to all systems. Currently, these requirements are often included as conditions of approval through the Site Plan Review Waiver process. These provisions include the requirement that all disturbed areas be restored, which prevents soil erosion and protects stormwater quality, as well as the notice that those who have a conservation easement, or any prior county land use approval requirements (such as an established building envelope) must still meet the requirements of those agreements or approvals.

As part of the development of this text amendment, staff analyzed 124 previously issued building permits and aerial images of 72 properties between 2015 and 2019. The analysis of the permit data and the aerial spatial analysis allowed staff to develop data regarding the height, size and, distance of the systems from the principal use. This information allowed staff to determine the parameters which would ensure that proposed systems will not have a significant level of impact without going through a site-specific review process. Though there is potential to implement wider or narrower parameters, staff believes the proposed parameters will result in an acceptable level of impact and eliminate the need for a site-specific evaluation for a significant percentage of projects. Wider parameters have a greater chance of resulting in unintended negative impacts, while narrower parameters would result in fewer projects being eligible. Staff's recommendation seeks to balance the expected level of impact with the numbers of projects that are required to undergo a site-specific analysis. By establishing a clear set of parameters in the Code, solar developers can plan their projects to comply with the requirements. Therefore, staff expects that this amendment will significantly reduce the need for Site Plan Review Waiver. The proposed text amendment to 4-516.K provides an option for applicants to bypass a planning review, while still mitigating the impacts of development to resources in the county.

## **TEXT AMENDMENT CRITERIA ANALYSIS**

Article 16-100.B contains criteria for amending the text of the Code. Staff finds that these criteria are met in the context of this Docket, as follows:

*The existing text is in need of amendment:* In order to limit the number of proposals with minimal impacts needing a site-specific analysis and to facilitate the use of renewable energy in Boulder County, the Code requires amendment.

*The amendment is not contrary to the intent and purpose of this Code:* The Boulder County Land Use Code is enacted to protect and promote the health, safety, and general welfare of present and future inhabitants of Boulder County. In conformance with the Code, the proposed text amendment seeks to support the development of accessory ground-mounted solar energy systems, while limiting the visual and natural resource impacts by establishing appropriate parameters for proposals.

*The amendment is in accordance with the Boulder County Comprehensive Plan:* As proposed, the text amendment does not make changes to the Code that would alter the current Code's consistency with the goals and policies of the Comprehensive Plan (the "Plan"). The proposed modification supports the goals and policies of the Comprehensive Plan, related to preserving environmental resources, responding to climate change, enhancing environmental health, advancing sustainability, and reducing greenhouse gas emissions.

## **PUBLIC ENGAGEMENT**

The agency referral and public comment period was open from September 1 to September 28 and a community meeting that was held on September 22, 2022. The community meeting invited both members of the public and professionals. Approximately 20 people participated in the community meeting. Staff presented the proposed amendments and answered questions. No public comments were received. Referral responses are attached as Exhibit D.

## **STAFF RECOMMENDATION**

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF DOCKET DC-22-0002, LAND USE CODE TEXT AMENDMENT RELATED TO ACCESSORY SOLAR ENERGY SYSTEMS**, and certify the Docket for action to the Board of County Commissioners, which certification includes the approved text of the Docket, and the official record of the Docket before the Planning Commission including staff comments and materials, public testimony, and Planning Commission action/discussion.

**DC-22-0003: Proposed Land Use Code Text Amendment to 4-516.K Accessory Solar Energy System –**

Text amendments to the Boulder County Land Use Code Article 4-516.K Accessory Solar Energy System creating a prescriptive path for accessory ground mounted systems to be permitted by the issuance of a building permit and other changes to the Code necessary to integrate the text amendment.

**4-802.C.7 Applicability and Scope of the Site Plan Review Process for Development**

C. Site Plan Review may be waived for the following circumstances if the Community Planning & Permitting Director determines that there is no potential for any significant conflict with the criteria listed in Article 4-806 of this Code:

7. A principal Ground-Mounted Solar Energy System that is less than 0.5 acre or an Accessory Solar Energy System that does not satisfy the additional provisions described in Article 4-516.K.5.e.

**4-516.K Accessory Solar Energy System**

1. Definition: Building-mounted, Ground-Mounted, and Parking Canopy Solar Energy Systems designed primarily for serving on-site needs of a Principal Use.
2. Districts Permitted: By right in all districts. Site Plan Review is not required for ground-mounted systems that meet the provisions outlined in (e). When required, Site Plan Review may be waived by the Director for systems with a disturbed area less than 0.5 acres per 4-802.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
  - a. Ground-Mounted Solar Energy Systems are structures that must meet applicable setbacks for the zoneing district except as provided in section 5.b, below.
  - b. If necessary for the efficacy of the system, accessory ground-mounted systems may be located within minimum lot line setbacks and within any applicable major road supplemental setback without the need for a variance, provided that the solar energy system is located not less than 5 feet from lot lines and not less than 15 feet from all roads.
  - c. Accessory ground-mounted systems may not exceed 15 feet in height, except to accommodate site specific needs and as approved through review. In no case shall a system exceed 25 feet in height.
  - d. Accessory Solar Energy Systems must meet all applicable Additional Provisions for solar energy, including building-mounted, ground-mounted, or parking canopy systems contained in 4-514.
  - e. Ground-Mounted Solar Energy Systems do not require Site Plan Review if the Director determines all of the following parameters are met:
    - i. The height of the system is no more than 10 feet;
    - ii. The system complies with applicable zoning setbacks;
    - iii. The panels of the system are located within 100 feet of the use the system is accessory to (e.g., Single Family Dwelling, agricultural facility) as measured from the furthest extent of the panel(s) to the closest point of the structure or facility that the system is providing power to;
    - iv. The cumulative panel area of the system(s) is no more than 750 square feet;

- f. Prior to final inspection, all areas of exposed or disturbed soil must be revegetated or stabilized by other means sufficient to prevent the establishment of noxious weeds, soil erosion and protect stormwater quality.
- g. Ground-mounted systems shall remain subject to explicit limitations that were imposed on a property through a prior County land use approval or conservation easement.



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## BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING

April 26, 2022 at 10:30AM  
Via Zoom

### Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Accessory Ground-Mounted Solar Uses

#### **Staff:**

Alisa Childress, Long Range Planner, Community Planning & Permitting Department  
Hannah Hippely, Long Range Planning Manager, Community Planning & Permitting Department

*Public testimony will not be taken – action requested*

#### **SUMMARY**

Staff requests Board authorization to pursue text amendments to the Land Use Code related to ground-mounted accessory solar energy systems, which are addressed in Article 4-516(K). The purpose of the Code amendment is to remove the requirement for Site Plan Review or Site Plan Review Waiver for small, accessory ground-mounted solar energy projects that meet certain parameters. The purpose of the text amendment is both to further reduce the barriers to the installation of onsite solar energy systems and to focusing planning reviews on the types of applications where review has the most impact. The Accessory Solar Energy System use was added to the Land Use Code in November 27, 2018 and ground mounted systems have been reviewed through the Site Plan Review Waiver process since that time. These applications are generally approved with little controversy and staff believes that if adequate parameters are established in the Land Use Code the Site Plan Review Waiver process can be eliminated.

Staff intends to update relevant content in Articles 4 (Zoning), including Article 4-516.K Accessory Solar Energy System, of the Land Use Code and will make any other revisions necessary to integrate the changes. Some organizational changes and updates to the existing language may also needed to make the Code easier to navigate and utilize.

#### **ACTION REQUESTED**

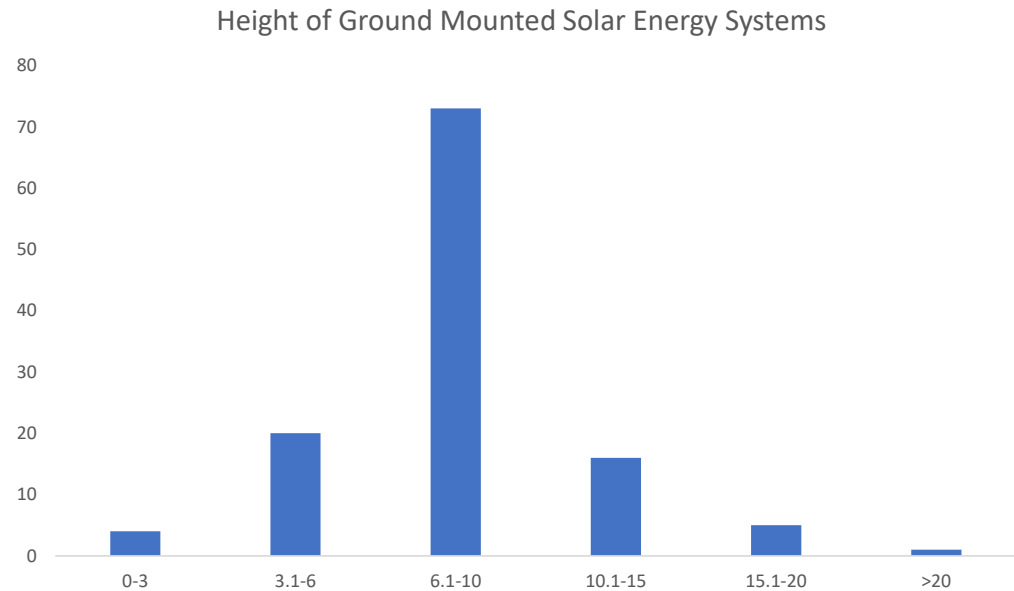
Staff requests the Board of County Commissioners authorize staff to pursue the text amendments to the Boulder County Land Use Code related to ground-mounted accessory solar energy systems and any related content and provisions.

# Data Analysis (2015-2019) – Summary Statistics

|         | Height (ft.) | Panel Area (acre) | Panel Area (sq ft) | Impact Area (Acre) | Impact Area (sq ft) | Distance from Primary (sq ft) |
|---------|--------------|-------------------|--------------------|--------------------|---------------------|-------------------------------|
| Median  | 8.5          | 0.01              | 409                | 0.03               | 1444                | 100                           |
| Average | 8.3          | 0.02              | 909                | 0.05               | 2341                | 115                           |

# Data Analysis (2015-2019) - Height

| Height (ft) | No. of permits | %   |
|-------------|----------------|-----|
| 0-3         | 4              | 3%  |
| 3.1-6       | 20             | 17% |
| 6.1-10      | 73             | 61% |
| 10.1-15     | 16             | 13% |
| 15.1-20     | 5              | 4%  |
| >20         | 1              | 1%  |



**20%** of permitted systems reviewed are less than 6 ft in height

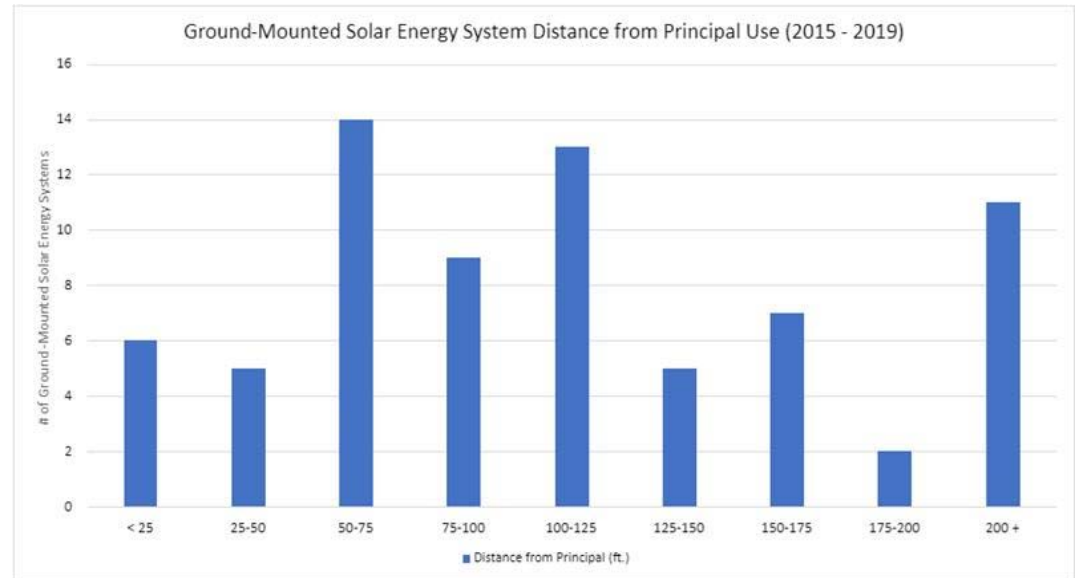
**81%** of permitted systems reviewed are less than 10 feet in height

**94%** of permitted systems reviewed are less than 15 feet in height

# Data Analysis (2015-2019) - Distance

| Distance from Principal* | Number of Permits | %           |
|--------------------------|-------------------|-------------|
| < 25                     | 6                 | 8%          |
| 25-50                    | 5                 | 7%          |
| 50-75                    | 14                | 19%         |
| 75-100                   | 9                 | 13%         |
| 100-125                  | 13                | 18%         |
| 125-150                  | 5                 | 7%          |
| 150-175                  | 7                 | 10%         |
| 175-200                  | 2                 | 3%          |
| 200 +                    | 11                | 15%         |
| <b>Total</b>             | <b>72</b>         | <b>100%</b> |

\*As measured from the closest point



**15%** of permitted systems reviewed are within 50 ft of the principal use it serves

**44%** of permitted systems reviewed are within 75 ft of the principal use it serves

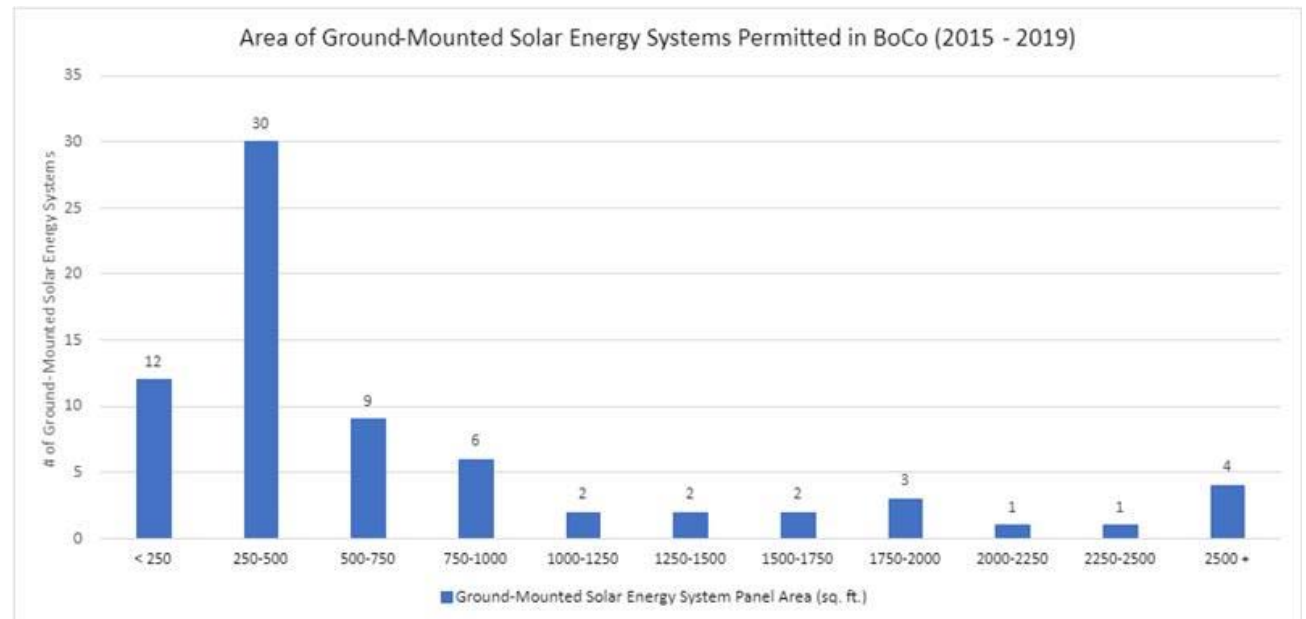
**47%** of permitted systems reviewed are within 100 ft of the principal use it serves

**65%** of permitted systems reviewed are within 125 ft of the principal use it serves

**72%** of permitted systems reviewed are within 150 ft of the principal use it serves

# Data Analysis (2015-2019) – Panel Area

| Panel Area (sq. ft.) | Number of Permits | %           |
|----------------------|-------------------|-------------|
| < 250                | 12                | 17%         |
| 250-500              | 30                | 42%         |
| 500-750              | 9                 | 13%         |
| 750-1000             | 6                 | 8%          |
| 1000-1250            | 2                 | 3%          |
| 1250-1500            | 2                 | 3%          |
| 1500-1750            | 2                 | 3%          |
| 1750-2000            | 3                 | 4%          |
| 2000-2250            | 1                 | 1%          |
| 2250-2500            | 1                 | 1%          |
| 2500 +               | 4                 | 6%          |
| <b>Total</b>         | <b>72</b>         | <b>100%</b> |



**59%** of permitted systems reviewed have a panel area less than 500 sq. ft

**71%** of permitted systems reviewed have a panel area up to 750 sf

**80%** of permitted systems reviewed have a panel area of 1,000 square feet or less



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## **Docket DC-22-0002: Land Use Code Text Amendment to 4-516(K) Accessory Solar Energy System**

Request: Review and Comment on the Proposed Boulder County Land Use Code Amendments to Article 4-516(K) Accessory Solar Energy Systems and related provisions in 4-802 Applicability and Scope of the Site Plan Review Process for Development

Date: September 1, 2022

Dear Stakeholder / Interested Party,

On April 26, 2022, the Board of County Commissioners authorized the Department of Community Planning & Permitting to pursue text amendments to Article 4 of the Boulder County Land Use Code, which regulates ground-mounted Accessory Solar Energy Systems.

Summary of Proposed Changes:

- Provide a set of prescriptive parameters to allow the development of ground mounted Accessory Solar Energy Systems without a land use review process (Site Plan Review) to streamline the process while continuing to mitigate the impacts of solar development.

You may view the proposed draft text amendments and future revisions online at: [boco.org/dc-22-0002](http://boco.org/dc-22-0002)

Additionally, the Department of Community Planning & Permitting will host a community meeting, via Zoom, that will include a presentation of the proposed amendments on September 22 at 3:00 PM. Registration for the meeting may be found at [boco.org/dc-22-0002-info-session](http://boco.org/dc-22-0002-info-session)

The docket review process for the proposed Text Amendments to Article 4-516(K) and 4-802 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and the Boulder County Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to [avaughn@bouldercounty.org](mailto:avaughn@bouldercounty.org). All comments will be made part of the public record.

Please return responses to the above e-mail address by **September 28, 2022.** Late responses will be reviewed as the process permits.

  X   We have reviewed the proposal and have no conflicts.  
       Letter is enclosed.

Signed Ron Flax PRINTED Name Ron Flax, CBO  
Agency or Address Boulder County Community Planning and Permitting

**Matt Jones** County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



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☒ We have reviewed the proposal and have no conflicts.  
☐ Letter is enclosed.

Signed *Samantha Riblett* PRINTED Name Samantha Riblett  
Agency or Address United Power, Inc.

**Matt Jones** County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



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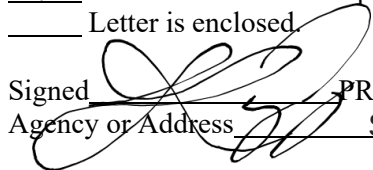
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☐ Letter is enclosed.

Signed  PRINTED Name Kavy Vang  
Agency or Address Smart Wave Solar LLC

*Matt Jones County Commissioner Claire Levy County Commissioner Marta Loachamin County Commissioner*



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571. 3284  
donna.l.george@xcelenergy.com

September 29, 2022

Boulder County Community Planning and Permitting  
PO Box 471  
Boulder, CO 80306

Attn: Andrea Vaughn

**Re: Land Use Code Text Amendment to 4-516(K) Accessory Solar Energy System  
Case # DC-22-0002**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the **Land Use Code Text Amendment to 4-516(K) Accessory Solar Energy System** and has no objection to this proposal, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

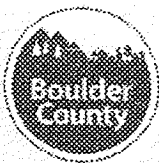
Should solar arrays be placed within areas of transmission facilities, the property owner/developer/contractor must contact the following for plan review and execution of License Agreements:

- **Electric:**  
email [coloradorightofway@xcelenergy.com](mailto:coloradorightofway@xcelenergy.com) or website [www.xcelenergy.com/rightofway](http://www.xcelenergy.com/rightofway)
- **High Pressure Natural Gas:**  
website [https://www.xcelenergy.com/encroachment\\_application](https://www.xcelenergy.com/encroachment_application)

Bear in mind that per the National Electric Safety Code, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric distribution facilities including, but not limited to, construction activities and permanent structures such as solar arrays.

Note that with regards to buried facilities, proper clearances must be maintained including ground cover that should not be modified from original depths. Contact the Utility Notification Center of Colorado before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



## Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

### Docket DC-22-0002: Land Use Code Text Amendment to 4-516(K) Accessory Solar Energy System

Request: Review and Comment on the Proposed Boulder County Land Use Code Amendments to Article 4-516(K) Accessory Solar Energy Systems and related provisions in 4-802 Applicability and Scope of the Site Plan Review Process for Development

Date: September 1, 2022

Dear Stakeholder / Interested Party,

On April 26, 2022, the Board of County Commissioners authorized the Department of Community Planning & Permitting to pursue text amendments to Article 4 of the Boulder County Land Use Code, which regulates ground-mounted Accessory Solar Energy Systems.

#### Summary of Proposed Changes:

- Provide a set of prescriptive parameters to allow the development of ground mounted Accessory Solar Energy Systems without a land use review process (Site Plan Review) to streamline the process while continuing to mitigate the impacts of solar development.

You may view the proposed draft text amendments and future revisions online at: [boco.org/dc-22-0002](http://boco.org/dc-22-0002)

Additionally, the Department of Community Planning & Permitting will host a community meeting, via Zoom, that will include a presentation of the proposed amendments on September 22 at 3:00 PM. Registration for the meeting may be found at [boco.org/dc-22-0002-info-session](http://boco.org/dc-22-0002-info-session)

The docket review process for the proposed Text Amendments to Article 4-516(K) and 4-802 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and the Boulder County Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to [avaughn@bouldercounty.org](mailto:avaughn@bouldercounty.org). All comments will be made part of the public record.

Please return responses to the above e-mail address by September 28, 2022. Late responses will be reviewed as the process permits.

☒

We have reviewed the proposal and have no conflicts.

☐

Letter is enclosed.

Signed

Agency or Address

PRINTED Name

*Rodney R. Archer*

Rodney R. Archer

*The COVE HOA, Niwot, CO*

Matt Jones County Commissioner Claire Levy County Commissioner Marta Loachamin County Commissioner