



Community Planning & Permitting

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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

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 _____
Agency or Address _____

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

Docket DC-22-0002: Proposed Land Use Code Text Amendment to 4-516(K) Accessory Solar Energy System – Text amendments to the Boulder County Land Use Code to provide a set of prescriptive parameters to allow the development of ground mounted Accessory Solar Energy Systems without a land use review (Site Plan Review Waiver) to streamline the process while continuing to mitigate the impacts of solar development.

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 (e) of 4-516.

4-516(K) Accessory Solar Energy Systems

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 for building-mounted systems and ground-mounted systems meeting the additional provisions outlined in (e). By Site Plan Review for ground-mounted systems that do not meet the additional provisions outlined in (e) and parking canopy systems. Site Plan Review may be waived by the Director 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 zone district except as provided in section 5.b, per 4-802.
 - b. If necessary for the efficacy of the system, accessory ground-mounted systems may be located with 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 also 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 may be permitted by right (without a Land Use review) provided all of the following are met:
 - i. The height of the ground-mounted system is less than 10 feet;
 - ii. The ground-mounted system complies with applicable zoning setbacks;

- iii. The ground-mounted system is located within 100 feet of the Principal Use the ground-mounted system is accessory to (e.g., Single Family Dwelling, agricultural facility);
- iv. The cumulative panel area of the ground-mounted system is less than 750 square feet;
- v. Prior to final inspection, all areas of exposed or disturbed soil must be revegetated.
- vi. 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.