

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

1. PURPOSE AND INTENT

The purpose and intent of these Regulations is to establish standards and review procedures for applications for Solar Power Production Facilities (“SPPFs”) in the County, to protect the health, welfare, safety, and quality of life of the general public, to allow for development while protecting existing agricultural resources and rural character, and to ensure compatibility with land uses in the vicinity of a SPPF.

2. APPLICABILITY

- A. These Regulations shall apply to all SPPFs that are proposed, operated, modified, or constructed in the County.
- B. No modification or alteration, excluding regular maintenance and repair, to an existing SPPF shall be allowed without full compliance with these Regulations.
- C. These Regulations shall not apply to small SECS.

3. PERMITS REQUIRED

Any SPPF shall be constructed, reconstructed, or modified in the County with a valid use by special review and building permits issued by the County.

4. DEFINITIONS

ACCESSORY USE

A use subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto, including any small solar energy conversion systems which are primarily energy production by the owner of the property where the small solar energy conversion system is located.

GLARE

The effect produced by light or reflection of light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

OWNER

The owner of the SPPF, which shall include the operator and the permittee.

PERIMETER

The boundary lines for project site upon which a SPPF is located.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

PROJECT SITE

The area which includes all facilities associated with SPPF.

SMALL SOLAR ENERGY CONVERSION SYSTEM

A solar energy conversion system which occupies less than seven acres of total land or is mounted on a structure is considered an accessory use. All small SECS require a building permit from the County.

SOLAR ARRAY

A grouping of multiple solar panels with the purpose of collecting or converting solar energy.

SOLAR ENERGY CONVERSION SYSTEM or SECS

A system of solar panels, support structures and associated control, conversion and transmission hardware and lines, including all necessary solar equipment.

SOLAR EQUIPMENT

Materials including a solar panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR PANEL

A device that converts sunlight into electricity using either thermal or photovoltaic methods.

SOLAR POWER PRODUCTION FACILITY or SPPF

A solar energy conversion system on an area of land seven acres or more.

TRANSMISSION LINE

A power line carrying or distributing electricity generated by a SPPF to a point of interconnection on to an electrical grid or other electricity collection facility. Transmission line does not include transmission lines or other electric facilities built, owned, and operated by public utilities, as defined per C.R.S. § 40-1-103.

5. APPLICATIONS FOR SPPFS

An application for a use by special review permit for an SPPF shall include the following:

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- A. Name, address, and telephone number of the applicant and landowner. Authorization executed by landowner for the applicant to apply for the use by special review permit.
- B. Address or other property identification of each proposed facility including existing use and acreage of parcel.
- C. Proof of ownership or right to possession granted by landowner to applicant.
- D. Title commitment for the property subject to the application issued in the previous six months.
- E. A description of the facility and project including the area covered by the solar panels, and the make, model, a picture, and manufacturing specifications of the SPPF.
- F. Vertical drawing of all SPPF equipment, showing total height, dimensions, colors, and locations of the SPPF.
- G. A survey prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly show the following:
 - 1. Property lines, physical dimensions of the site, and the location, dimensions and types of existing structures and uses on the site.
 - 2. Public roads and access roads.
 - 3. Adjoining properties within one thousand (1,000) feet of the site including zoning designations or primary use of property and any structure within two thousand (2,000) feet of the site.
 - 4. The proposed location, elevation, and total height of each structure.
 - 5. Above- and below-ground utility lines on the project site.
 - 6. Setback measurements.
 - 7. All other proposed facilities on the site including transformers, electrical lines, substations, storage or maintenance units, ancillary equipment or structures, transmission lines, and fencing.
 - 8. Proposed lighting.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- H. A detailed fire control/prevention and emergency response plan detailing the coordination with local emergency response providers including emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions during the period of the use by special review permit, including but not limited to prior to, during construction of the project and throughout operation of the project. The plan shall include the following:
 - 1. Procedures can include using the emergency notification systems, notifying the fire department or district, evacuating personnel, de-energizing equipment, and controlling and extinguishing fire.
 - 2. Process to hold biannual meetings with fire and emergency services personnel regarding the response plan and any necessary training. All plans must include a requirement for annual meetings and reports from the annual meeting must be provided to the County. If necessary, any updates to the emergency response plan must be submitted by the owner to the local fire district and to the County Planning and Zoning Department.
 - 3. Training and equipment necessary to respond to any incident or failure of the SPPF, or any portion of the facility. The initial training must be provided to law enforcement, fire, ambulance, and the Washington County Emergency Management Office prior to the commencement of operations at the SPPF. The ongoing training shall be made available to all agencies.
 - 4. Any emergency response plan, and any amendments must be approved by the closest fire district and emergency responders, including the Washington County Sheriff's Office and Emergency Management Office.
 - 5. Detail all monitoring activities and procedures for the project site.
- I. A long-term soil and vegetation remediation plan established in collaboration with the Washington County Conservation Districts focused on specific measures for site preparation, selecting revegetation species, soil fertility, proper planting methods and noxious weed management aimed to re-establish ground cover to prevent soil erosion and provide wildlife habitat. The use of gravel as remediation is not permitted. Revegetation should focus on using native flora and water-wise flora, as well as, aiming to re-establish ground cover to prevent soil erosion.
- J. A detailed map identifying existing and abandoned domestic and livestock water wells within a ¼ mile of the project. A long-term agreement shall be established between the landowner and the applicant to prevent potential contamination of water wells.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- K. A system and property maintenance plan describing continuing SPPF maintenance and property upkeep during project operation including noxious weed control and foliage suppression measures. This plan shall include proposed maintenance of the solar panels, fencing, and the project site including but not limited to the removal of litter, vegetation debris, and other similar materials from the project site and all setbacks required by these Regulations.
- L. A water use plan detailing water source, usage, and storage during construction and operation of the project.
- M. A list of property owners, with their mailing addresses, within one (1) mile of the outer boundaries of the proposed site with proof of certified letter mailings notifying of project proposal.
- N. Utility Interconnection or Crossing. The applicant will provide certification of intent to enter into an interconnection agreement and crossing agreement(s) to or with applicable utilities.
- O. A complaint resolution procedure in accordance with Sec. 12 below.
- P. Reports on the following:
 - 1. Visual impact. This report shall include renderings of the site fully developed and demonstrating any visual impacts from surrounding properties, rights-of-way, and public property. Color photographs of the proposed site accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components, and any visual screening incorporated into the project that is intended to lessen visual prominence.
 - 2. Wildlife Impact Study. A study completed by an independent, qualified wildlife biologist and/or ornithologist should be provided including the following:
 - a. Consult with and provide documentation from the CPW and/or United States Fish and Wildlife Service (USFWS) in regard to best practices and guidelines in the siting, design, and operation of a solar panels and appurtenant facility to protect the natural resources of watersheds, wetlands, and wildlife habitat on site and in the biologically significant surrounding areas.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- b. The results of any environmental review requested from the Colorado Parks and Wildlife (CPW). This will include a basic analysis of Critical and High Priority Habitats as mapped by the CPW and any minimization and mitigation efforts planned to reduce impacts to those Critical and High Priority Habitats and species.
 - c. Compensatory mitigation will be considered.
 - d. A literature review for threatened and endangered species.
- 3. Economic Impact Study Required. The study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average set-backs distances. Business and residential growth potential shall be considered. The study shall include, without limitation, the following:
 - a. The amount of property taxes to be generated by the project.
 - b. The amount of sales taxes to be generated by the project.
 - c. The amount of other applicable taxes to be generated by the project.
 - d. The construction dollars to be spent locally.
 - e. The number of construction jobs and estimated construction payroll.
 - f. The number of permanent jobs and estimated continuing payroll.
 - g. The costs associated with the impact on roads or other County infrastructure in the project site.
 - h. The projected effect on property values in the surrounding areas within a 5 mile radius of the project site.
- 4. Environmental Analysis. In the absence of a required environmental analysis by a state or federal agency which encompasses the entire project area, provide a project impact review and a proposed impact mitigation plan. The project impact review and mitigation plan shall address all of the following:
 - a. Flora and noxious weeds on the site.
 - b. Soil erosion and drainage, amount of soil to be displaced, removed or damaged to be coordinated with the local Conservation District.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- c. Historic, cultural or archaeological resources within project site.
- 5. Maintenance of Solar Panels. A plan certifying that the solar panels will be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, applicable Occupational Health and Safety Administration (OSHA) requirements to ensure the safety of site personnel and the public, and in a manner that reduces fire risks caused by vegetation. Further, the report shall describe any potential environmental impacts from panels, particularly if there are defects in the panels or damage to the panels.
- 6.
- 7.
- 8.
- 9. Land use and water impacts. This report shall detail potentially impacted wetlands, surface water, including storm water and snow melt, and groundwater resources, and the geology and land use of the site.
- 10. A map showing local parks, recognized historic or heritage sites.
- Q. Decommissioning and Site Restoration Plan. A decommissioning and site restoration plan shall include:
 - 1. The anticipated life of the SPPF;
 - 2. Triggering events for decommissioning and removal;
 - 3. The manner in which the SPPF will be decommissioned, and the site restored including removal of all structures, solar arrays, cabling, electrical components, debris, and foundations, and restoration of roads and driveways, less any fencing or residual minor improvements requested by the landowner;
 - 4. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - 5. A soil and vegetation remediation plan established in collaboration with the Washington County Conservation Districts focused on specific measures for site preparation, selecting revegetation species, soil fertility, proper planting methods and noxious weed management aimed to re-establish ground cover to prevent soil erosion and provide wildlife habitat specific

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- for the species that occur in that area or the High Priority Habitat that occurs in that area.
6. The requirement to enter a road use agreement prior to decommissioning. The road use agreement shall comply with the requirements in Section 8(H)(1) below.
 7. A non-salvage cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects. The County may engage an independent third party to review the costs of decommissioning as submitted by the applicant or owner.
- R. All studies required by other applicable laws and regulations.
- S. An unredacted copy of the equipment manuals.
- T. Deposit. In addition to application and permit fees, the applicant shall deposit with the County an amount estimated to cover the fees and expenses of consultants and experts reasonably necessary to assist the County in reviewing and evaluating permit applications. All fees for such consultants shall be borne by the applicant. The amount of the deposit shall be determined by the County after the initial review of the application for completeness.
1. If at any point during the application review and processing, the County determines the deposit to be insufficient, the County may require the applicant to deposit additional monies with the County.
 2. If the applicant fails to deposit additional funds with the County within fourteen (14) days after receiving notice from the County, the application review process shall cease until the applicant makes the required deposit.
 3. If the applicant does not make the required additional deposit within ninety (90) days of the notice, the applicant shall be deemed withdrawn and any remaining deposit shall be returned to the applicant.
 4. Any deposit amounts which are in excess of actual costs shall be returned to the applicant within ninety (90) days of final decision on the application.
 5. An itemized billing of all expenses shall be provided to the applicant, except for any confidential information or work product.
- U. Sales and Use Tax. Sales and/or use tax will be assessed and will be due upon completion of the project.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- V. Impact Fee. Issuance of any permit under these Regulations shall be conditioned on payment to the County of an impact fee established by the County's fee schedule.

6. APPLICATION REVIEW PROCESS

- A. Application. All use by special review applications shall be submitted to the County Planning and Zoning Department, which shall review the application for completeness. The application shall not be scheduled for review by the Planning and Zoning Commission or the Board of County Commissioners until it is complete. If the application is incomplete, the applicant will be provided with a written statement detailing the missing information. If the application is complete, the Planning and Zoning Department will forward the application to the Planning and Zoning Commission for review.
- B. Fees. Applicant shall pay the application and permit fees as set by the Board of County Commissioners indicated on the Washington County fee schedule. The County shall notify the application of any required deposit pursuant to these regulations.
- C. Notice. Notice of public hearings before the Planning and Zoning Commission and the Board of County Commissioners shall be provided as follows:
1. Publication. At least ten (10) calendar days prior to a public hearing, a notice shall be published by the Planning and Zoning Department at least one time in a general circulation newspaper within the County. A publisher's affidavit shall be submitted to the Planning and Zoning Department prior to the hearing date to verify the publication of the required notice.
 2. Written Notice. At least fourteen (14) calendar days prior to a public hearing, a written notice shall be sent by certified mail with proof of mailing by the applicant to all property owners within the project boundary and adjacent property owners within twenty-five hundred (2,500) feet of the boundary of the project site. The proof of mailing receipts for each letter, a list of property owners notified, and a map illustrating the location of those properties within the required notice area shall be submitted to the Planning and Zoning Department prior to the hearing date.
 3. Notices shall contain the following information:
 - a. The name of the applicant;

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- b. A brief description of the application;
- c. A vicinity map showing the subject properties;
- d. The date, time and location of the hearing and name of the decision-making body conducting the hearing; and
- e. Notice indicating more complete information about the application is available at the Planning Department and provide the telephone number, address, and an email contact for the Planning Department.

D. Public Hearings.

1. General. No public hearing shall commence, nor testimony taken, until all notice procedures are met. At a hearing to consider an application the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning and Zoning Department, and take testimony from all interested persons in attendance. The applicant shall offer evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
2. Planning Commission. The Planning and Zoning Commission shall hold a public hearing on the application after required notice. After reviewing the Planning and Zoning staff report, if any, and receiving testimony and evidence, the Planning and Zoning Commission shall provide a recommendation to the Board of County Commissioners at the conclusion of the public hearing. Its recommendation shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.
3. Board of County Commissioners. The Board of County Commissioners shall hold a public hearing on the application after required notice. After reviewing the Planning and Zoning Department report and the Planning and Zoning Commission's recommendation and receiving testimony and evidence, the Board of County Commissioners shall render its decision within thirty (30) days after the conclusion of the public hearing. The decision shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

4. Consultants. The County may hire any consultants and/or experts reasonably necessary to assist the County in reviewing and evaluating permit applications. All fees for such consultants shall be borne by the applicant, and the County may require the applicant to pay a deposit for those estimated costs prior to the County commencing any review of the application.

7. REVIEW CRITERIA

The following criteria will be used by the Planning and Zoning Commission and the Board of County Commissioners, when reviewing an application for use by special review. Use by special review permit may be granted only if:

- A. The SPPF will generally comply with the County's Master Plan and not unreasonably interfere with the County's development;
- B. The SPPF complies with the regulations and standards for SPPFs;
- C. The SPPF is not detrimental to the public health, safety, and general welfare;
- D. The SPPF will not result in a substantial adverse impact on property in the vicinity of the subject property;
- E. Glare shall not negatively impact surrounding properties, wildlife (including raptor nests and lekking areas), or livestock;
- F. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures; and
- G. The application is compliant with all applicable regulations.

8. STANDARDS AND REGULATIONS

- A. SPPFs shall be screened or shall be enclosed by fencing a minimum of eight (8) feet in height. Screening and/or fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation strategies to screen the facility from routine view of public rights-of-way or adjacent residential property. When fencing is used, the type and style of fencing shall also reflect any safety concerns specific to the public and adjacent wildlife (gaming fencing with sliding gates without barbed wire along the top).
- B. The perimeter of the project site shall be subject to the following setbacks:

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

1. Sixty (60) feet from the centerline of any right-of-way of any private or County road, except setbacks shall be one-hundred and fifty (150) feet from the center point of road intersections adjacent to the project site. Traffic signage posted at the discretion of Road and Bridge District Supervisor.
 2. Sixty (60) feet from any property line. However, the County may impose a reduced setback if agreed to by the owner of the property on which the subject structure is located.
 3. One thousand (1000) feet from the nearest point of any existing building designed or used for human occupancy or assembly including but not limited to a dwelling, school, child care facility, or church. However, the County may grant a reduced setback if agreed to by the owner of the property in a written waiver on which the subject structure is located.
 4. Setbacks shall not be required along property lines adjacent to other parcels which are part of the SPPF. However, should properties be removed from the system, setbacks must be established along all property lines of those properties remaining within the project which are adjacent to a parcel which has been removed.
- C. Glare resistant panels shall be required for all SPPFs.
- D. Any lighting shall be in accordance with dark sky recommendations (shielded and downward facing) to contain light within the perimeter to the maximum extent possible with the use of motion sensing detection automation when possible.
- E. SPPF solar equipment shall not exceed a maximum of 20 feet in height as measured from grade at the base of the equipment to its highest point during operation.
- F. The construction and operation of all SPPFs shall be consistent with applicable local, state, and federal regulations, including but not limited to, safety, construction, electrical, communication, and fire requirements.
- G. Construction or maintenance activities shall not result in the unabated introduction or spread of noxious weeds and other undesirable weed species.
- H. Siting and Installation.
1. Road access to project site. Entrances to access roads must be gated and kept locked. The applicant must only use designated traffic routes as approved by the County. Routes shall be chosen to minimize traffic impacts, taking into consideration SPPF related traffic during school bus

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

times, wear and tear on local roads, and impacts on local businesses and agricultural activity. Existing roads shall be used to the extent possible or if new roads are needed, they shall minimize the amount of land used and the adverse environmental impacts. The applicant is responsible for remediation of any damaged roads due to siting and installation of the SPPF. Dust and soil erosion will be mitigated by the applicant during construction and operation of the project. If any County roads will be used during construction of a SPPF for the purpose of transporting parts, materials and/or equipment, the applicant shall enter into a road agreement with the County, in a form provided by the County, and shall also include the following:

- a. A map showing which County roads will be used during construction.
- b. A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition.
- c. A mitigation plan to address potential impacts to County roads to be used during construction.
- d. A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline. The agreement shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged or disturbed access routes following construction. This plan shall include dust mitigation procedures during construction and operation of the project.
- e. Estimation of costs of maintenance during construction, or restoration or repairs anticipated as a result of the use of the County road(s).
- f. To secure the maintenance and restoration of the County roads, applicant shall furnish the County, at applicant's expense and prior to commencement of installation and construction of the project, cash or an irrevocable letter (or letters) of credit in which the County is designated as beneficiary in an amount equal to one hundred fifteen percent (115%) of the estimated costs of maintenance and restoration of the County roads as described in the road agreement provided by the County.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

2. Power lines. Power lines between SPPF equipment and any other buildings or structures, including without limitation any on-site substations, shall be completely underground. Power lines for connection to a public utility and transmission poles, towers, and lines may be above ground provided applicant can show that undergrounding these facilities creates an undue burden upon the applicant, which may include excessive costs, safety hazards, or engineering impracticality.
 3. Geotechnical Report. The applicant shall provide written certification that prior to construction a professional engineer licensed in Colorado will complete a geotechnical study that includes the following:
 - a. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.
 - b. Foundation and design criteria for all proposed structures.
 - c. Slope stability analysis.
 - d. Grading criteria for ground preparation, cuts and fills, and soil compaction.
 - e. Geotechnical impact. This shall at a minimum include an analysis of soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing, foundation design criteria for all proposed structures, slope stability analysis, grading criteria for ground preparation, cuts and fills, and soil compaction.
 4. Certification of Equipment and Appurtenant Facilities. All solar collector facilities shall be reviewed by a registered structural engineer, licensed in Colorado, to confirm their compliance with the applicable State, Federal and local regulations and to conform with good engineering practices. The design shall be sufficient to withstand wind and snow loading for the area.
 5. Certification by Electrical Engineer. The electrical system shall be certified by a registered electrical engineer, licensed in Colorado, to be compliant with the applicable State, Federal and local regulations, and to conform with good engineering practices.
- I. Connection of transmission lines from the SPPF to local distribution lines.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

1. The SPPF shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations applicable to SPPFs.
2. Transmission lines and points of connection to local distribution lines shall be combined to the extent feasible. The SPPF shall be connected to existing substations if possible, or if new substations are needed, the number shall be minimized. The length of all transmission lines shall be minimized to the greatest extent reasonably feasible, provided that, in general, longer underground lines shall be preferred to shorter above-ground lines. Above-ground transmission lines shall be located adjacent and parallel to existing above-ground transmission lines to the greatest extent feasible. Alternate locations for above-ground transmission lines may be approved upon showing that the location protects view corridors to a greater extent than locating them adjacent and parallel to existing transmission lines.
3. All systems shall comply with all applicable building and electrical codes.
4. Transmission from the project substation to the point of electrical interconnection shall comply with the National Electrical Code.

J. Environmental and Visual Effects.

1. Signage. The owner shall place signage with contact information for the owner and any necessary warning information. No signage is permitted with the project site or on any fencing that is larger than 30 square feet. No signage is permitted within any setback.
2. Colors and surfaces of SPPF. Colors and surface treatment of all SPPF shall minimize visual disruption by using white, beige, off-white, gray, the standard colors of blue or black, or another non-reflective, unobtrusive color. SPPF components shall make use of materials, textures, screening, and landscaping that blend the facility into the natural setting and existing environment to the extent practicable.
3. Ecosystems and animals.
 - a SPPF may not cause any violations of the Endangered Species Act.
 - b Impacts by the SPPF on the surrounding properties have been adequately minimized, including but not limited to impacts on wildlife.

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

4. Visual setbacks. To the extent practical without substantially diminishing their solar source, the SPPF shall be set back from the tops of visually prominent ridgelines and designed and located to minimize adverse visual impact. The SPPF shall not be installed in any location that would substantially detract from or block the view of all, or a portion of, a recognized scenic vista as viewed from any public viewing areas such as public parks, roads, trails, or open space.
5. Mitigation of pests and noxious weeds shall be completed prior to construction commencing. Continued control of nuisances and hazards created by pests and noxious weeds affecting the project site and neighboring landowners due to SPPF construction and operation must be maintained

K. Operation.

1. Maintenance. The owner of the SPPF shall submit an annual report of operations and maintenance to the County Planning and Zoning Department. All SPPFs must be maintained in operational condition meeting all of the requirements of these Regulations and other permit conditions at all times, subject to reasonable maintenance and repair outages. The owner must comply with the maintenance plan and ensure all solar panels do not cause environmental damage to the underlying property. The project site, all setback areas required by these Regulations, and fencing, must be kept clear of litter, vegetation debris, and other similar materials.
2. Inspections. With a specific need or reasonable cause, such as a complaint, suspected violation, or routine scheduled review, the County has the right to enter the premises with a 24 hour notice and coordination with the project operator of the SPPF to inspect the SPPF for compliance with these regulations and the terms of the use by special review permit. The County may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the owner of the SPPF.

L. Decommissioning.

1. Updated Decommissioning Plan. The owner shall update the decommissioning plan every five (5) years after approval and provide a copy of the updated plan to the Planning and Zoning Department. If there are no updates to the plan, the operator shall notify in writing the County instead of submitting an updated plan.
2. Security

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

- a. Prior to commencement of construction or installation of an approved SPPF, the owner shall submit to the Planning and Zoning Department proof of financial guarantee in an amount of 100% of total decommissioning project cost, provided by a surety bond, letter of credit, or cash, in a form acceptable to the County.
 - b. The amount of the guarantee shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
 - c. Failure to keep such financial security in full force and effect at all times while the project exists shall constitute a material violation of a special use approval and these regulations and shall subject the owner to all available remedies to the County, including enforcement action, fines, revocation of the special use approval and removal of SPPF.
 - d. The owner shall be responsible for the payment of all attorney fees and other costs incurred by the County in the event the SPPF is not voluntarily removed in accordance with the decommissioning plan and the County must enforce removal.
 - e. The owner shall execute any and all documents (as provided or approved by the County), sufficient to provide the County with a perfected security interest in monies deposited with the County for the purpose of decommissioning any SPPF.
3. Abatement and Decommissioning. If the SPPF is not operational or operated for a continuous period of 12 months, it shall be considered abandoned, and the County may direct its owner to decommission it pursuant to this section. The owner shall execute any and all documents sufficient to provide to release the security guarantee to the County for the purpose of decommissioning. If the owner fails to decommission the SPPF as required, the County may contract for its removal and charge the current owner for all additional costs incurred.
4. Discontinuation or Abandonment of Project
 - a. Thirty (30) days prior to such time that a SPPF is scheduled to be abandoned or discontinued, the owner shall notify the Planning and Zoning Department by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
 - b. Within one (1) year of the date of abandonment or discontinuation, the owner shall complete the physical removal of the solar energy

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

project and site restoration. This period may be extended at the request of the owner, upon approval of the Planning Commission.

5. Decommissioning of discontinued or abandoned SPPF shall include the following:
 - a. Physical removal of all solar energy equipment and above ground appurtenant structures from the subject property including, but not limited to buildings, machinery, equipment, cabling and connection to transmission lines, equipment shelters, security barriers, electrical components, roads, unless roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Planning Commission that such roads remain.
 - b. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be removed to a depth of 48 inches; however, these structures may be allowed to remain if a written request is submitted by the landowner and a waiver is granted by the Board of County Commissioners subject to determination that there is no public health or safety issues with allowing the structures to remain.
 - c. Compacted soils shall be de-compacted as agreed to by the landowner.
 - d. Restoration of the topography of the project site to its preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted, and a waiver is granted by the Board of County Commissioners subject to a determination that any waiver will not result in nuisance conditions.
 - e. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.
 - f. An executed road use agreement complying with the requirements in Section 8(H)(1) above prior to commencement of decommissioning.

9. LIABILITY INSURANCE AND RESPONSIBILITY FOR COSTS

The owner is required to demonstrate that their liability insurance has a minimum coverage of \$5 million per occurrence and \$10 million aggregate. The insurance shall remain in effect

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

during the permit. In the event a public service such as police, fire, or rescue is required due to the operation, maintenance, or failure of the solar energy system, any cost incurred as a result of said event shall be the sole responsibility of the owner of the SPPF.

10. APPROVAL TIME FRAME AND ABANDONMENT

The use permit for a SPPF shall be valid for a period of three (3) years from the date of approval. The owner may seek an extension of the approval period from the Board of County Commissioners by demonstrating a need for an extension and filing an application with the County Planning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners. Requested renewals may be in one year, two year, or three year terms. However, no extensions shall extend the approval period beyond six (6) years from the date of the original approval of the use by special review permit. If the owner fails to achieve substantial construction and installation of the facility within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant or owner shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

11. AMENDMENTS

- A. Change in ownership without any other amendments to the permit shall be considered a minor amendment and may be approved administratively by the Board of County Commissioners without a public hearing. Upon transfer or sale, the decommissioning bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new ownership. Any change in ownership shall be reported to the County within thirty (30) days of the change. Failure to do so may result in revocation or suspension of the use by special review permit.
- B. Any other changes to the permit shall be considered a major amendment and require approval of the County in the same manner as the original permit.

12. COMPLAINT RESOLUTION

- A. The purpose of this section is to provide the public with a mechanism to file a complaint with the SPPF owner and the Planning and Zoning Department and receive a timely response from the SPPF owner regarding an alleged violation. The applicant shall submit procedures which it intends to implement for receiving, acting upon, and resolving complaints or allegations that the SPPF system is not in compliance with these Regulations.

Those procedures, at a minimum, shall:

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

1. Require the system owner to document complaints regarding noncompliance with these regulations from all property owners within the project boundary and up to a two thousand (2,000) feet of the solar equipment.
2. Provide current contact information at which the owner can be contacted for the purpose of submitting complaints or allegations of non-compliance.
3. Require that all such complaints or allegations be submitted in writing, or digitally signed email.
4. As a condition of the SPPF owner acting on the complaint, require that a complainant allow the owner or designated staff, or other authorized personnel such as an engineer, on the property of the complainant for further investigation and testing.
5. Set forth information that must be included in the complaint or allegation.
6. Require that a complaint is acknowledged in writing by the SPPF owner to both the complainant and the Washington County Planning and Zoning Department within five (5) business days of receipt of said complaint.
7. Set forth the number of days, not to exceed thirty (30), or five (5) days if deemed hazardous, in which the owner shall investigate, determine the corrective action necessary, if any, and establish a schedule within which to resolve any and all complaints or allegations, either by way of correction or formal denial of non-compliance.
8. Require the owner to advise the Planning and Zoning Department in writing of the proposed resolution plan of any complaint or allegation of non-compliance within thirty (30) days of its receipt of the same.

13. VIOLATIONS

- A. If there is an allegation violation of the conditions of use by special review permit or these Regulations, or if the approval or the permit was obtained by false representation or issued in error, the Board of County Commissioners may revoke the permit, and/or amend conditions imposed on the permit that are related to the violation. Amendment of the terms and conditions shall include the addition of new conditions and the removal of conditions. The Planning and Zoning Department shall first consider the alleged violation(s) and determine whether there is sufficient evidence that a violation(s) has occurred or is occurring. Upon a determination that sufficient evidence exists, the Planning and Zoning Department shall issue an order

WASHINGTON COUNTY, CO
SOLAR POWER PRODUCTION FACILITIES ZONING REGULATIONS

to show cause to the alleged violator, directing the alleged violator to appear before the Board of County Commissioners and show why the approval and/or permit should not be revoked or amended. The order to show cause shall set a time and date for hearing on the violation to be held at least fourteen (14) days from the date of the order. The order to show cause shall be personally served, posted on the property subject to the permit, or sent certified mail to the alleged violator and the owner, if different.

- B. The Board of County Commissioners shall conduct the show cause hearing and the owner may present evidence as to why the County should not revoke the permit or amend the conditions on the permit. The Board of County Commissioners may also hear from individuals directly aggrieved by the alleged violation. No other individuals have the right to be heard at the hearing. The Board of County Commissioners shall determine whether to revoke the permit and/or amend conditions within fourteen (14) days after the conclusion of the hearing. The Board of County Commissioners shall notify the alleged violator and/or owner in writing of its decision.
- C. Nothing herein shall be deemed to limit the County's rights to enforce any violation of its zoning regulations under state law.