



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

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS

1:30 PM

January 5, 2023

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Andrea Vaughn, 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 Board of County Commissioners: Approval

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 |
| Panel Area Examples (Exhibit E) | E1-E4 |
| Distance of Panels to Primary Use Examples (Exhibit F) | F1-F4 |

SUMMARY

On April 26, 2022, the Board of County Commissioners authorized Community Planning & Permitting (CPP) 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 unanticipated 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 require Site Plan Review Waiver approval, if they meet the parameters defined in the Code. This site-specific review process has been used to evaluate and mitigate the impacts of ground-mounted solar systems. Throughout this time, CPP has developed a better understanding of the impacts of solar development and the scale of these projects. Staff analyzed the historical building permit data to help develop the proposed parameters in this text amendment. The proposed parameters define the scope of projects which result in a known and acceptable level of low impacts. Projects that meet these parameters will no longer require the Site Plan Review Waiver process before applicants may apply for a building permit. With these parameters clearly defined, fewer projects will need Site Plan Review Waiver, and applicants will have the ability to design their projects to proceed straight to building permit review.

PROJECT GOALS

This proposed text amendment to Article 4-516.K and related sections in Article 4-802 are intended to define a set of parameters that will eliminate the need for a Site Plan Review Waiver prior to issuance of a building permit for low impact ground-mounted solar systems and therefore facilitate the installation of these systems. Site Plan Review Waiver would continue to be required for those projects that do not fit within the established parameters so that unique circumstances may be considered on a case-by-case basis.

The goals of the text amendment are summarized as follows:

1. Reduce the level of review for low impact projects. Since 2018, staff has compiled a body of knowledge about how ground-mounted systems are installed, which has allowed us to identify characteristics of projects that result in low impact development. 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. A streamlined permitting process allows staff to focus on projects where the impacts are greater and where more scrutiny and site-specific analysis is needed. This will help the county 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 (1,307 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. Development impacts to natural

resources can range from the fracturing of agricultural lands to the disturbance of natural habitats. The proposed text amendment seeks to maintain the goal of minimizing potential impacts by establishing development parameters while still retaining the Site Plan Review Waiver for circumstances where the parameters are not met. A review for more impactful projects will be necessary but projects with minimal impacts may proceed with issuance of a building permit only.

DISCUSSION

The proposed Code amendment modifies 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 parameters 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.

Planning Commission recommended increasing the allowed height for systems not requiring a planning process to 12 feet. However, after internal discussion, staff does

not recommend this increase. Planning Commission suggested this change to correspond with the allowance that accessory structures such as sheds may be constructed without a building permit if no more than 12 feet in height. Structures that may be built without a building permit are not only restricted by height but are also limited to 120 square feet (or a 10 x 12-foot structure), whereas this proposed text amendment would allow for systems to be constructed up to 750 square feet (consider a 15 x 50-foot array). Staff believes that structures up to 750 square feet and 12 feet in height over a length of 50 feet could have negative impacts on adjacent properties. These visual impacts may be best understood when considering a lot in a subdivision. On these lots, the systems are more likely to be located closer to the rear or side lot lines with the array parallel to the lot line. At these locations neighborhood privacy fences are generally 6 feet tall; a 12-foot-tall array would exceed the height of the fence by several feet for a substantial length. Maintaining the 10 feet height maximum will help reduce the impacts of arrays on neighboring properties.

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 only 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, determine the impacts that may result, and are enforced to mitigate safety concerns. Additionally, the discussion above regarding height is premised on the setback being complied with as the closer an array moves towards a property line the more the height of the panel will have an impact on neighbors.

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 are limited by locating development in or proximate to already disturbed areas and near other structures. Analysis of aerial imagery was conducted on 74 parcels that have installed ground-mounted solar since 2018 (aerial imagery is currently only available up to 2020) and found that of those 74 parcels, 41% of the ground-mounted systems were located within 100 feet of the primary use when measured as proposed by the text amendment (please note that the data found in Exhibit C utilized a different measurement approach).

Planning Commission asked that the distance between the system(s) and the primary structure be increased up to 150 feet. Staff believes that the 100-foot distance best achieves the goal of clustering which is to limit the new impacts of solar development and that increasing the distance could introduce development impacts to previously undisturbed and potentially sensitive areas. See Exhibit F for examples of the various distances of the systems analyzed.

iv. The cumulative panel area of the system(s) is no more than 750 square feet. The length times the width of the panel array will be used to determine panel area.

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 previously installed 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 is needed. Analysis of the 74 panels that were measured using aerial imagery show that 80% of the panels were 750 square feet or smaller (this analysis updates what is shown in Exhibit C where more details and charts related to the data can be found). The cumulative area was measured in this analysis by drawing a rectangle around the perimeter of the panels, determining the area, and summing those areas in cases where multiple arrays exist. 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.

Planning Commission recommended providing clarifying language on how panels are measured. Staff agrees that the language was not explicit in how these structures would be measured and staff has proposed clarifying language in the draft amendment, which states that “the length times the width of the panel array will be used to determine panel area”. If there is more than one panel, each panel will be measured individually; the cumulative area of these panel may not exceed 750 square feet. See Exhibit E for examples of panel areas, which had been analyzed for this amendment.

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 building permits issued between 2015 and 2019; of those aerial imagery was available for 74 properties. 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 data

informed the proposed 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, 2022 to September 28, 2022 and a community meeting was held on September 22, 2022. Staff invited both members of the public and industry professionals to the community meeting. 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.

PLANNING COMMISSION SUMMARY

Planning Commission considered the proposed text amendment on October 19, 2022. Staff presented the proposal and responded to clarifying questions from the commissioners. No members of the public spoke during the public testimony. Planning Commission followed

with a discussion of the text amendment. A recording of the entire Planning Commission is available online. For reference, a summary of the key points is provided below:

- *Clarification of panel area:* Commissioners discussed the interpretation of panel size. Staff clarified that the panel area is defined as the area of the panels. The Commission asked for the clarification of how the panels are measured to be included in the draft text to provide clarity.
- *Height:* One commissioner suggested that the permitted height of the system be increased to 12 feet, which is the maximum height permitted for structures not requiring a building permit. The other Commissioners concurred, stating that this would permit applicants more flexibility in their projects and increase the potential for solar development in the county.
- *Distance:* Much of the discussion amongst the Commissioners took place surrounding the distance from the primary structure that the system is powering. The Commissioners stated that it was their belief that this provision should be expanded to allow for more structures to be permitted without a planning review. The Commissioners asked staff to increase distance permitted to 150 feet and provide the Board of County Commissioners additional visual examples of various distances.

Commissioner Libby motioned to approve and recommend approval of the docket, with the recommendations and changes made by Planning Commission. The motion was seconded by Commissioner McMillan and unanimously approved.

CHANGES TO THE DRAFT TEXT FOLLOWING PLANNING COMMISSION

Following the Planning Commission meeting, staff made edits to the draft text on Page A-1 (Article 4-516.K.5.e.iv), to provide clarification on how the panels size will be measured.

STAFF RECOMMENDATION

STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE DOCKET DC-22-0002, LAND USE CODE TEXT AMENDMENT RELATED TO ACCESSORY SOLAR ENERGY SYSTEMS.

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 zoning 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. The length times the width of the panel array will be used to determine panel area.

- 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.

**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

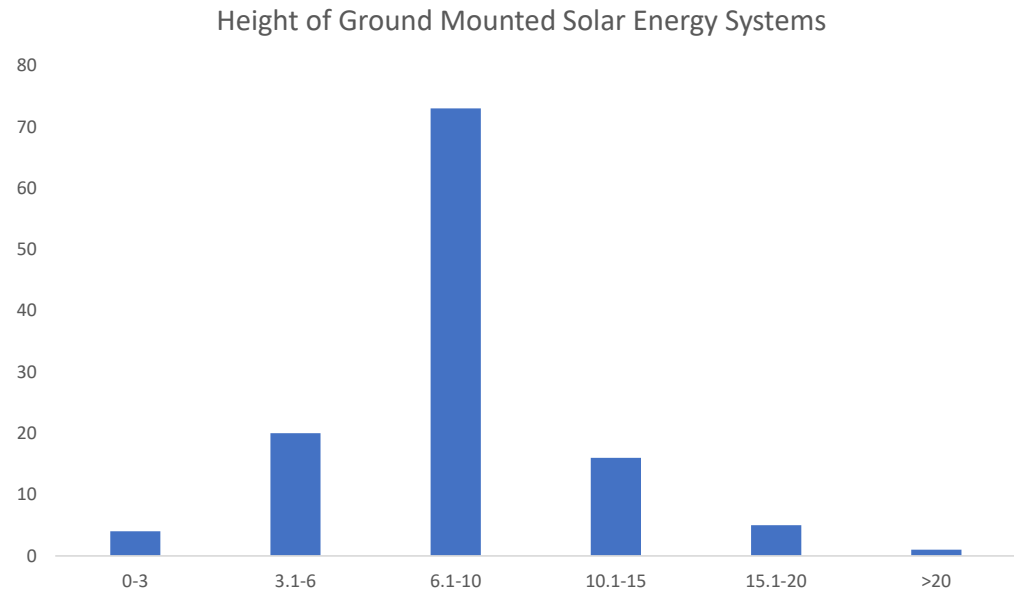
Staff requests the Board of County Commissioners authorize staff to pursue the text amendments to the Boulder County Land Use Code related to ground-mounted accessory solar energy systems and any related content and provisions.

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

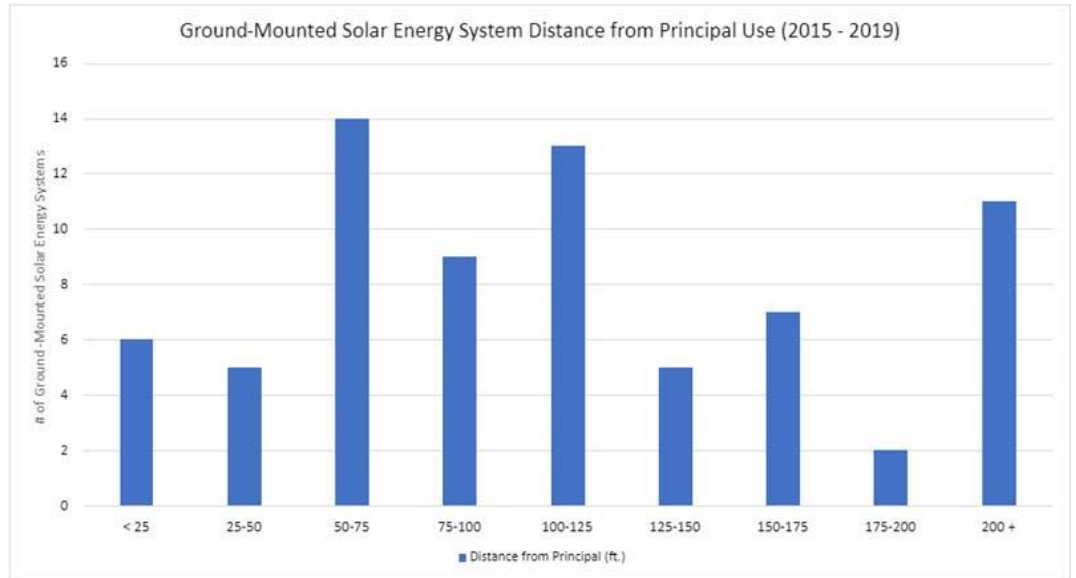
81% of permitted systems reviewed are less than 10 feet in height

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% |
| Total | 72 | 100% |

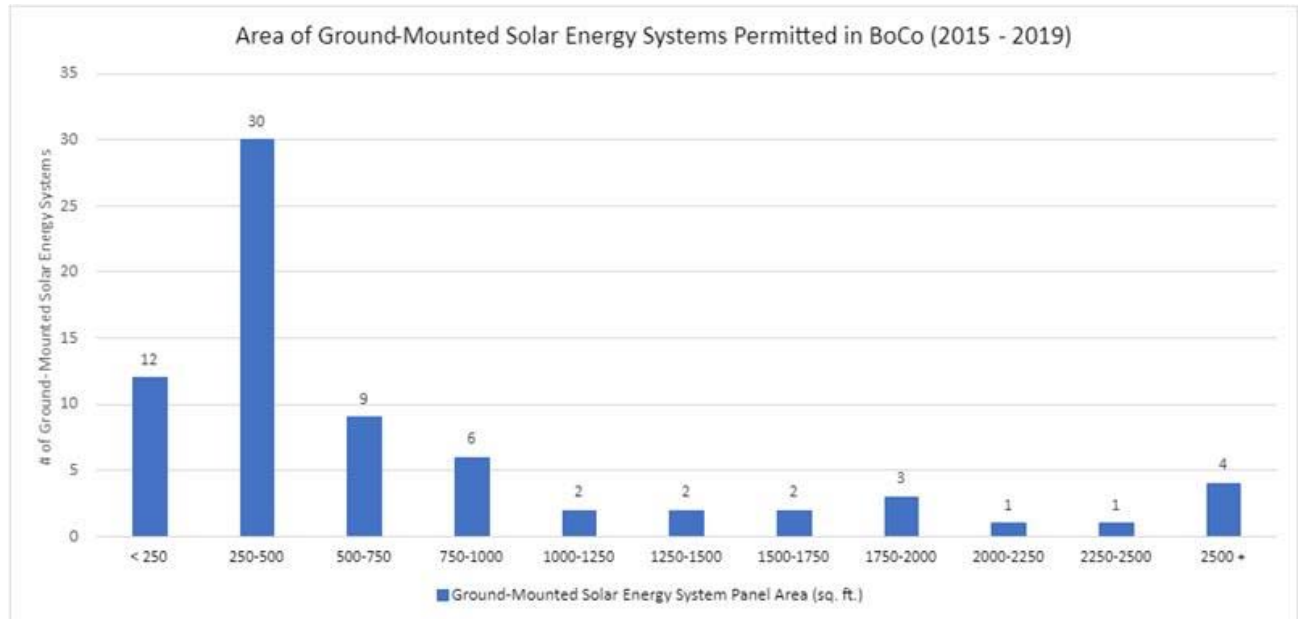
*As measured from the closest point



- 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% |
| Total | 72 | 100% |



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



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

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

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

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. 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 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



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

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

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

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

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



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

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

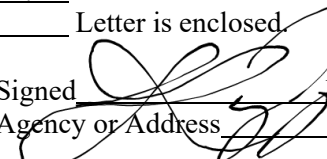
Additionally, the Department of Community Planning & Permitting will host a community meeting, via Zoom, that will include a presentation of the proposed amendments on September 22 at 3:00 PM. Registration for the meeting may be found at boco.org/dc-22-0002-info-session

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. 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  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 3rd 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.

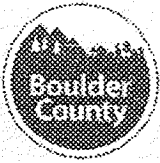
Should solar arrays be placed within areas of transmission facilities, the property owner/developer/contractor must contact the following for plan review and execution of License Agreements:

- **Electric:**
email coloradorightofway@xcelenergy.com or website www.xcelenergy.com/rightofway
- **High Pressure Natural Gas:**
website 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

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

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

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. 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 *Rodney R. Archer* PRINTED Name Rodney R. Archer
 Agency or Address The COVE HOA, NIWOT, CO

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

Exhibit E – Panel Area

0-500 square feet



Exhibit E – Panel Area

500-750 square feet

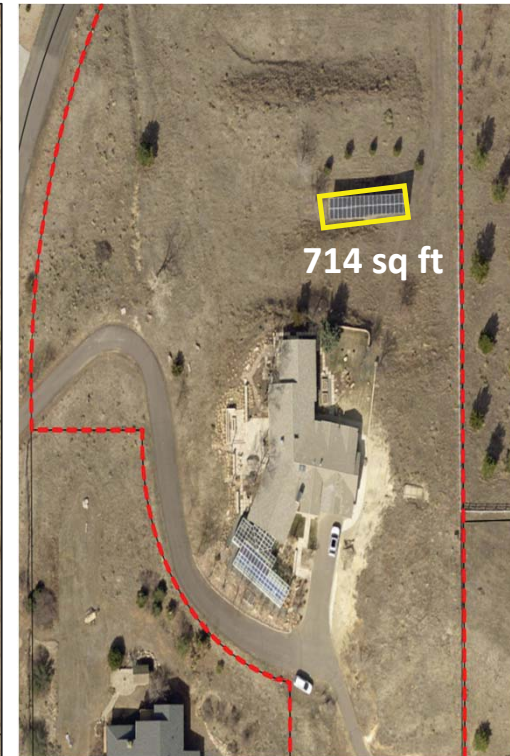


Exhibit E – Panel Area

750-1,000 square feet

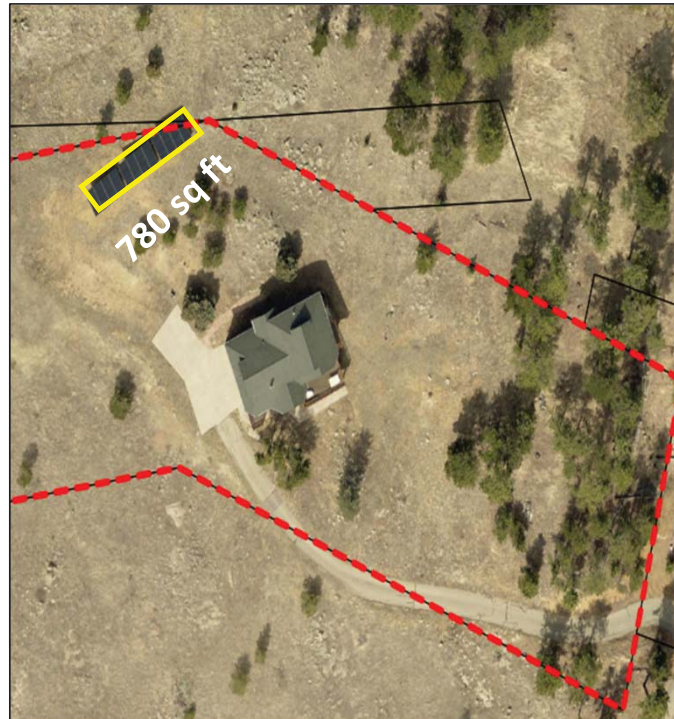


Exhibit E – Panel Area >1,000 square feet



Exhibit F – Distance of Panels to Primary Use

0-75 feet



Exhibit F – Distance of Panels to Primary Use

75-100 feet



Exhibit F – Distance of Panels to Primary Use

> 100 feet



Exhibit F – Distance of Panels to Primary Use

>100 feet

