PUBLIC HEARING RECORD

San Miguel County Board of Commissioners
Application: Amendment to the San Miguel County Land Use Code – Solar Energy Systems
Date: September 18, 2024

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)
3. Memorandum to the San Miguel County Board of Commissioners from Kaye Simonson, Planning Director, dated September 18, 2024
4. Memorandum to Kaye Simonson and Amy Markwell from Torie Jarvis and David Baumgarten, Sullivan Green Seavy Jarvis LLC, dated July 3, 2024; updated September 6, 2024
5. Redlined Draft Regulations for Solar Energy Systems (Exhibit B to Resolution)
6. Draft Regulations for Solar Energy Systems with related Land Use Code Amendments
7. Draft BOCC Resolution 2024-40 for Natural Resources and Solar Energy Systems
8. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director, dated July 11, 2024
9. Planning Commission Minutes from July 11, 2024
10. Legal Notice published in the Telluride Daily Planet and Norwood Post on August 30, 2024
11. Planning Commission Agenda published in the Telluride Daily Planet and Norwood Post on June 28, 2024
12. Press release issued June 18, 2024

AGENCY COMMENTS

13. Memo from Kaye Simonson to Referral Agencies dated June 10, 2024.
14. Email from Dan Roussin, CDOT, received June 10, 2024
15. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated June 25, 2024, with attachments
16. Letter from Rachel Sralla, Colorado Parks and Wildlife, dated June 21, 2024, with attachments
17. Letter from Tony Daranyi, Norwood Water Commission, dated May 1, 2024
18. Letter from David Rodenberg, State Land Board, dated June 26, 2024
19. Email from Shannon Armstrong, San Miguel County Emergency Manager, received May 29, 2024, with attachments
20. Letter from Candy Meehan, Mayor, Town of Norwood, dated June 12, 2024
21. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated September 10, 2024
22. Letter from Rube Felicelli and Brad Zaporski, SMPA, dated September 9, 2024
23. Email from Darin Graber, Town of Telluride, received September 3, 2024
24. Letter from Emma Gerona, EcoAction Partners, dated September 10, 2024
25. Letter from Candy Meehan, Mayor, Town of Norwood, dated September 11, 2024

PUBLIC COMMENT

26. Email from Alexandra Thompson received May 14, 2024
27. Letter from Alexandra Thompson received June 27, 2024

28. Email from Joan May received May 16, 2024
29. Email from Tami St. Germain received May 8, 2024
30. Email from Tony Daranyi received June 24, 2024
31. Letter from Richard Hollinbeck received July 3, 2024
32. Email from Mary Ann Gaston received September 4, 2024, with attachments
33. Letter from Michael and Kandi Mallet, dated September 9, 2024
34. Letter from Dave and Bridget Muller, dated September 10, 2024
35. Letter from Richard Hollinbeck, dated September 10, 2024
36. Letter from Parker and Cary Atkins, dated September 10, 2024
37. Letter from Mary Ann Gaston, dated September 10, 2024
38. Compilation of written comments and form letters (43 pages), received September 11, 2024
39. Letter from Tony Daranyi, dated September 4, 2024
40. Email from Jim and Alice Fay Young, received September 12, 2024
41. Email from Sepp Seitz, received September 11, 2024
42. Compilation of form letters (13 pages) via Karen Gauvey, received September 11, 2024

OTHER

None

M E M O R A N D U M

TO: San Miguel County Board of Commissioners
FROM: Kaye Simonson, AICP, Planning Director
RE: Land Use Code Amendment - Regulations for Solar Energy Systems
DATE: September 18, 2024

Background

In the past few years, the Planning Department has had inquiries regarding significant utility-scale solar projects. In order to provide thorough and adequate review that is responsive to today's energy needs and technology and address the concerns of the community, a moratorium was put in place to allow the preparation of draft regulations on May 24, 2023, and extended on November 15, 2023 to May 15, 2024. The moratorium was subsequently extended to November 15, 2024. At the time of the moratorium, the County was in the process of contracting with Sullivan Green Seavy Jarvis LLC to prepare Land Use Code amendments related to natural resources (mining, oil and gas, logging). Solar regulations were added to the scope of work and prioritized.

On October 10, 2023, a community open house was held in Norwood to gather public input on solar energy and natural resources. Approximately 80 people attended. Participants were asked to identify specific issues and concerns regarding both solar and natural resources, and also asked to provide written feedback with other issues and concerns. A summary of the community feedback, as well as the display posters, are available on the "Renewable Energy and Natural Resources" webpage at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources.

The Board of County Commissioners and the Planning Commission have held three work sessions to discuss the draft solar regulations, on January 24, March 27, and May 8, 2024. Prior to the May 8 work session, a subcommittee of two Planning Commissioners and one County Commissioner met with staff to discuss key issues and provide recommendations to both bodies. Additionally, staff gave an informational presentation at the Board of County Commissioners meeting in Egnar on May 1. The draft Land Use Code amendment incorporates direction given by the BOCC and CPC in the work sessions.

On July 11, 2024, the CPC reviewed the proposed regulations and provided a recommendation to the BOCC to adopt the regulations. The draft as presented in this packet incorporates changes recommended by the CPC, as indicated by strike-through and double-underline.

Work Sessions

Within the three work sessions, there was significant discussion and community input around a number of topics. A number of changes were made to the drafts over the course of the work sessions, particularly regarding size and location of large-scale facilities. It should be noted that in response to review agency comments, there may be additional changes affecting some of these items.

- Large Scale facilities are now defined as being ~~40~~ 30 acres or more (per CPC direction). The intent is to allow the development of "solar farms," as defined in State statute, which have a generating capacity of up to 5 megawatts. Based on industry averages, solar facilities on 8 to 10 acres produce about 1 megawatt of energy. Actual output would depend on site conditions, design, and layout of arrays.

- Medium-scale facilities must be less than ~~40~~ 30 acres (per CPC direction).
- Clarification has been added regarding how the project area is defined.
- The Wright's Mesa Rural Agriculture zone district was removed from zone districts where Large-Scale facilities could be considered. As drafted, Large-Scale facilities may be proposed in the Forestry, Agriculture and Open (F) zone and in the West End (WE) zone, as well as the Heavy Commercial (HC), Light Industrial (LI) and Public (P) zone districts.
- The review process for both Medium- and Large-Scale facilities is a two-step process, with review and recommendation from the Planning Commission, and final decision by the BOCC.
- Microgrids are defined, and are listed as permitted in the higher density residential and mixed-use zone districts in order to provide power to neighborhoods.
- Requirements for Small-Scale facilities were removed, as those are typically accessory to the principal use of the property, and are reviewed administratively as part of the development and building permit process. Additional regulation is not needed.
- In response to concerns about impacts on agricultural lands, requirements to locate at least half of any project on non-prime farmland (as mapped by NRCS) were added. Requirements to show irrigation and agricultural drainage ditches were added. It is recognized that sites may be developed as "agrivoltaics" projects, where ground crops, pollinator crops, and grazing are incorporated into the project. A statement was added noting it is preferred to locate facilities on disturbed areas where possible. (The CPC has recommended further changes, described later in this report.)
- The distance from which Visual Quality would be considered for Large-Scale projects was increased to one mile. Assessment of visual impacts for Medium-Scale projects was clarified, identifying "nearby roads and properties" as the area of potential impact.
- The required setback to Large-Scale facilities was increased to a minimum of 200 feet. This is consistent with oil and gas regulations. Setbacks to Medium-Scale facilities are required to be a minimum of 50 feet. Setbacks are measured to the fence or other enclosures, panels, equipment and structures. They do not include berms or landscaping used to screen the project. In response to referral agency comments, some flexibility has been added wherein setbacks can be modified through the review process. For example, a facility that abuts public lands may not need the setback specified in the regulations.
- Water resources and hydrologic impacts have been improved and clarified.
- Consideration of cumulative impacts was added. This is already a requirement for other Special Use Permits, but because this section stands alone, it was advisable to restate it here.
- Compensatory mitigation for wildlife and other impacts was added. Such mitigation may occur within a regionally defined area in a manner that is still beneficial to the area.
- A number of other terms have been defined, including "Adverse," "Impact," Mitigation," and "Significant." These are in the General section of the new Article 6, and are expected to be applied to all Natural Resource topics. The definition of "Solar Energy System" has been clarified to describe it as a "photovoltaic or low temperature thermal system," to allay concerns regarding concentrating solar energy systems.

Additionally, language regarding interconnection, financial security, enforcement and decommissioning has been refined. Consideration has been given to whether application materials and standards are necessary to address impacts of potential development. The County's interest is to ensure that a project, once construction commences, will be reclaimed if not completed, and that once built, that the facility can be removed and the site can be reclaimed if it ceases operation; therefore, performance bonds will be required.

Several of the earlier requirements for detailed technical and financial information has been removed or scaled back, as those are part of an applicant's business plan, and it is up to them to determine if a project makes sense financially. The submission of some items, such as an interconnection agreement, may be deferred to the Development Permit stage. Term of Permit was added, stating the applicant has three years to commence construction. A section was added regarding Transfer of Permit; this is to provide a process by which a subsequent operator is made aware of all conditions of a permit and agrees to abide by those conditions. Most of the requirements regarding financial guarantees, transfer of permits, and decommissioning are intended to avoid problems the County has experienced with other natural resource permits.

Current Code

Land Use Code (LUC) Article 5, Standards, contains the various zone district standards that identify where specific uses are permitted, as well as development review standards for uses subject to Special Use Permit. Within the specific zone districts, there are enumerated a number of uses related to construction of utilities and infrastructure. However, the listed uses vary between the zone districts. The Code does not specifically identify solar generation (commercial or small-scale) as a permitted use. Under basic planning principles, applications for solar developments have been classified as permitted based on the most similar use in the Code, e.g. "Public Utility Structure."

LUC Section 5-709 provides standards for the consideration of "Public Utilities Structures and Electricity Transmission and Distribution Lines." Other sections of the Code used in past review of solar and utility projects include LUC Section 5-10 Special Uses, as well as Article 2, Land Use Policies, and Section 5-4, Areas of State and Local Interest. There are two solar facilities in the County; both are relatively small at between one and one and a half acres.

Proposed Code Amendment

The regulations for Solar Energy Systems will be included in a new section in the Land Use Code, Article 6, Natural Resources. (Article 6, Definitions, will be renumbered to Article 7 and all references within the LUC amended accordingly.) In the future, other sections related to natural resources can be added to the new Article. Corresponding changes related to Land Use Policies, permits, and hearing procedures are also proposed (Articles, 2, 3, 4 and 5).

In response to comments and suggestions from referral agencies, additional changes were made to the draft prior to the CPC meeting, as described in the memorandum from the consultants, Torie Jarvis and David Baumgarten of Sullivan Green Seavy Jarvis LLC, dated July 3, 2024 (as corrected September 6, 2024). Additional changes have also been made to the draft in response to the CPC recommendation, as discussed within this report. The consultant also made minor editorial changes throughout the draft that are not substantive. Within this memo, specific recommendations by the CPC are indicated using a <u>double underline</u>.

PLEASE REFER TO THE REDLINE VERSION TITLED "EXHIBIT B TO RESOLUTION 2024-40" FOR THE MOST CURRENT PROPOSED LANGUAGE

<u>Regulatory Approach to Mitigating Impacts</u>

The intent of the solar regulations is to facilitate the development of solar energy systems while mitigating the impacts of such development. The regulations are structured to achieve this goal.

The regulations require an applicant for development of a large-scale or medium-scale solar energy system to provide reports, plans, and studies that analyze impacts of the project and to

explain in the application materials how the applicant will mitigate those impacts. Review standards align with application materials. The burden of proof is on the applicant to demonstrate through the application materials how the review standards are met.

A desire for more prescriptive standards has been stated by commissioners, the public, and referral agencies. To the extent practical, dimensional standards have been included. However, given the wide variety of site conditions throughout the County, as well as the abundance of design options, it is not possible to provide more specific standards. It will be the responsibility of the applicants to prepare an application that meets the submittal requirements and review standards. It is likely that, as with all land use applications, Planning staff will need to work with applicants and make judgements regarding application materials and compliance with the Code.

In addition to projects on private and state lands, these regulations apply to private activity on federal land because the regulations are focused on mitigating impacts of the activity, not on dictating whether or not solar development may occur on federal land.

Application Materials and Review Standards

The number of topics and issues to be considered for both Large- and Medium-Scale Solar energy systems is extensive. Staff and the consultant have worked to right-size the required submittal materials and the review standards to suit the two project scales. Plans and studies that are more detailed are required for large-scale projects. Requirements for Medium-Scale Solar Energy Systems are similar to that for Large-Scale, but with adjustments in recognition of the lesser impacts of the smaller facility. It is intended that the Solar Energy standards replaces all other review criteria within the Code, except where other LUC sections are specifically referenced.

A number of required plans, studies and reports will be required, including a “Decommissioning and Restoration Plan,” a “Hazardous Materials Management Plan,” and an “Emergency Preparedness and Response Plan.” These plans would become part of the development approval. It would be a requirement to update the “Decommissioning and Restoration Plan” every five (5) years or more frequently to ensure the Financial Security is adequate, and that best practices are included in the plan.

Section 6-1 General:

The new article begins with statements of Purpose and Authority. Definitions that are expected to apply to all natural resources are also included in Section 6-1.

Section 6-2, Solar Energy Systems

As a stand-alone section, all zone districts where solar energy systems may be permitted are listed, rather than amending each zone district. It also contains all application requirements, and provides all review standards, except where referenced (e.g. lighting). This reduces the number of cross-references within the LUC and minimizes potential omissions and errors. The application requirements are very specific and are directly connected to corresponding review standards.

6-201 General Provisions:

A. Purpose
B. Applicability
C. Permit Required, including on federal land

D. Solar Energy Systems Permitted in Certain Zone Districts, according to large-scale, medium-scaled, microgrid, small-scale, and on federal lands
E. Limitation on Number of Permits Issued for Large-Scale Solar Energy Systems
~~E~~F. Permit Review Procedures
~~F~~G. Term of Permit and Commencement of Project
~~G~~H. Transfer of Permits
~~H~~I. Definitions

The General Provisions outline the purpose, applicability, where facilities are permitted, the review processes, and definitions specific to solar. Notably, as discussed in the work sessions, large-scale facilities would not be allowed in the Wright's Messa zone districts, and Large-Scale facilities are defined as occupying ~~forty (40)~~ per CPC direction thirty (30) acres or more.

Additions per CPC direction:
"Grazing" has been added as type of land or activity to be preserved, and "economics" has been added to the listed values in Section 6-201 A, Purpose. Section 6-201 E, Limitation on Number of Permits Issued for Large-Scale Solar Energy Systems, has been added. The intent is to limit large-scale projects on non-federal lands to three within a five-year period, beginning with issuance of the first permit. The County cannot impose limits on the number of permits on federal lands.

Zone Districts (Section 6-201 D):
This section lists the zone districts in which large-scale, medium scale, and medium-scale microgrids may be permitted.

Zone districts where Large-Scale Solar Energy Systems (Section 6-201 D.I) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- West End (WE)

Zone districts where Medium-Scale Solar Energy Systems (Section 6-201 D.II) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- Wright's Mesa Light Industrial (WMLI) (may require rezoning from Wright's Mesa (WM) to WMLI)
- Wright's Mesa Rural Agriculture (WMRA) (may require rezoning from Wright's Mesa (WM) to WMRA)
- West End (WE)

Zone Districts where Microgrid Medium-Scale Solar Energy Systems (Section 6-201 D.III) may be permitted, in addition to those zones listed in D.II above, are:
- High Density (HD)
- Medium Density (MD)
- Low Density (LD)
- Affordable Housing PUD (AHPUD)

- Low Density Residential (LDR)
- Mixed Use Development (MXD)
- Community Housing (CH)

Small-Scale Solar Energy Systems would be permitted by right in all zone districts as accessory uses, consistent with current practice.

The zoning map can be viewed online (Interactive Map or PDF) through the Geographic Information Systems page at https://www.sanmiguelcountyco.gov/185/MappingGIS.

Permit Review Procedures (Section 6-201 E):

- Large-Scale, Medium-Scale and Micro-grid Medium-Scale Solar projects are all proposed to be subject to Two-Step Review (CPC and BOCC review).
- Small-Scale systems are subject to administrative review (a development permit), aligning with the current process for solar energy systems that are primarily intended to provide power to the use on the site.

Definitions (Section 6-201 H):

There are three levels of Solar Energy Systems, defined as follows:

- Large-Scale Solar Energy System: A Solar Energy System consisting of ground-mounted solar arrays occupying ~~forty (40)~~ per CPC direction thirty (30) acres or more of land.
- Medium-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or ground-mounted solar arrays occupying more than one-half (1/2) acre and less than ~~forty (40)~~ per CPC direction thirty (30) acres of land.
- Small-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or ground-mounted solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses.
- Other defined terms include Grid, Interconnection, Microgrid, and Solar Energy System.

Section 6-202 Permit Requirements for All Solar Energy Systems:

A. Application Fee
B. Consultants and Referral Agency Costs
C. Expansion of Solar Energy Systems or Sequential Projects
D. Waiver of Application Materials
E. Confidential Materials

This section describes permit requirements that apply to all applications for solar energy systems. This section is consistent with requirements set forth in the Land Use Code for other land development application types. Section 6-202 C specifies how system expansion are to be reviewed, so that cumulative impacts can be considered. 6-202 E addresses the industry concern regarding confidential and proprietary information.

As with all land use applications, the Planning Director may waive, modify or defer application requirements when it is determined that a particular topic is not applicable or when certain information is not needed in the earlier steps. This may occur at the pre-application meeting, or the applicant may request waivers or modifications during the application process, wherein they will provide information as to why a modification should be made. This is stated within Section 6-202 D.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

There are 27 listed submission requirements. Throughout the work sessions, the submission materials were refined to ensure we were receiving all the materials necessary to fully consider the application. In preparing the application, the applicant will need to not only describe the project but assess the potential impacts and explain how those impacts are being mitigated. The submission requirements are:

A. Information Describing the Applicant
B. Information Describing the Large-Scale Solar Development
C. Technical Feasibility of the Large-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Vicinity Map
F. Water Quality Conditions Impact Assessment
G. Floodplains, Riparian Areas, and Fens Impact Assessment
H. Stormwater Management Plan
I. Wildlife and Wildlife Habitat Impact Assessment
J. Terrestrial Plans Impact Assessment and Mitigation
K. Grading, Erosion and Sediment Control Plan
L. Revegetation and Weed Management Plan
M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
N. Glare, Glint and Lighting Impact Assessment
O. Visual Quality Impact Assessment
P. Natural Hazards Impact Assessment
Q. Local Government Services Impact Assessment
R. Housing Impact Assessment
S. Water Services Availability
T. Traffic Route Plan
U. Road and Rights-of-Way Improvements and Maintenance Plan
V. Emergency Preparedness and Response Plan
W. Hazardous Materials Management Plan
X. Agricultural Resources and Heritage Impact Assessment
Y. Recreational Resources Impact Assessment
Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
AA. Decommissioning and Restoration Plan

6-204 Review Criteria for Large-Scale Solar Energy Systems

There are 31 review criteria for Large-Scale Solar Energy Systems. While the numbering doesn't precisely align with the numbering of the submission requirements, each topic criterion matches a specific submission requirement and follows in the same order.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Quality

I. Drainage/Stormwater Runoff
J. Floodplains, Wetlands, Riparian Areas, and Fens
K. Wildlife and Wildlife Habitat
L. Terrestrial Plants
M. Erosion and Sediment Control
N. Revegetation and Weed Management
O. Noise, Dust, Fumes, Vibration, and Odor
P Glare and Glint
Q. Exterior Lighting
R. Visual Quality
S. Risk from Natural Hazards
T. Impact to Local Government Services
U. Housing
V. Water Services Availability
W. Construction Traffic
X. Roads and Rights-of-Way Improvements and Maintenance
Y. Emergency Preparedness and Response
Z. Hazardous Materials Management
AA. Agricultural Resources
BB. Recreational Resources
CC. Areas of Paleontological, Historical, or Archaeological Importance
DD. Decommissioning and Restoration
EE. Compliance with Required Plans/Studies/Reports

Per CPC direction, Section 6-204 AA.II, Agricultural Resources, the amount of "prime farmland" land allowed to be disturbed by the Large-Scale Solar Energy System has been changed as follows:

> No more than thirty ~~fifty~~ percent (30~~50~~%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. If the Large-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Large-Scale Solar Development shall be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS.

6-205 Application Materials for Medium-Scale Solar Energy Systems

There are 24 listed submission requirements. While similar to the requirements for large-scale systems, there is some simplification or combination of topics in recognition that the impacts of medium-scale facilities are less.

A. Information Describing the Applicant
B. Information Describing the Medium-Scale Solar Development
C. Technical Feasibility of the Medium-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Water Resource Impact Assessment
F. Stormwater Management Plan
G. Wildlife, Wildlife Habitat, and Terrestrial Plants Impact Assessment
H. Grading, Erosion and Sediment Control Plan
I. Revegetation and Weed Management Plan
J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
K. Glare, Glint and Lighting Impact Assessment

L. Visual Quality Impact Assessment
M. Natural Hazards Impact Assessment
N. Local Government Services Impact Assessment
O. Housing Impact Assessment
P. Water Services Availability
Q. Traffic Route Plan
R. Road and Rights-of-Way Improvements and Maintenance Plan
S. Emergency Preparedness and Response Plan
T. Hazardous Materials Management Plan
U. Agricultural Resources and Heritage Impact Assessment
V. Recreational Resources Impact Assessment
W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
X. Decommissioning and Restoration Plan

Section 6-206 Review Criteria for Medium-Scale Soar Energy Systems

There are 29 review criteria, also similar to those required for Large-Scale systems but adjusted to recognize that the impacts of the medium-scale facilities would be less.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Resources
I. Drainage/Stormwater Runoff
J. Wildlife, Wildlife Habitat, and Terrestrial Plants
K. Erosion and Sediment Control
L. Revegetation and Weed Management
M. Noise, Dust, Fumes, Vibration, and Odor
N Glare and Glint
O. Exterior Lighting
P. Visual Quality
Q. Risk from Natural Hazards
R. Impact to Local Government Services
S. Housing
T. Water Services Availability
U. Construction Traffic
V. Roads and Rights-of-Way Improvements and Maintenance
W. Emergency Preparedness and Response
X. Hazardous Materials Management
Y. Agricultural Resources
Z. Recreational Resources
AA. Areas of Paleontological, Historical, or Archaeological Importance
BB. Decommissioning and Restoration
CC. Compliance with Required Plans/Studies/Reports

Per CPC direction, Section 6-206 Y.II, Agricultural Resources, the amount of “prime farmland” land allowed to be disturbed by the Large-Scale Solar Energy System has been changed as follows:

No more than thirty ~~fifty~~ percent (30~~50~~%) of the land disturbed by the Medium-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Medium-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

Section 6-207 Financial Security

This section requires an applicant to provide a guarantee of financial security for Large-Scale Solar Energy Systems, and allows the County to require a guarantee for Medium-Scale systems if determined necessary. The purpose of the guarantee is to ensure performance of the permit, including mitigation actions, and to decommission, remove and reclaim the site if it becomes necessary. This section includes requirements for determining the amount, release of the guarantee, forfeiture, and substitution. This section is related to the requirements for the Decommissioning and Restoration Plan.

Section 6-208 Enforcement and Penalties

In the event a developer or operator of a solar facility fails to meet the conditions of their approval, this section identifies the steps that will be taken to enforce compliance and seek appropriate remedies. It also spells out the inspection process. The enforcement provisions state that if the Hazardous Materials Management Plan is not followed, the County-Designated Emergency Response Authority (DERA) may take necessary actions regarding prevention, control, countermeasures, containment and clean-up of the site.

Related Land Use Code Amendments

There are several related LUC amendments needed to integrate the solar regulations into the Code. They include the following:

Land Use Policies, Section 2-30, Energy Conservation:

Add Land Use Policy 2-3002, “To meet greenhouse gas emission targets (pursuant to board of Commissioner Resolution 2023-4), encourage the development of renewable and alternative energy sources.”

Section 3-101, Development Permits:

Add Solar Energy Systems to uses requiring development permits in the West End (WE) and Wright’s Mesa (WM) zone districts.

Section 3-103, Building Permits:

Add Solar Energy Systems to uses requiring building permits in the West End (WE) zone district.

Figure 3-1, Land Use Activities and Review Procedures and Section 3-6, Two Step Reviews:

Add Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems to the list of projects subject to two-step review.

Section 4-2, Minimum Submission Contents for all Land Use Applications:

In recognition that the new solar regulations contain specific submission requirements, add: “Applications for Land Use Applications shall include the following minimum submission contents, except where the Land Use Code identifies more detailed application requirements for specific uses.”

Figure 4-1, Land Use Activity Group II:
Add Medium-Scale and Large-Scale Solar Energy Systems to the table.

Section 5-3, Zone District Standards:
Add Section 5-301 C, Solar Energy Systems, to refer to Section 6-2.

Section 5-320, West End (WE):
Clarify that solar development to power data centers shall meet the requirements of Section 6-2.

Section 5-2203, Development in Wetland Areas:
Clarify that development of Solar Energy Systems will follow the requirements within Section 6-2 rather than Section 5-2203.

Article 6, Definitions
Article 6, Definitions, will become Article 7, Definitions. All references within the Code to the Definitions article will be amended.

Public Notice
The public hearing notice was published in the Telluride Daily Planet and Norwood Post on August 23, 2024.

The most recent version of the draft solar regulations have been available online since August 8. Display ads have been published in both newspapers for the past several weeks, and emails were sent to interested parties on September 5, 2024. Announcements regarding the hearing have also been included in County social media posts.

Referral Agencies
The proposed Land Use Code text amendment was sent to 61 local, state and federal agencies, municipalities, and organizations, as listed in the referral memo contained in the packet. Responses were received from the following prior to the CPC meeting:

Colorado Department of Transportation, Dan Roussin, Access Management: CDOT has no concerns regarding the regulations but noted that if any proposed project causes a 20% traffic volume change at the highway, CDOT will require an access permit.

COSSA Institute, Adrienne Dorsey and Jeremiah Garrick: Colorado Solar & Storage Association (COSSA) submitted a number of recommended revisions, with the goal of improving clarity regarding what is required from developers for project acceptance, and improving clarity about requirements for both construction and operation of the system. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the COSSA recommendations. COSSA also submitted Solar Energy FAQs to help people understand solar energy and find additional resources.

Colorado Parks and Wildlife, Rachel Sralla, Montrose Area Wildlife Manager: CPW submitted a letter with recommendations and attached redlines intended to improve the CPW consultation process and provide clarity to all parties. They ask for clarification of the definition of "Mitigation," particularly with respect to where compensatory mitigation might occur. They also provided recommendations regarding fencing, and attached CDOT wildlife fencing specifications. Refer to the consultant's memo dated July 3, 2024 and the revised draft

amendments with redlines for staff and consultant responses to the CPW recommendations.

Norwood Water Commission, Tony Daranyi, Chairperson: The Norwood Water Commission letter specifically references the potential One Energy project, for which there is no application and that is not under consideration. They note concerns with potential impacts on water systems and resources, and state a belief that water and soil contamination may occur from facilities. They also reference concerns regarding a loss of agricultural lands.

State Land Board, David Rodenberg, Renewable Energy Program Manager: The State Land Board reiterated that the County has final decision-making authority regarding what uses may be permitted on Trust parcels, pursuant to the Colorado Constitution. They suggested clarifying the criteria that will be used to determine if recreational resources exist on a property, and clarifying how NRCS-designated prime farmland acreage will be calculated. They also provided information regarding the State Land Board's renewable energy portfolio and leasing process. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the State Land Board recommendations.

San Miguel County Sherriff's Office, Shannon Armstrong, Emergency Manager: The Office of Emergency Management (OEM) requested changes to the regulations to ensure updated Emergency Preparedness and Response Plans are updated and provided to OEM every two years. They also requested recognition of the Designated Emergency Response Authority (DERA), and asked that they may undertake all prevention, control, containment and clean-up measures in the event of a spill or incident, and that the DERA may submit a claim for reimbursement of costs for such activities. These comments were received prior to the draft being finalized and were incorporated into the draft regulations, with some adjustments.

Town of Norwood, Candy Meehan, Mayor: The Town of Norwood requested that Large-Scale Solar Energy Systems be limited to a maximum of 30 acres and that setbacks be 75 feet from the road. (Note: the draft requires a setback of 200 feet from all property lines.) They also ask that Medium-Scale Solar Energy Systems be a maximum of 20 acres, with a 50-foot setback. (Note: the proposed setback for Medium-Scale systems is 50 feet.) They also ask for documentation from "Wright's Mesa Dark Sky" regarding lighting impacts, from water providers to confirm availability, and from Emergency Service providers to ensure adequacy of services.

The following responses were received after CPC the meeting:

COSSA Institute, Adrienne Dorsey: The COSSA institute asks that the threshold between medium- and large-scale projects be changed to 40 acres, to better align with state legislation (SB24-207, including "Solar Gardens"). They also ask that the requirements for medium-scale projects and micro-grids be simplified.

San Miguel Power Association, Rube Felicelli, President and Brad Zaporski, General Manager: SMPA provided a letter in support of solar and community resiliency projects in San Miguel County and note the importance of local support and appropriate locations.

Town of Telluride, Darin Graber, Sustainability and Grant Administrator: It was noted that there were a couple of mentions of mining operations. Staff has verified that any erroneous inclusions in earlier drafts have been removed through the editing process.

EcoAction Partners, Emma Geron, Executive Director: EcoAction Partners expresses concern that the current draft regulations may be too burdensome for local solar businesses and

recommends Medium-Scale projects be further divided into two categories, with simplified application requirements for the smaller category. They note the need for smaller, community-driven projects to meet emission reduction goals.

Town of Norwood, Candy Meehan, Mayor: The Town of Norwood requests a number of changes to the proposed regulations, including requiring strict decommissioning and bonding requirements. They request setbacks be added to definitions. They ask that documentation be required from the Wright's Mesa Dark Sky advocates, water providers and emergency providers. They also request that the amount of impacted Prime Farmland be reduced to 10%, or 30% if agrivoltaics are utilized. Finally, they ask that the setback to scenic byways for Medium-Scale Solar Developments be increased to one mile.

Note: The setbacks requested by the Town are already met or exceeded in the draft regulations; setbacks are specified in the site design criteria rather than in definitions. Numerous entities are included as review agencies and will be asked to provide verification of ability to serve. Notably, the regulations state that the Emergency Preparedness plan must be approved by the local fire district, Sheriff, and emergency manager.

Public Comments
For the CPC meeting, 13 emails and letters were received. Twenty people addressed the Planning Commission at the meeting, as listed in the minutes.

As of the writing of this report, 10 additional letters have been received. This includes 9 letters from individuals and one compilation of comments and form letters. All letters and emails, including those submitted to the CPC, are included in the meeting packet.

Planning Commission Action
On Thursday, July 22, the San Miguel County Planning Commission (CPC) held a public meeting to review the draft regulations for Solar Energy Systems. After two hours of public comment, and following discussion of a number of issues, the Planning Commission did move to forward a recommendation to the Board of County Commissioners (BOCC) to adopt the proposed Land Use Code amendment, and recommended several changes. Those changes are described above and included:

- Changing the maximum size of Medium-Scale solar energy systems to less than 30 acres, with a corresponding change to the definition of Large-Scale solar energy systems, which would be 30 acres or more in size. This is a reduction from 40 acres. The CPC and BOCC had previously agreed to remove Large-Scale solar energy systems from consideration in the Wright's Mesa zone districts.

- Modifying the requirements regarding the size of a facility that can be located on lands classified as "Prime Farmland," decreasing the amount of affected "prime farmland" area to no more than 30% of the project area, but with the ability to increase it up to 50% of the project area if it is an Agrivoltaics project. (Agrivoltaics is defined as "the integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels.")

- Allowing no more than three permits for Large-Scale Solar Energy Systems on private lands within a five-year period, beginning with issuance of the first permit. This limitation would not apply to systems on public lands due to state and federal laws.

- Within the Purpose statement, add “grazing” as a type of land or activity to be preserved, and add “economics” to the listed values.

Land Use Code Amendment Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, “Land Use Code Amendments may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the following standard.” This amendment was initiated by the Board of County Commissioners concurrent with establishment of the moratorium.

The only review standard, LUC Section 5-1802 A., states “Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code.” The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

> 1-402 Implement Policies
> To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.
>
> 1-403 Create Common System of Administration and Regulation
> To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.
>
> 1-404 Simplify the Land Use Regulatory Process
> To simplify the application and review process for such regulatory system.
>
> 1-405 Protect Health, Safety and Welfare
> To protect the health, safety and public welfare of San Miguel County.

The proposed Land Use Code amendment implements in part the policies of Section 2-30, Energy Conservation, which states “It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy.”

The proposed Land Use Code amendment supports the BOCC’s goals regarding becoming carbon neutral. The development of solar facilities will help the County meet its goals of reducing greenhouse gas emission levels as set forth in BOCC Resolution No. 2023-04. It will help implement the San Miguel County Climate Action Plan Objective, “Increase the percentage of electricity provided by renewable energy sources,” and the related actions within the Plan.

BOCC Action
The BOCC may:

1. Adopt the attached Resolution and approve the regulations as presented; or
2. Adopt the attached Resolution and approve the regulations with modifications; or
3. Continue consideration to a later date with specific direction regarding further amendments. If those amendments are significantly different than what is proposed, the regulations will need to be remanded to the CPC for their consideration and a new recommendation.

Sample Motion
I move to approve BOCC Resolution 2024-40 amending the San Miguel County Land Use Code to add a new Article 6, Natural Resources and Section 6-2, Regulation of Solar Energy Systems; renumbering existing Article 6, Definitions, to become Article 7 and amending other references to conform to this renumbering; amending other sections and provisions of the Code for clarification and consistency, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. With the adoption of this Resolution, the Temporary Emergency Moratorium enacted by the Board in BOCC Resolution No. 2032-27 and extended in BOCC Resolution Nos. 2023-42 and 2024-15 shall hereby expire.

I further move that:

1. *List any other amendments*

Sullivan Green Seavy Jarvis LLC

To: Kaye Simonson, Planning Director
Amy Markwell, County Attorney
San Miguel County

FROM: Torie Jarvis and David Baumgarten
Sullivan Green Seavy Jarvis LLC ("SGSJ")

DATE: July 3, 2024
(updated to fix numbering Sept. 6, 2024)

RE: Summarizing agency comments regarding draft County solar regulations, dated June 11, 2024

Dear Kaye and Amy,

This memorandum summarizes responses and revisions made based on substantive agency comments received before Monday, July 1st. SGSJ met with County staff on June 28th to develop the following responses and redline revisions.

The draft that incorporates responsive revisions is dated July 11, 2024 in preparation for the San Miguel County Planning Commission meeting.

I. Colorado Parks and Wildlife

The following summarizes comments or revisions suggested by Colorado Parks and Wildlife ("CPW") and responses from County staff and SGSJ. CPW made several other small redline changes that are incorporated in the redline revisions.

A. "Mitigation" Definition and Compensatory Mitigation (Section 6-101.D, 6-203.I, and 6-205.G). CPW recommended several clarifications related to the definition of mitigation, and compensatory mitigation in particular.

Responses: We addressed narrative comments from CPW by:

- Simplifing the definition of "mitigation" in Section 6-101.D and moved information about "compensatory mitigation" to the Wildlife & Wildlife Habitat Application Materials (both for Large- and Medium-Scale) to acknowledge CPW's point that compensatory mitigation may at times be the best form of mitigation for certain species and in certain locations, depending on the Project location.
- Clarifying that compensatory mitigation for wildlife resources must occur within the individual home range of the impacted wildlife resource, for example the Game Management Unit for big game species or the same stream corridor for aquatic species.

B. CPW Recommendation: Wildlife Mitigation Plan in Application Materials (Sections 6-203.I. and 6-205.G)

Response: Consistent with CPW recommendations in redlines, in application materials for Large- and Medium-Scale Solar now include a Wildlife Mitigation Plan ("WMP") similar in concept to the existing application materials required to describe proposed mitigation. The WMP includes additional guidance as to what type of mitigation and compensatory mitigation is required.

C. CPW Recommendation: "Known or Anticipated Changes" in Application Materials (Sections 6-203.I. and 6-205.G). In a number of subsections of the Application Materials, CPW recommended clarifying that "changes" to be analyzed in various subsections should be updated to be "known or anticipated changes."

Response: We recommend including this concept in the definition of "mitigation" instead. In the current staff draft of the solar regulations, "mitigation" in defined in part as "An action or actions to be implemented to address *known, anticipated, or reasonably foreseeable impacts* . . ." (emphasis added).

D. CPW Recommendation: CDOT Security Fence Guidelines (Sections 6-204.K. and 6-206.K.). CPW recommends that security fences constructed for Large- and Medium-Scale Solar follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design.

Response: The July 11th draft includes this recommendation.

E. Declined CPW Recommendations: The July 11th draft does not address a few CPW comments, namely:

- The draft does not move the sage grouse habitat mapping provisions from 6-203(II)(c) to part (b). Part (c) includes habitat-related requirements, which should include sage grouse habitat mapping, while Part (b) includes species-related requirements.
- The draft does not include a statement that the impact assessment should assess impacts ID'ed by "CPW, Planning staff, and/or Commission" because 1) BOCC is not involved in the application materials process, and should not be involved in any way as the decisionmaking body, and 2) there is no need for such a list. Instead, the planning department should deem an application incomplete if it does not address all impacts identified by the County.

II. Colorado State Land Board ("SLB")

The SLB provides two recommended clarifications to the draft solar regulations:

A. Recreational Resources (Sections 6-204.BB and 6-206.Z): "Clarify the criteria the County will use to determine a property's recreational resources."

Response: No change recommended. Similar to other review criteria, the burden is on the applicant to identify recreational resources that might be impacted by a Project along with identifying impacts and proposed mitigation. This is a site-specific determination, as the information available will vary depending on the location of the site and the scale of the Project.

B. Agricultural Resources (Section 6-204.AA and 6-206.Y): "Clarify how the County will determine the applicable acreage when calculating the acreage for the NRCS-designated prime farmland

threshold. For instance, how will the acreage include or not include the undisturbed acres located between panels that are viable for agrivoltaics?"

Response: No change recommended. The regulations currently require "no more than fifty percent (50%) *of the land disturbed*" to be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS (emphasis added). This criterion would likely not count undisturbed land between solar panels. However, it's possible that land previously undisturbed would be considered disturbed if, for example, grazing livestock were introduced on land previously not impacted by grazing. The applicant has the burden to evaluate these impacts in the application.

III. Colorado Solar and Energy Storage Association Institute

A summary of comments from Colorado Solar and Energy Storage Association Institute ("COSSA") and responses follow.

A. Definition of "Adverse" and "Agrivoltaics" (Section 6-101.D). COSSA recommends clarifying the definition of "adverse" and adding definitions for "agrivoltaics" and "community solar garden."

Response: Partially addressed. The July 11th draft regulations to add the definition of "agrivoltaics" recommended by COSSA since that term appears in the draft regulations currently. SGSJ does not recommend any changes to adverse or a new term "community solar garden."

B. Transfer of Permits (Section 6-201.G). COSSA recommends removing the public hearing requirement for the transfer of permits for Large- and Medium-Scale Solar.

Response: No change recommended. The draft instead retains the public hearing requirement for transparency and County oversight of permit transfers.

C. Waiver of Application Materials (Section 6-202.D). COSSA requests additional explanation as to when a waiver may be provided for and/or requested.

Response: Addressed. The July 11th draft further explains that "The Planning Director may consider waiving application material(s) at the pre-application conference or upon request of the applicant."

D. Information Describing the Application (Sections 6-203.A & 6-205.A). COSSA states that an applicant may not know the firm or individuals responsible for the construction and operation of the solar energy system upon submitting an application, and requests the application not require such information.

Response: No change recommended. An applicant can address where they are in the process during the application process for a specific Project. The County staff can work with an applicant to submit responsive information, and County Commissioners may consider issue a Permit with a condition that requires such information to be submitted before Project construction starts.

E. Location and Extent of Existing and Proposed Disturbed Areas (Sections 6-203.B.I. & 6-205.B.I.a.). COSSA requests that an applicant who does not propose to disturb any existing disturbed areas be exempt from this requirement.

Response: No change recommended. The rationale for explaining the "location and extent of existing and proposed disturbed areas" is to evaluate to what extent the applicant is prioritizing existing disturbed areas.

F. Technical Feasibility (Sections 6-203.C & 6-205.C). COSSA requests that the application material requiring an explanation of "costs for proposed mitigation measures" be removed.

Response: Addressed. The costs for proposed mitigation are required for calculation of the Financial Security in Section 6-207; thus the costs are not also needed in this section. This section does retain the requirement to explain the techniques used for proposed mitigation measures.

G. "Letter of Interconnection" (Sections 6-203.D.VI. & 6-205.D.III. & 6-204 B). COSSA continues to state concerns with requiring a "letter of interconnection" before Project construction begins.

Response: No change recommended. The solar regulations have previously been updated to explain that a "letter to interconnect" may be a condition of the Permit and thus may not be required at application submission. The solar regulations also already only require this application material "if proposing to interconnect to a utility."

H. Stormwater Management Plan (Sections 6-203.H & 6.205.F). COSSA requests that the Stormwater Management Plan ("SWMP") not be required for the solar permit.

Response: No change recommended. The SWMP is how the applicant demonstrates compliance with the standard "Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site" at Sections 6-204.I. and 6-206.I. The regulations explicitly allow an applicant to submit the SWMP that is required by the Colorado Water Quality Control Division for the application requirement as long as it also meets Best Management Practices in the regulations.

I. Wildlife, Wildlife Habitat, and Terrestrial Application Materials and Standards (Sections 6-203.I, 6-203-J, 6-204.K, 6-204.L, 6-205.G, and 6-206.J): COSSA questions how an applicant might demonstrate that a solar development will not have an adverse impact on wildlife or wildlife habitat. The comments also request the applicant not include an analysis of impacts to waterfowl.

Response: Addressed. Changes based on CPW comments, as outlined above, address COSSA concerns as well. Mitigation is the tool applicants should use to demonstrate no adverse impact on wildlife, and the regulations have additional information on how this might occur through avoidance, minimization, and compensation.

J. Grading, Erosion, and Sediment Control Plan (Sections 6-203.K and 6-205.H) and Water Services Availability (Sections 6-203.S, 6-206.T, 6-204.V, & 6-205.P). COSSA requests that the Grading, Erosion, and Sediment Control Plan and information regarding the availability of water services be required during some later administrative review process.

Response: No change recommended. For a specific Project, the County may be consider issuing a Permit with a condition that requires an applicant to submit a final Plan or confirmation of water supply acquisition before Project construction. It is appropriate for this information to be considered as part of the BOCC decision of whether to issue a permit for solar development.

K. Risk from Natural Hazards and Impact Assessment (Sections 6-203.P, 6-205.M, 6-204.S, & 6-206.Q). COSSA states that it's difficult to propose a Project that could be completely avoid bing "subject to risk from natural hazards."

> **Response:** Addressed. The current standards are legally defensible. However, to address COSSA's concern, the July 11 draft proposed to update the standards related to risk from natural hazards to add the word "significant" as shown in italics: "The Medium-Scale Solar Development will not be subject to *significant* risk from natural hazards and will not *significantly* exacerbate natural hazards."

L. Hazardous Materials Management Plan (Sections 6-203.W, 6-205.T, & 6.204.Z). COSSA suggests that a Hazardous Materials Management Plan is not appropriate for a solar development because no hazardous materials are stored onsite.

> **Response:** No change recommended. Information on what hazardous materials (or not) may be stored onsite and the management of hazardous materials is clearly within the County's health, safety, welfare, and the environment purview. If an applicant will not store any hazardous materials onsite, the application materials can certainly state this to meet the requirement. However, we can envision instances were fuel for service vehicles or other hazardous materials may be stored and should be disclosed.

M. Removal of Components (Sections 6-203.AA.IV. & 6-205.X.III). COSSA recommends a blanket exception for the remove of components on the development site that are more than 36 inches below the ground surface as part of decommissioning.

> **Response:** Addressed. The July 11th draft clarifies that an applicant may provide a rationale for why certain features should remain on the site, which provides opportunity for the BOCC to review such rationale to ensure health, safety, welfare, and environmental concerns are addressed. The application materials at Sections 6-203.AA.IV. & 6-205.X.III are updated to read:
>
> > Where features will be left on site, provide the rationale for such features remaining and evidence of ~~an~~ agreement with the landowner on the placement and maintenance of those features ~~is required~~.

N. Monitoring Plan (Sections 6-203.AA.VI. & 6-205.X). COSSA recommends post-decommissioning monitoring requirements be removed or shortened from 3 years.

> **Recommendation:** No change recommended. With short growing seasons at elevation, County staff reports that 3 years of monitoring is regularly required for other types of development and necessary to ensure proper decommissioning and revegetation of sites.

O. Introduction to Review Criteria for Large- and Medium-Scale Solar (Sections 6-204 & 6-206). COSSA asks for an explanation of the term "geographic area" when the regulations state "The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area."

Recommendation: No change recommended. The relevant geographic area will be defined for each Project, as it is dependent on the location and the scope and scale of a proposed Project.

P. Underground Utility Connection (Sections 6-204.C.I. & 6-206.C.I.). COSSA recommends that the requirement to place electrical connection lines underground include some flexibility if such underground connection due to technical engineering considerations, and to allow overhead transmission lines from the Project substation to the point of electrical interconnection.

Recommendation: Addressed. Note the draft regulations already allows for an applicant to propose above-ground utility lines where underground connections would create significant adverse environmental impacts.

Q. Setbacks (Sections C.II & 6-206 C.II). COSSA recommends additional flexibility in the setback calculations, including measuring setbacks from structures instead of property lines and instituting setbacks from Scenic Byways.

Recommendation: Addressed**.** The July 11th draft added a statement that "Setbacks may be increased or decreased during the review and evaluation of the application," allowing an applicant to propose smaller setbacks with a rationale. The draft regulations also include a ¼ mile setback from a Scenic Byway.

R. Wildlife and Wildlife Habitat Review Criteria (Sections 6-204 K.II, 6-205 G.II., 6.206 J.II.). COSSA recommends a single map for Gunnison Sage Ground habitat be included in the regulations and that additional information regarding consistency with Sage Grouse Plans referenced in the materials be provided.

Recommendation: No change recommended. The cited maps rely on substantially the same information, so it's appropriate for an applicant to use any of them. The applicability of the Sage Grouse management plans to a proposed Project will be case-specific; the applicant should review the Plans and describe to the BOCC what does or doesn't apply to the Project.

S. Constructed Wildlife Corridors (Section 6-204.K.III.e). COSSA recommends the current requirement to construct corridors for wildlife movement through Large-Scale Solar Development be removed as a blanket condition.

Recommendation: Addressed, based on CPW comments. CPW, like COSSA, recommended adding that the construction should be based on best available science and removing some of the requirements for the shape and size of the corridors. The July 11th draft accepts CPW comments that also address COSSA comments.

T. Visual Quality (Sections 6-204.R & 6-206.P): COSSA voices concern over the potential breadth of the visual quality review criteria.

Recommendation: No change recommended. The review criteria is within the County's land use authority to institute, and was the focus of considerable discussion during the three work sessions.

U. Agricultural Resources (Sections 6-204.AA. & 6-206.Y): COSSA poses questions about how the BOCC will evaluate the review criteria "no adverse impacts to" agricultural resources. COSSA also requests an exemption from the review criteria for projects incorporating agrivoltaics.

> **Recommendation:** No change recommended. The evaluation of the review criteria will be Project-specific and based in part on proposed mitigation, like all other review criteria. The BOCC should also evaluate adverse impacts to agricultural resources for all solar projects, as incorporating agrivoltaics into a Project, while encouraged, does not necessarily mean that there are no adverse impacts to agricultural resources.

V. Timing of Financial Security (Section 6-207.B.III): COSSA requests that the Financial Security only be required approximately 5 years prior from the end date of the interconnection agreement.

> **Recommendation:** No change recommended. The purpose of a financial security is to ensure mitigation and decommissioning occur in the event the applicant is unable to cover costs of those commitments. Such a change as COSSA requests would conflict with this goal.

W. Forfeiture of Guarantee (Section 6-207.D): COSSA requests additional procedural steps and standards for the forfeiture of a guarantee.

> **Recommendation:** No change recommended. The BOCC may initial a process for forfeiture "because of any violation of the permit or these Regulations." The permittee receives due process through notification of the BOCC findings and a Public Hearing. The remedy for alleged improper forfeiture would be in court.

IV. "Clean-Up" Redlines from County staff/ SGSJ

County staff and SGSJ made conforming and "clean up" comments throughout the document as they continued to review the regulations. Substantive changes include:

- **Construction and Operation of Project:** Removal of some instances in application materials that said "during construction and operation" because it's stated at the beginning of the application materials section that it applies to both. *See*, for example, Section 6-203.J, Terrestrial Plans Impact Assessment and Mitigation.
- **Facility Maintenance (Sections 6-204.F and 6-206.F)**: Updated to add to the criterion in italics: "The Large-Scale Solar Development shall be maintained in good condition for the life of the Project *in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health and safety*" to establish guidance for when the development site is not "in good condition."
- **Financial Security Amount (Section 6-207.A.III and 6-207.B.II.):** The information about how to calculate an adequate financial security was repeated, appearing in both The July 11th draft removes the repeated information.

EXHIBIT B TO RESOLUTION 2024-40

This version includes the changes made in response to Review Agency comments and presented to the Planning Commission on July 11. It also includes the changes recommended by the Planning Commission at the July 11 meeting. Additions are shown in red underline text and deletions are shown in ~~red strike-through text~~.

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

NATURAL RESOURCES

SECTION 6-1: GENERAL

6-101 A. Title

This Article of the San Miguel County Land Use Code ("County Land Use Code" or "LUC") is titled Regulations for Natural Resources ("these Regulations").

6-101 B. Purpose

This Article of the Code establishes land use standards applicable to natural resource development in San Miguel County.

6-101 C. Authority

These Regulations are adopted pursuant to, *inter alia*, C.R.S. § 29-20-101, *et seq*. and C.R.S. § 30-28-101, *et seq*.

6-101 D. Definitions

The words and terms used in this Article 6 shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in the LUC, Article 7, shall govern. If there is a conflict between the definitions in Article 7 and the definitions in this Article then the definitions in this Article shall prevail. If the term is not found in these Regulations or in Article 7, the term shall have its common meaning.

Adverse

Unfavorable, harmful, or negative.

Impact

Any alteration or change to the natural or human environment resulting directly or indirectly from development or cumulatively in combination with other past, present, and reasonably foreseeable future development.

Mitigation

Those steps, measures, or activities to address known, anticipated, or reasonably foreseeable adverse impacts identified in the application impact assessments for a project. The purpose of mitigation when implemented is to address those impacts so that the project will comply with the applicable review criteria in the County Land Use Code, Article 6. .

Significant

Deserving to be considered important, notable, worthy of consideration, and not trifling or trivial**.**

Wetlands

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or the Colorado Water Quality Control Commission and Division under C.R.S. § 25-8-205.1.

SECTION 6-2: SOLAR ENERGY SYSTEMS

Section 6-201 General Provisions

6-201 A. Purpose

The purpose of this Section 6-2 ("this Section") is to facilitate the development of Solar Energy Systems in appropriate locations that prioritize such development on existing disturbed areas while preserving farmland and grazing, and to foster the County's sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, economic, and cultural values.

6-201 B. Applicability

I. This Section applies to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County, including on federal land.

II. If any provisions of this Section conflict with other provisions in the LUC, this Section shall control.

6-201 C. Permit Required

A permit issued pursuant to this Section is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel

County, including on federal land.

6-201 D. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems on non-federal lands may be permitted only in certain zone districts as follows:

I. Large-Scale Solar Energy Systems
   a. Forestry, Agriculture, and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. West End

II. Medium-Scale Solar Energy Systems
   a. Forestry, Agriculture and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. Wright's Mesa Light Industrial
   f. Wright's Mesa Rural Agriculture
   g. West End

III. Microgrid Medium-Scale Solar Energy Systems. In addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 6-201.D.II., Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts:
   a. High Density
   b. Medium Density
   c. Low Density
   d. Affordable Housing Planned Unit Development
   e. Low Density Residential
   f. Mixed Use Development
   g. Community Housing

IV. Small-Scale Solar Energy Systems may be permitted in all zone districts.

V. Federal Land. Solar Energy Systems on federal land may be permitted in all zone districts pursuant to this Section.

6-201 E. Limitation on Number of Permits Issued for Large-Scale Solar Energy Systems

The Board shall issue no more than three (3) permits for Large-Scale Solar Energy Systems proposed on non-federal lands within a five-year period. The five-year period begins with the issuance of the first permit.

6-201 F. Permit Review Procedures

A permit application for the development of Solar Energy Systems is subject to the following levels of review:

I. Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, are subject to Two-Step Review (Planning Commission and Board review) as set forth in the LUC, Article 3, Section 3-6.

II. Small-Scale Solar Energy Systems are subject to Administrative Review procedures as set forth in the LUC, Article 3, Section 3-4.

III. Amendments to permit applications are subject to review as set forth in the LUC, Article 3.

6-201 G. Term of Permit and Commencement of Project

I. The permit may be issued for an indefinite term, or for a specified period, depending upon the size and complexity of the Solar Energy System Project ("Project").

II. If construction of a permitted Project has not been initiated within three (3) years of permit issuance or if construction of a permitted Project does not satisfy the time benchmarks identified in the permit, the permit shall be void and of no further force and effect. The Board may grant extension(s) of the approval for good cause shown.

6-201 H. Transfer of Permits

Any permit for Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, approved by the County may be transferred to another owner/operator only after a public hearing by the Board. The County must ensure, in approving any transfer, that:

I. The proposed transferee shall comply with all the requirements, terms, and conditions contained in the permit and this Section;

II. That such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, environment, and wildlife; and

III. That an adequate guarantee of financial security can be made.

6-201 I. Definitions

In addition to definitions in Section 6-101.D., the words and terms used in this Section 6-2 shall have the meanings set forth below.

Agrivoltaics

The integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels.

Grid

The interconnected group of power lines and associated equipment for moving electric energy at high voltage between points of supply and points at which it is delivered to other electric systems or transformed to a lower voltage delivery to customers.

Interconnection

The technical and electrical link between the Solar Energy System and the power grid.

Large-Scale Solar Energy System

A Solar Energy System consisting of solar arrays occupying thirty (30) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Medium-Scale Solar Energy System

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than thirty (30) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Microgrid

A Solar Energy System that can act independently of the larger electrical grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or "island-mode," where the system transmits and distributes energy within defined boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that only operates in islanded conditions.

Small-Scale Solar Energy System

A Solar Energy System either consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Solar Energy System

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, and any on-site energy storage facilities and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system.

Section 6-202 Permit Application Requirements for All Solar Energy Systems

6-202 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board Resolution for Fee Schedule and consistent with C.R.S. § 24-48.5-113 to the extent applicable. Fees shall be as set by the Board pursuant to the LUC, Article 3, Section 3-1410, and as set forth in the adopted fee schedule.

6-202 B. Consultants and Referral Agency Costs

The costs of consultant and referral agency reviews are the responsibility of the applicant. The Planning Director may authorize all or a portion of the review of any phase of the application to be performed by a consultant or consultants of the County's choosing and sent to referral agencies that the County deems appropriate for the application. Copies of any such referral agency comments received must be forwarded to the applicant for its response.

6-202 C. Expansion of Solar Energy Systems or Sequential Projects

If an applicant receives a permit for a Solar Energy System project that is classified as a Small-Scale or Medium-Scale Solar Energy System, and proposes an additional project at a later date as an addition to or expansion of the approved Solar Energy System such that the projects considered together would have been classified as at least the next higher level of size classification, then the additional and any such subsequent proposals shall be reviewed as the next-higher level of size classification. The cumulative impacts of the sequential projects or expansions, considered together and in combination with other past, present, and reasonably foreseeable future development, shall be the basis on which compliance with this Section is determined.

6-202 D. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the Planning Director determines that the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application. The Planning Director may waive application material(s) at the pre-application conference or upon request of the applicant.

6-202 E. Confidential Materials

An applicant may work with the County Attorney to address how confidential information may be appropriately handled in the application materials.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction and operation of the Large-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this application at the request of County staff.

6-203 A. Information Describing the Applicant

I. The contact information, including email address, organizational form, and business of the applicant and, if different, the owner of the Large-Scale Solar Development.

II. The names, addresses, and qualifications of the entity or individuals responsible for managing the construction and operation of the Large-Scale Solar Development, including areas of expertise and experience with Large-Scale Solar Developments directly related or similar to the Large-Scale Solar Development.

III. Authorization of the application package by the owner of the Large-Scale Solar Development, if different than the applicant.

IV. Written authorization of the application package by the owner of the property on which any feature or component of the Large-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Large-Scale Solar Development, including a description of the applicant's experience with similar Large-Scale Solar Developments.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-203 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-204, Review Criteria for Large-Scale Solar Energy

Systems, including without limitation:

I. Location and extent of existing and proposed disturbed areas and description of how the Large-Scale Solar Development will prioritize development of existing disturbed areas.

II. Access route(s) to the Large-Scale Solar Development including adequate emergency access.

III. Structures, fencing, equipment, and other improvements related to the facility.

IV. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-204.C.II.

V. Method, design, and necessary upgrades to accommodate interconnection.

VI. Security measures to prevent uninvited access to or trespass upon any of the facilities.

VII. Estimated life span of the Large-Scale Solar Development.

VIII. Other proposed uses for property, if any.

IX. Proposed end use of the property following decommissioning.

6-203 C. Technical Feasibility of the Large-Scale Solar Development

A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques for proposed mitigation measures.

6-203 D. Property Rights, Permits, and Approvals

I. A list of the federal, state, and local permits or approvals that have been or will be required for the Large-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the County permitting process.

a. Copies of draft permit applications or draft permits as available.

b. Copies of approved permits and approvals.

II. The applicant's right to use any water necessary for the construction and operation of the Large-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.

III. Copies of any consultation correspondence with official federal, state, and local authorities prepared for the Large-Scale Solar Development.

IV. Copies of any draft or final environmental assessments or impact statements prepared for the Large-Scale Solar Development.

V. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Large-

Scale Solar Development.

VI. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a “letter of intent to interconnect” or an interconnection agreement.

6-203 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development and topographic and cultural features and federal and state-owned lands at minimum within one (1) mile of the Large-Scale Solar Development, shown in a form acceptable to the Planning Director.

6-203 F. Water Quality Conditions Impact Assessment

I. Map and description of the hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Large-Scale Solar Development.

II. Description of existing conditions for surface water and groundwater quality affected by the Large-Scale Solar Development, including without limitation current water quality data, water body classifications, and water quality standards adopted by the Colorado Water Quality Control Commission.

III. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on surface water and groundwater quality, including without limitation, increases in impervious surfaces, stormwater runoff, and concentrations of pollutants.

IV. Description of proposed techniques that will be used to mitigate impacts to water quality and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development’s impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 G. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. Description of proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 H. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Large-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

   a. Wildlife including the status and relative importance of game and non-game wildlife and any other species identified by the County or CPW during consultation.

   b. Any species (animal, bird, and insect) listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.

   c. Critical wildlife habitat including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development would have on wildlife and wildlife habitat including without limitation:

   a. Changes to wildlife species composition or density.

   b. Changes in the number of and habitat of threatened or endangered species.

   c. Changes in extent, quality, quantity, and fragmentation of wildlife habitat such as changes to migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

   d. Alteration, conversion, or destruction of vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

   e. The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.

   f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.

   g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery*

Implementation Strategy for the Gunnison Sage-Grouse and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan,* and as these plans may be amended in the future.

III. Development of a Wildlife Mitigation Plan ("WMP") that describes consultation with CPW and proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.

a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. Compensatory mitigation for wildlife and wildlife habitat should occur within the individual home range of the impacted wildlife resource, such as the same Game Management Unit for big game species or the same stream corridor for aquatic species.

b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.

c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Mining Operation's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

I. Map and description of terrestrial plant life sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

a. The type and density of terrestrial plants in the area affected by the Project;

b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.

II. Assessment of direct, indirect, and cumulative impacts of the Project to terrestrial plant life that includes without limitation:

a. Changes to habitat of threatened or endangered plant species or species of concern.

b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring

6-203 K. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Existing (solid lines) and proposed (dashed lines) contours at two (2)-foot intervals or other contour intervals approved by staff.

II. Narrative description and scaled drawings of specific measures to avoid soil disturbance, when possible, and to minimize erosion and control sediment. Narrative description and drawing will include approximate locations of any proposed drainage facilities and drainage patterns and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

III. Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

IV. Estimated total cost of the required soil erosion and sediment control measures.

V. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

VI. Copies of any required Colorado Department of Public Health and Environment or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

6-203 L. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.

II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas

that have a clear difference in soil type, drainage, or plant growth will be avoided for sample collection.

III. Summary of potential impacts on vegetation as a result of the Large-Scale Solar Development.

IV. Plan for revegetation and weed management that provides for:

a. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.

c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.

II. Description of proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Large-Scale Solar Development.

6-203 N. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that

could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operations of the Large-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting.

6-203 O. Visual Quality Impact Assessment

I. Map and description of the existing scenic rural landscape within one (1) mile of the outer perimeter of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Describe the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one (1) mile of the outside perimeter of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-203 P. Natural Hazards Impact Assessment

I. Map and description of geological characteristics and hazardous conditions potentially affected by the Large-Scale Solar Development including without limitation:

a. Description of drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which

may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on natural hazards, and the direct, indirect, and cumulative impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts of the Large-Scale Solar Development on natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Large-Scale Solar Development.

6-203 Q. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, schools, water and wastewater treatment, water supply, transportation, infrastructure, and other services necessary to accommodate Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of proposed techniques that will be used to mitigate impacts on local government services.

6-203 R. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Large-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Large-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Large-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing.

6-203 S. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water

lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, critical wildlife habitat, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of

paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.

III. The applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way and/or infrastructure.

6-203 V. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response and to repair damage caused by emergencies.

6-203 W. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.

III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.

IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

6-203 X. Agricultural Resources and Heritage Impact Assessment

I. Map and description of existing agricultural resources and assets, including livestock and lands in the area affected by the Large-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service (“NRCS”) classifications, including whether the land is rated “prime farmland,” “prime farmland if irrigated,” or “not prime farmland.”

III. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-203 Y. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Large-Scale Solar Development.

II. Description of the impacts of the Large-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-203 Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Large-Scale Solar Development, including without limitation:

a. Historical or archaeological landscape, features, structures, and artifacts historical and archaeological features, including purposes, functions, and use(s) of those features such as agricultural, grazing, recreation, or religious purposes.

b. State historic site survey and inventory form(s) completed by a qualified professional acceptable to the State Historic Preservation Officer for all paleontological, historical, or archaeological resources affected by the Large-Scale Solar Development.

c. List of properties, structures, objects, districts, and sites listed on the National Register of Historic Places, eligible for inclusion on the National Register of Historic Places, listed on the State Register of Historic Properties, or listed on the San Miguel County Historic Register in the area affected by the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on sites of paleontological, historical, or archaeological importance and proof of compliance with the procedures for notification to the State Historical Preservation Office, Office of the State Archaeologist, San Miguel County Historical Commission, and to applicable local historical societies/organizations upon discovery of

historical or archaeological resources during the construction and operation of the Large-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts on sites of paleontological, historical, or archaeological importance.

6-203 AA. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Large-Scale Solar Development that will begin no later than twelve (12) months after power production has permanently ceased. The *Decommissioning and Restoration Plan* must be updated every five (5) years or more frequently upon request by the County based on changed circumstances. The Plan must include:

I. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the plan.

II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline, the process for decommissioning the Large-Scale Solar Development and reclaiming the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

III. Reasonably Similar Condition. Description of how the land will be restored to a condition similar to or better than its condition prior to development and how it will remain available for productive use.

IV. Removal of Components. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

V. Site Restoration. Restoration of soil and vegetation on the site after decommissioning in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with crops or vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW's "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

c. Restoration must include soil tests after the system ceases

production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection must avoid areas that have a clear difference in soil type, drainage, or plant growth.

VI. Monitoring Plan. A plan to monitor the site after decommissioning and restoration for a minimum of three (3) years and a schedule for reporting monitoring results to the County. Groundwater and surface water monitoring may be required on a case-by-case basis where an adverse impact on groundwater or surface water quality may reasonably be expected. Monitoring shall be extended for an additional period of three (3) years if the site is not decommissioned and restored consistent with the *Decommissioning and Restoration Plan*.

VII. Cost of Decommissioning and Restoration. Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 6-207, including the following costs:

a. Labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.

b. Restoration.

d. Decommissioning and restoration activity management, monitoring, site supervision, and site safety costs.

e. Any other costs, including administrative costs, associated with the decommissioning and restoration of the facility site.

f. Costs of outside technical and legal experts to assist with any phase of inspection and determination of compliance with the *Decommissioning and Restoration Plan*.

VIII. Process for Updating Plan. A plan for updating the *Decommissioning and Restoration Plan* and submitting any necessary updates to the County for review and approval at minimum every five (5) years or more often as warranted.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-204 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Large-Scale Solar Development consistent with all requirements and conditions.

6-204 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-204 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines and one quarter (¼) mile from a Colorado designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Large-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Large-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Large-Scale Solar Development.

6-204 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-204 E. Technical Feasibility

The Large-Scale Solar Development shall be technically feasible.

6-204 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-204 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-204 H. Water Quality

The Large-Scale Solar Development will not have an adverse impact on surface water or groundwater quality. In determining whether this criterion is satisfied, the Board may take into account, without limitation, changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board may take into account, without limitation:

a. The degree of anticipated changes in species composition, density, or diversity.

b. The degree of anticipated changes to the number of and habitat of

species, including but not limited to endangered or threatened species or species of greatest conservation need.

c. The degree of anticipated changes to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.

d. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

f. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for impacts to wildlife and wildlife habitat

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, and as may be amended, or substantially similar design. Install structures (ramps, gates, etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by best available science and include as appropriate, open space with natural vegetation or habitat features that make these passageways attractive for use by wildlife. and connection to potential wildlife habitat on either side.

e. Any non-security fencing shall be wildlife-friendly fencing pursuant

to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas.

6-204 L. Terrestrial Plants

The Large-Scale Solar Development will not have an adverse impact on terrestrial plants.

6-204 M. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-204 N. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Large-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health,safety, and welfare, or the environment, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-204 P. Glare and Glint

I. The glare and glint from the Large-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, nor result in a risk to public health, safety, welfare, or the environment.

II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-204 Q. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-204 R. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

6-204 S. Risk from Natural Hazards

The Large-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-204 T. Impact to Local Government Services

The Large-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-204 U. Housing

The Large-Scale Solar Development will not reduce the availability of housing during construction or operation of the Large-Scale Solar Development.

6-204 V. Water Services Availability

If the Large-Scale Solar Development will be served by water, the water supply facilities must:

I. Be adequate to serve the Large-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Large-Scale Solar Development.

IV. Comply with state standards.

6-204 W. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions, water quality, wildlife, or wildlife habitat.

6-204 X. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Large-Scale Solar Development will be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure necessitated by the construction and operation of the Large-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

VI. Staging activities and parking of equipment and vehicles will occur on-site and on private rights-of-way and are prohibited on maintained County roads, except for temporary road closures during construction with prior notice to the road manager.

6-204 Y. Emergency Preparedness and Response

The construction and operation of the Large-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and Emergency Manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-204 Z. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*.

The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-204 AA. Agricultural Resources

I. The Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than thirty percent (30%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Large-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Large-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-204 BB. Recreational Resources

The Large-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-204 CC. Areas of Paleontological, Historical, or Archaeological Importance

The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-204 DD. Decommissioning and Restoration

The Large-Scale Solar Development will be decommissioned, and the site will be restored, consistent with the approved *Decommissioning and Restoration Plan*.

6-204 EE. Compliance with Required Plans/Studies/Reports

The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-203 and as approved by the Board.

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Medium-Scale Solar Energy Systems ("Medium-Scale Solar Development"), including Microgrid Medium-Scale Solar Energy Systems, to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address both the construction and operation of the Medium-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

6-205 A. Information Describing the Applicant

I. The names, addresses, including email address, organizational form, and business of the applicant and, if different, the owner of the Medium-Scale Solar Development.

II. The names, addresses, and qualifications of individuals responsible for constructing and operating the Medium-Scale Solar Development, including areas of expertise and experience with solar energy systems directly related or similar to the Medium-Scale Solar Development.

III. Authorization of the application package by the owner of the Medium-Scale Solar Development, if different than the applicant.

IV. Authorization of the application package by the owner of the property on which any feature or component of the Medium-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant's experience with similar Solar Energy Systems.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-205 B. Information Describing the Medium-Scale Solar Development

I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-206, including:

a. Location and extent of existing and proposed disturbed areas and description of how the Medium-Scale Solar Development will prioritize development of existing disturbed areas.

b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.

c. Structures, fencing, equipment, and other improvements related to the facility.

d. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-206.C.II.

e. Method, design, and necessary upgrades to accommodate interconnection.

f. Security measures to prevent uninvited access to or trespass upon any of the facilities.

g. Estimated life span of the Medium-Scale Solar Development.

h. Other proposed uses for the property, if any.

i. Expected end use of the property following decommissioning.

II. Vicinity map showing the location of the Medium-Scale Solar Development and topographic and cultural features and federal and state-owned lands within one (1) mile of the Medium-Scale Solar Development on a USGS quadrangle map.

6-205 C. Technical Feasibility of the Medium-Scale Solar Development

Description of the technical feasibility of the Medium-Scale Solar Development, including the estimated techniques of proposed mitigation measures.

6-205 D. Property Rights, Permits, and Approvals

I. Federal, state, and local permits or approvals that have been or will be required for the Medium-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the permitting

process, and copies of approved permits.

II. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Medium-Scale Solar Development.

III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

6-205 E. Water Resource Impact Assessment

I. Map and description of the existing hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, floodplains, fens, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Medium-Scale Solar Development.

II. Description of the existing conditions for surface water quality or groundwater quality affected by the Medium-Scale Solar Development.

III. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on water resources, including without limitation surface water and groundwater quality and existing hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. Water resource impacts include but are not limited to increases in impervious surfaces, stormwater runoff, and concentrations of pollutants and adverse impacts to floodplains, wetlands, riparian areas, and fens.

IV. Description of the proposed techniques that will be used to mitigate impacts to water resources and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Medium-Scale Solar Development’s impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-205 F. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

The applicant may consult with CPW in developing the Wildlife, Wildlife Habitat, and Terrestrial Impact Assessment.

I. Map and description of the existing wildlife, including any threatened or endangered species identified by any state or federal agency, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and USFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Changes to wildlife and plant species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, quality, and fragmentation of wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

d. The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.

e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Development of a Wildlife Mitigation Plan ("WMP") that describes proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.

a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat.

b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.

c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Mining Operation's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring

d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-206 J., Review Criteria for Wildlife and Wildlife Habitat.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

VI. Weed control and monitoring at all locations disturbed by the Medium-Scale Solar Development and along access roads during the life of the Project.

6-205 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the noise, dust, fumes, vibration, and odor caused by the construction or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 6-205 K.)

II. Description of the proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Medium-Scale Solar Development.

6-205 K. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be susceptible to glare, glint, or lighting, including lighting at night, from construction and operation of the Medium-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operation of the Medium-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of the proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Medium-Scale Solar Development.

6-205 L. Visual Quality Impact Assessment

I. Map and description of the existing roads and properties nearby to the Medium-Scale Solar Development including lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least two (2) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to the visual quality of the nearby roads and properties.

III. Description of the proposed techniques that will be used to mitigate impacts to the visual quality of nearby roads and properties, such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-205 M. Natural Hazards Impact Assessment

I. Map and description of the existing geological characteristics and hazardous conditions affected by the Medium-Scale Solar Development including without limitation drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to natural hazards and the impacts created by natural hazards on the siting, construction, and operation of the Medium-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts of the Medium-Scale Solar Development to natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Medium-Scale Solar Development.

6-205 N. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, transportation, infrastructure, and other services necessary to accommodate Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on the capacity of the County, special districts,

and other entities providing services and infrastructure for delivering services.

III. Description of the proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Medium-Scale Solar Development.

6-205 O. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Medium-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Medium-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Medium-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Medium-Scale Solar Development.

6-205 P. Water Services Availability

If the proposed Medium-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the corresponding review criteria.

6-205 Q. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Medium-Scale Solar Development.

II. Routes designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.

III. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

IV. Proposed phasing of construction to minimize interference with traffic movement.

6-205 R. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge

Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Medium-Scale Solar Development, including without limitation dust suppression, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

If determined necessary, the applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way, or infrastructure.

6-205 S. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Medium-Scale Solar Development and to repair damage caused by emergencies.

6-205 T. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Medium-Scale Solar Development.

6-205 U. Agricultural Resources and Heritage Impact Assessment

I. Map and description of any existing agricultural resources and assets, including livestock and lands in the area affected by the Medium-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Medium-Scale Solar Development using NRCS classifications, including whether the land is rated “prime farmland,” “prime farmland if irrigated,” or “not prime farmland.”

III. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-205 V. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Medium-Scale Solar Development.

II. Description of the impacts of the Medium-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-205 W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on sites of paleontological, historical, or archaeological importance.

III. Description of the proposed mitigation techniques that will be used to mitigate sites of paleontological, historical, or archaeological importance.

6-205 X. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Medium-Scale Solar Development commencing no later than twelve (12) months after power production has permanently ceased. The Plan must include:

I. The projected lifespan of the Medium-Scale Solar Development, a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

II. Description of how the land will be restored to a condition similar to its condition prior to development and how it will be available for productive use.

III. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

IV. Description of restoration of soil and vegetation, conducted in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 6-207, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 6-206 Review Criteria for Medium-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Medium-Scale Solar Development, including Microgrid Medium-Scale Solar Energy Systems. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-206 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Medium-Scale Solar Development consistent with all requirements and conditions.

6-206 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-206 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Medium-Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks for Medium-Scale Solar Development do not include landscaping and

berming. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Medium-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Medium-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Medium-Scale Solar Development.

6-206 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-206 E. Technical Feasibility

The Medium-Scale Solar Development must be technically feasible.

6-206 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

   a. The degree of anticipated changes in species composition, density, or diversity.

   b. The degree of anticipated changes to the number of and habitat of animal, bird, insect, and plant species.

   c. The degree of anticipated changes to on-site activity at critical times or locations.

   d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.

   e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

   f. The degree of anticipated changes to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

   a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

   b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.

   c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.

   d. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design. Install structures (ramps, gates, etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

   e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated

in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas.

6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-206 L. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Medium-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-206 N. Glare and Glint

I. The Medium-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots nor result in a risk to public health and safety from glare or glint.

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on traffic conditions, water quality, wildlife, or wildlife habitat.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance,

the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

6-206 W. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and emergency manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-206 X. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*. The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-206 Y. Agricultural Resources

I. The Medium-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than thirty percent (30%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Medium-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-206 Z. Recreational Resources

The Medium-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-206 AA. Areas of Paleontological, Historical, or Archaeological Importance

The Medium-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-206 BB. Decommissioning and Restoration

The Medium-Scale Solar Development will be decommissioned and restored consistent with the approved *Decommissioning and Restoration Plan*.

6-206 CC. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-205.

Section 6-207 Financial Security

6-207 A. Financial Security Required

I. The County shall require the applicant for a permit for a Large-Scale Solar Energy System to file a guarantee of financial security ("guarantee"), in a form and amount acceptable to the County.

II. The County in its sole discretion may require the applicant for a permit for a Medium-Scale Solar Energy System to file a guarantee, in a form and amount acceptable to the County.

6-207 B. Amount of Guarantee

I. The amount of the guarantee must be based on the applicant's submitted cost estimate and the County's estimate of any additional costs to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee.

II. In determining the amount of the guarantee, the County will also consider:

a. Estimated cost of reclaiming any impacted areas to their original condition or a condition acceptable to the County.

b. Estimated cost of decommissioning the Solar Energy System.

c. Estimated cost of performing all mitigation requirements and permit conditions.

III. The guarantee will be set forth as a permit condition and shall specify as follows:

a. The guarantee may be adjusted upon receipt of bids or other cost estimates to perform the requirements of the permit and these Regulations.

b. The guarantee may be increased at any time that the County determines that the guarantee is insufficient to cover the purposes of the guarantee.

IV. The County may review the guarantee for adequacy at any time. If the

County determines that the guarantee is insufficient to perform its purpose, the County shall provide the permittee with written notice to increase the guarantee.

a. The permittee shall post the additional guarantee within sixty (60) days from the date of the written notice. If the amount of the increased guarantee has not been provided within sixty (60) days from the date of the written notice, the County may schedule a duly noticed Public Hearing before the Board for possible revocation of the permit.

b. If the permittee disagrees with the notice to increase the guarantee, the County shall schedule a duly noticed Public Hearing before the Board on the matter and consider the permittee's rationale.

6-207 C. Release of Guarantee

The County may cause the guarantee to be released upon the request of the permittee, based on one or more of the following conditions:

I. The permittee has surrendered the permit to the County before the commencement of any physical activity or disturbance associated with the Solar Energy System.

II. The County determines that the Solar Energy System has been abandoned and areas impacted by the Solar Energy System have been returned to their original or other acceptable condition.

III. The County determines that the Solar Energy System has been completed in compliance with the permit.

IV. The County determines that a phase or phases of the Solar Energy System have been completed in compliance with the permit allowing for partial release of the guarantee consistent with Solar Energy System phasing.

V. The County determines that applicable guaranteed conditions have been satisfied.

6-207 D. Forfeiture of Guarantee

I. If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and to the permittee by mailing the notice to the last known address provided by the permitee, that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board within thirty (30) calendar days after permittee’s receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited.

II. If the permittee requests a duly noticed Public Hearing, the Board shall hold a hearing after the receipt of the request. At the Public Hearing, the permittee may present statements, documents, and other information for the County's consideration with respect to the alleged violation. At the conclusion of the hearing, the County shall either withdraw the notice of violation or enter an order forfeiting the guarantee.

III. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the County's Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible including costs and attorney fees.

6-207 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within thirty (30) calendar days after receiving notice thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County's Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County shall suspend the permit until proper substitution has been made.

Section 6-208 Enforcement and Penalties

6-208 A. General

I. Any owner/operator constructing or operating a Solar Energy System who does not obtain a permit pursuant to this Section, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit, shall be in violation of these Regulations. Such violations shall be deemed a violation of the LUC.

II. The County will enforce and remedy violations of these Regulations consistent with the LUC, Article 1.

III. The County's authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.

IV. If the violation is not abated within the prescribed period, the County may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

6-208 B. Inspection

I. The Planning Director or their designee may enter and inspect any property subject to these Regulations at any time for the purpose of determining compliance with these Regulations.

   a. The Planning Director or their designee shall first make a reasonable effort to locate the owner, operator, or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.

   b. In the event the owner, operator, or other person having charge or control of the premises to be inspected fails to respond within ten (10) business days, or consent is unreasonably withheld, the Planning Director or their designee may enter the property to be inspected after providing twenty-four (24)-hour notice of the time and location of the inspection.

II. If the Planning Director or their designee discovers a violation of these Regulations, the Planning Director or their designee may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine the violation has been remedied.

III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. § 13-21-115.

6-208 C. Hazardous Materials

If the applicant fails to comply with its obligations under the *Hazardous Materials Management Plan* submitted as part of the Large-Scale or Medium-Scale Solar Development application, the County Designated Emergency Response Authority (DERA) or their designee may undertake prevention, control, countermeasure, containment, and clean-up measures. Applicant will pay all costs incurred by the County for any such measures.

- END -

DRAFT Land Use Code Amendments related to Solar Energy Systems

(Additions are shown as underlined. Deletions are shown in ~~strike-through~~.)

SECTION 2-30: ENERGY CONSERVATION

It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy.

2-3001

Encourage the utilization and incorporation of energy conservation measures, Green Building Standards (pursuant to Board of Commissioner Resolution 2005-44 regarding Prescriptive Energy Code and Green Building Standards), and alternative energy sources, including but not limited to passive solar design, wind generation, geothermal, photovoltaic, hydrogen fuel cells, etc., for all construction in the County.

2-3002

To meet greenhouse gas emission targets (pursuant to Board of Commissioner Resolution 2023-04), encourage the development of renewable and alternative energy sources.

Article 3 Procedures
3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, pursuant to ~~see~~ Section 5-704, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

No person or entity owing money to the County, in any amount or for any purpose, including any delinquent taxes certified by the County Treasurer, may be granted any development permit or any other development approval. All development shall be in compliance with the effective development permit duly issued in compliance with the Code. Failure to comply with any condition(s) of approval, as determined by the Board of County Commissioners, shall result in inability to obtain any rights granted conditionally thereunder, in accordance with Land Use Code Section 3-1402 and C.R.S. 24-68, and County revocation of the development permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

3-103 Building Permits

No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District except for Large- and Medium-Scale Solar Energy Systems and Data Centers. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if "Access" (as defined in Article ~~6~~7) to the property does not exist.

Figure 3-1
Land Use Activities and Review Procedures

Two-step Reviews

Add:
Medium-Scale Solar Energy Systems
Large-Scale Solar Energy Systems

Section 3-6: Two Step Reviews

3-601 General

3-601 O. Medium-Scale and Large-Scale Solar Energy Systems

Section 4-2: Minimum Submission Contents for All Land Use Applications

4-201 General
Applications for Land Use Applications shall include the following minimum submission contents, except where the Land Use Code identifies more detailed application requirements for specific uses. ~~All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code~~. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

Add:

Land Use Activity	LAND USE CODE SECTION Procedure	Standards*
GROUP II (LUC Section 4-7)		
Other Development Applications		
Medium Scale Solar Energy System	3-6	6-2
Large Scale Solar Energy System	3-6	6-2

SECTION 5-3 ZONE DISTRICT STANDARDS

5-301 C. Solar Energy Systems

Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, and Large-Scale Solar Energy Systems may be permitted in the Zone Districts set forth in Section 6-2.

5-320 West End (WE)

5-320 J. Data Centers

II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:

a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids. Net zero emissions means the facility must offset the energy it uses from the grid with an approximately equal amount of renewable energy generated on-site. The Data Center facility must establish that the development will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. The data center shall not burden the existing local or regional grid.

i. The application shall include all substations and infrastructure upgrades necessary for construction and operation of the facility.

ii. Adequate capacity shall be available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the area power provider. Utility supply equipment and related electrical infrastructure shall be sufficiently sized and shall safely accommodate the proposed use. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

iii. All power lines shall be installed underground.

iv. Accessory solar development to power the Data Center shall meet the application requirements and review

standards of the County LUC, Article 6, Section 6-2, Regulations for Solar Energy Systems.

5-2203 Development in Wetland Areas

5-2203 B. Two-Step Special Use Permit Review

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. Applications for Solar Energy Systems shall be processed in accordance with Section 6-2 of this Code. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

Article 6, Definitions, shall be renumbered to be **Article 7, Definitions**, with conforming changes throughout the Land Use Code for any references therein.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO AMENDING THE SAN MIGUEL COUNTY LAND USE CODE TO ADD A NEW ARTICLE 6, NATURAL RESOURCES AND SECTION 6-2 , *REGULATION OF SOLAR ENERGY SYSTEMS*; RENUMBERING EXISTING ARTICLE 6, *DEFINITIONS* TO BECOME ARTICLE 7; AMENDING OTHER REFERENCES TO CONFORM TO THIS RENUMBERING; OTHER REVISIONS REQUIRED FOR CLARIFICATION; AND EXPIRATION OF TEMPORARY EMERGENCY MORATORIUM.

Resolution # 2024-40

WHEREAS, San Miguel County ("County") has the authority to plan for and regulate the use of land within the unincorporated County pursuant to C.R.S. § 29-20-101, *et seq*.; C.R.S. § 30-28-113, and C.R.S. § 30-28-116; and

WHEREAS, on May 24, 2023 pursuant to C.R.S. § 30-28-121, the Board of County Commissioners enacted a temporary moratorium on the submittal of applications for commercial solar projects and major utility projects in order to provide the County sufficient time to develop and promulgate amendments to the Land Use Code pertaining to commercial solar and major utility projects, and subsequently extended said moratorium to May 15, 2024, and to November 15, 2024; and

WHEREAS, the Board of County Commissioners of San Miguel County ("Board") and the San Miguel County Planning Commission ("Planning Commission") held a community meeting in Norwood on October 10th, 2023, and held three public work sessions on January 24, March 27 and May 8, 2024 to consider draft natural resource and solar regulations; and

WHEREAS, the Planning Commission unanimously recommended that the Board amend the San Miguel County Land Use Code ("LUC") and adopt the regulations for Solar Energy Systems, adding Article 6, Natural Resources, and to make necessary amendments related to Solar Energy Systems throughout the LUC, at its July 11, 2024 public meeting; and

WHEREAS, the Planning Commission found that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan; and

WHEREAS, the Board held a public hearing on Wednesday, September 18, 2024 following notice in a newspaper of general circulation not less than fourteen (14) days before the public hearing to consider the proposed amendments to the LUC; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as **Exhibit A**; and

WHEREAS, the Board has considered all relevant evidence received at the public hearing regarding the proposed amendments to the LUC.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of the County of San Miguel, State of Colorado as follows:

Section 1. A new Article 6 of the LUC, Natural Resources, including Section 6-2, Solar Energy Systems, is hereby adopted as set forth in **Exhibit B** to this Resolution, and the current Article 6 of the LUC, Definitions, is hereby renumbered as Article 7, together with conforming cross-references updated to Article 7 throughout the LUC.

Section 2. Article 2, Section 2-3002 of the LUC is hereby amended to add a new 2-3002, to read as follows:

> **2-3002**
>
> To meet greenhouse gas emission targets (pursuant to Board of Commissioner Resolution 2023-04), encourage the development of renewable and alternative energy sources.

Section 3. Article 3, Section 3-101 of the LUC is hereby amended as follows with deletions shown in strikethrough and additions in double-underline:

> **3-101 Development Permits**
>
> No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, pursuant to ~~see~~ Section 5-704, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development. . .

Section 4. Article 3, Section 3-103 of the LUC is hereby amended as follows with additions shown in double-underline:

> No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District except for Large- and Medium-Scale Solar Energy Systems and Data Centers. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if "Access" (as defined in Article 6) to the property does not exist.

Section 5. Article 3, Figure 3-1 of the LUC is hereby amended as follows, with additions shown in double-underline:

Figure 3-1
Land Use Activities and Review Procedures

Two-step reviews
Development in Wetland Areas other than a Residential Home and Access & Utilities associated with a Residential House

Special Use Permits

. . .

Major Facility Oil and Gas Development

Wright's Mesa Subdivision Exemption for parcels 37 acres or larger and less than 150 acres

Medium-Scale Solar Energy Systems

Large-Scale Solar Energy Systems

Section 6. Article 3, Section 3-601 of the LUC is hereby amended to add a new 3-601 O. to read as follows:

3-601 O. Medium-Scale and Large-Scale Solar Energy Systems

Section 7. Article 4, Section 4-201 of the LUC is hereby amended as follows with deletions shown in strikethrough and additions in double-underline:

4-201 General

Applications for Land Use Approvals shall include the following minimum submission contents, except where the Land Use Code identifies more detailed submission contents for specific uses. ~~All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code~~. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

Section 8. Article 4, Figure 401 of the LUC is hereby amended to add the following, with, additions shown in double-underline:

	LAND USE CODE SECTION	
Land Use Activity	**Procedure**	**Standards***
GROUP II (LUC Section 4-7)		
Other Development Applications		
Medium Scale Solar Energy System	3-6	6-2

Large Scale Solar Energy System	3-6	6-2

Section 9. Article 5, Section 5-301 of the LUC is hereby amended to add a new 5-301 C., to read as follows:

5-301 C. Solar Energy Systems

Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, and Large-Scale Solar Energy Systems may be permitted in the Zone Districts set forth in Section 6-2.

Section 10. Article 5, Section 5-320 J. of the LUC is hereby amended to add a new Section 5-320 J.II.a.iv. as follows shown in double-underline:

5-320 J. Data Centers

II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:

a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids.

. . .

iii. All power lines shall be installed underground.

iv. Accessory solar development to power the Data Center shall meet the application requirements and review standards of the County LUC, Article 6, Section 6-2, Regulations for Solar Energy Systems.

Section 11. Article 5, Section 5-2203 B. of the LUC is hereby amended as follows with additions shown in double-underline:

5-2203 B. Two-Step Special Use Permit Review

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with

the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. Applications for Solar Energy Systems shall be processed in accordance with Section 6-2 of this Code. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

Section 12. Expiration of Temporary Emergency Moratorium. The Temporary Emergency Moratorium enacted by the Board in BOCC Resolution No. 2032-27 and extended in BOCC Resolution Nos. 2023-42 and 2024-15 shall expire with the adoption of this resolution.

Section 13. Severability. If any clause, sentence, paragraph, or part of this resolution or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect the remaining provisions of this resolution.

Section 14. Effective Date. This resolution shall take effect as of the date of the adoption of this resolution by the Board.

PASSED, APPROVED, AND ADOPTED this _____ Day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS SAN MIGUEL COUNTY, COLORADO

By: _____
Lance Waring, Chair

Vote:	Anne Brown	Aye	Nay	Abstain	Absent
	Lance Waring	Aye	Nay	Abstain	Absent
	Kris Holstrom	Aye	Nay	Abstain	Absent

ATTEST:

_____
Chief Deputy Clerk to the Board

Exhibit A – Public Hearing Record List
Exhibit B – LUC Article 6, Natural Resources

EXHIBIT A
PUBLIC HEARING RECORD

San Miguel County Board of Commissioners
Application: Amendment to the San Miguel County Land Use Code – Solar Energy Systems
Date: September 18, 2024

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)
3. Memorandum to the San Miguel County Board of Commissioners from Kaye Simonson, Planning Director, dated September 18, 2024
4. Memorandum to Kaye Simonson and Amy Markwell from Torie Jarvis and David Baumgarten, Sullivan Green Seavy Jarvis LLC, dated July 3, 2024; updated September 6, 2024
5. Redlined Draft Regulations for Solar Energy Systems (Exhibit B to Resolution)
6. Draft Regulations for Solar Energy Systems with related Land Use Code Amendments
7. Draft BOCC Resolution 2024-40 for Natural Resources and Solar Energy Systems
8. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director, dated July 11, 2024
9. Planning Commission Minutes from July 11, 2024
10. Legal Notice published in the Telluride Daily Planet and Norwood Post on August 30, 2024
11. Planning Commission Agenda published in the Telluride Daily Planet and Norwood Post on June 28, 2024
12. Press release issued June 18, 2024

AGENCY COMMENTS

13. Memo from Kaye Simonson to Referral Agencies dated June 10, 2024.
14. Email from Dan Roussin, CDOT, received June 10, 2024
15. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated June 25, 2024, with attachments
16. Letter from Rachel Sralla, Colorado Parks and Wildlife, dated June 21, 2024, with attachments
17. Letter from Tony Daranyi, Norwood Water Commission, dated May 1, 2024
18. Letter from David Rodenberg, State Land Board, dated June 26, 2024
19. Email from Shannon Armstrong, San Miguel County Emergency Manager, received May 29, 2024, with attachments
20. Letter from Candy Meehan, Mayor, Town of Norwood, dated June 12, 2024
21. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated September 10, 2024
22. Letter from Rube Felicelli and Brad Zaporski, SMPA, dated September 9, 2024
23. Email from Darin Graber, Town of Telluride, received September 3, 2024
24. Letter from Emma Gerona, EcoAction Partners, dated September 10, 2024
25. Letter from Candy Meehan, Mayor, Town of Norwood, dated September 11, 2024

PUBLIC COMMENT

26. Email from Alexandra Thompson received May 14, 2024
27. Letter from Alexandra Thompson received June 27, 2024
28. Email from Joan May received May 16, 2024
29. Email from Tami St. Germain received May 8, 2024

30. Email from Tony Daranyi received June 24, 2024
31. Letter from Richard Hollinbeck received July 3, 2024
32. Email from Mary Ann Gaston received September 4, 2024, with attachments
33. Letter from Michael and Kandi Mallet, dated September 9, 2024
34. Letter from Dave and Bridget Muller, dated September 10, 2024
35. Letter from Richard Hollinbeck, dated September 10, 2024
36. Letter from Parker and Cary Atkins, dated September 10, 2024
37. Letter from Mary Ann Gaston, dated September 10, 2024
38. Compilation of written comments and form letters (43 pages), received September 11, 2024
39. Letter from Tony Daranyi, dated September 4, 2024
40. Email from Jim and Alice Fay Young, received September 12, 2024
41. Email from Sepp Seitz, received September 11, 2024
42. Compilation of form letters (13 pages) via Karen Gauvey, received September 11, 2024

OTHER

None

EXHIBIT B

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

NATURAL RESOURCES

SECTION 6-1: GENERAL

6-101 A. Title

This Article of the San Miguel County Land Use Code ("County Land Use Code" or "LUC") is titled Regulations for Natural Resources ("these Regulations").

6-101 B. Purpose

This Article of the Code establishes land use standards applicable to natural resource development in San Miguel County.

6-101 C. Authority

These Regulations are adopted pursuant to, *inter alia*, C.R.S. § 29-20-101, *et seq*. and C.R.S. § 30-28-101, *et seq*.

6-101 D. Definitions

The words and terms used in this Article 6 shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in the LUC, Article 7, shall govern. If there is a conflict between the definitions in Article 7 and the definitions in this Article then the definitions in this Article shall prevail. If the term is not found in these Regulations or in Article 7, the term shall have its common meaning.

Adverse

Unfavorable, harmful, or negative.

Impact

Any alteration or change to the natural or human environment resulting directly or indirectly from development or cumulatively in combination with other past, present, and reasonably foreseeable future development.

Mitigation

Those steps, measures, or activities to address known, anticipated, or reasonably foreseeable adverse impacts identified in the application impact assessments for a project. The purpose of mitigation when implemented is to address those impacts so that the project will comply with the applicable review criteria in the County Land Use Code, Article 6. .

Significant

Deserving to be considered important, notable, worthy of consideration, and not trifling or trivial**.**

Wetlands

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or the Colorado Water Quality Control Commission and Division under C.R.S. § 25-8-205.1.

SECTION 6-2: SOLAR ENERGY SYSTEMS

Section 6-201 General Provisions

6-201 A. Purpose

The purpose of this Section 6-2 ("this Section") is to facilitate the development of Solar Energy Systems in appropriate locations that prioritize such development on existing disturbed areas while preserving farmland and grazing, and to foster the County's sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, economic, and cultural values.

6-201 B. Applicability

I. This Section applies to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County, including on federal land.

II. If any provisions of this Section conflict with other provisions in the LUC, this Section shall control.

6-201 C. Permit Required

A permit issued pursuant to this Section is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel County, including on federal land.

6-201 D. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems on non-federal lands may be permitted only in certain zone districts as follows:

I. Large-Scale Solar Energy Systems

a. Forestry, Agriculture, and Open

b. Heavy Commercial

c. Low Intensity Industrial

d. Public

e. West End

II. Medium-Scale Solar Energy Systems

a. Forestry, Agriculture and Open

b. Heavy Commercial

c. Low Intensity Industrial

d. Public

e. Wright's Mesa Light Industrial

f. Wright's Mesa Rural Agriculture

g. West End

III. Microgrid Medium-Scale Solar Energy Systems. In addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 6-201.D.II., Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts:

a. High Density

b. Medium Density

c. Low Density

d. Affordable Housing Planned Unit Development

e. Low Density Residential

f. Mixed Use Development

g. Community Housing

IV. Small-Scale Solar Energy Systems may be permitted in all zone districts.

V. Federal Land. Solar Energy Systems on federal land may be permitted in all zone districts pursuant to this Section.

6-201 E. Limitation on Number of Permits Issued for Large-Scale Solar Energy Systems

The Board shall issue no more than three (3) permits for Large-Scale Solar Energy Systems proposed on non-federal lands within a five-year period. The five-year period begins with the issuance of the first permit.

6-201 F. Permit Review Procedures

A permit application for the development of Solar Energy Systems is subject to the following levels of review:

I. Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, are subject to Two-Step Review (Planning Commission and Board review) as set forth in the LUC, Article 3, Section 3-6.

II. Small-Scale Solar Energy Systems are subject to Administrative Review

procedures as set forth in the LUC, Article 3, Section 3-4.

III. Amendments to permit applications are subject to review as set forth in the LUC, Article 3.

6-201 G. Term of Permit and Commencement of Project

I. The permit may be issued for an indefinite term, or for a specified period, depending upon the size and complexity of the Solar Energy System Project ("Project").

II. If construction of a permitted Project has not been initiated within three (3) years of permit issuance or if construction of a permitted Project does not satisfy the time benchmarks identified in the permit, the permit shall be void and of no further force and effect. The Board may grant extension(s) of the approval for good cause shown.

6-201 H. Transfer of Permits

Any permit for Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, approved by the County may be transferred to another owner/operator only after a public hearing by the Board. The County must ensure, in approving any transfer, that:

I. The proposed transferee shall comply with all the requirements, terms, and conditions contained in the permit and this Section;

II. That such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, environment, and wildlife; and

III. That an adequate guarantee of financial security can be made.

6-201 I. Definitions

In addition to definitions in Section 6-101.D., the words and terms used in this Section 6-2 shall have the meanings set forth below.

Agrivoltaics

The integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels.

Grid

The interconnected group of power lines and associated equipment for moving electric energy at high voltage between points of supply and points at which it is delivered to other electric systems or transformed to a lower voltage delivery to customers.

Interconnection

The technical and electrical link between the Solar Energy System and the power grid.

Large-Scale Solar Energy System

A Solar Energy System consisting of solar arrays occupying thirty (30) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Medium-Scale Solar Energy System

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than thirty (30) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Microgrid

A Solar Energy System that can act independently of the larger electrical grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or "island-mode," where the system transmits and distributes energy within defined boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that only operates in islanded conditions.

Small-Scale Solar Energy System

A Solar Energy System either consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Solar Energy System

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, and any on-site energy storage facilities and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system.

Section 6-202 Permit Application Requirements for All Solar Energy Systems

6-202 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board Resolution for Fee Schedule and consistent with C.R.S. § 24-48.5-113 to the extent applicable. Fees shall be as set by the Board pursuant to the LUC, Article 3, Section 3-1410, and as set forth in the adopted fee schedule.

6-202 B. Consultants and Referral Agency Costs

The costs of consultant and referral agency reviews are the responsibility of the applicant. The Planning Director may authorize all or a portion of the review of any phase of the application to be performed by a consultant or consultants of the County's choosing and sent to referral agencies that the County deems appropriate for the application. Copies of any such referral agency comments received must be forwarded to the applicant for its response.

6-202 C. Expansion of Solar Energy Systems or Sequential Projects

If an applicant receives a permit for a Solar Energy System project that is classified as a Small-Scale or Medium-Scale Solar Energy System, and proposes an additional project at a later date as an addition to or expansion of the approved Solar Energy System such that the projects considered together would have been classified as at least the next higher level of size classification, then the additional and any such subsequent proposals shall be reviewed as the next-higher level of size classification. The cumulative impacts of the sequential projects or expansions, considered together and in combination with other past, present, and reasonably foreseeable future development, shall be the basis on which compliance with this Section is determined.

6-202 D. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the Planning Director determines that the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application. The Planning Director may waive application material(s) at the pre-application conference or upon request of the applicant.

6-202 E. Confidential Materials

An applicant may work with the County Attorney to address how confidential information may be appropriately handled in the application materials.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction and operation of the Large-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this application at the request of County staff.

6-203 A. Information Describing the Applicant

I. The contact information, including email address, organizational form, and

business of the applicant and, if different, the owner of the Large-Scale Solar Development.

II. The names, addresses, and qualifications of the entity or individuals responsible for managing the construction and operation of the Large-Scale Solar Development, including areas of expertise and experience with Large-Scale Solar Developments directly related or similar to the Large-Scale Solar Development.

III. Authorization of the application package by the owner of the Large-Scale Solar Development, if different than the applicant.

IV. Written authorization of the application package by the owner of the property on which any feature or component of the Large-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Large-Scale Solar Development, including a description of the applicant's experience with similar Large-Scale Solar Developments.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-203 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-204, Review Criteria for Large-Scale Solar Energy Systems, including without limitation:

I. Location and extent of existing and proposed disturbed areas and description of how the Large-Scale Solar Development will prioritize development of existing disturbed areas.

II. Access route(s) to the Large-Scale Solar Development including adequate emergency access.

III. Structures, fencing, equipment, and other improvements related to the facility.

IV. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-204.C.II.

V. Method, design, and necessary upgrades to accommodate interconnection.

VI. Security measures to prevent uninvited access to or trespass upon any of the facilities.

VII. Estimated life span of the Large-Scale Solar Development.

VIII. Other proposed uses for property, if any.

IX. Proposed end use of the property following decommissioning.

6-203 C. Technical Feasibility of the Large-Scale Solar Development

A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques for proposed mitigation measures.

6-203 D. Property Rights, Permits, and Approvals

I. A list of the federal, state, and local permits or approvals that have been or will be required for the Large-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the County permitting process.

a. Copies of draft permit applications or draft permits as available.

b. Copies of approved permits and approvals.

II. The applicant's right to use any water necessary for the construction and operation of the Large-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.

III. Copies of any consultation correspondence with official federal, state, and local authorities prepared for the Large-Scale Solar Development.

IV. Copies of any draft or final environmental assessments or impact statements prepared for the Large-Scale Solar Development.

V. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Large-Scale Solar Development.

VI. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or an interconnection agreement.

6-203 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development and topographic and cultural features and federal and state-owned lands at minimum within one (1) mile of the Large-Scale Solar Development, shown in a form acceptable to the Planning Director.

6-203 F. Water Quality Conditions Impact Assessment

I. Map and description of the hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Large-Scale Solar Development.

II. Description of existing conditions for surface water and groundwater quality affected by the Large-Scale Solar Development, including without limitation current water quality data, water body classifications, and water quality standards adopted by the Colorado Water Quality Control Commission.

III. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on surface water and groundwater quality, including without limitation, increases in impervious surfaces, stormwater runoff, and concentrations of pollutants.

IV. Description of proposed techniques that will be used to mitigate impacts to water

quality and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 G. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. Description of proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 H. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Large-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil

following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

a. Wildlife including the status and relative importance of game and non-game wildlife and any other species identified by the County or CPW during consultation.

b. Any species (animal, bird, and insect) listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.

c. Critical wildlife habitat including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development would have on wildlife and wildlife habitat including without limitation:

a. Changes to wildlife species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, quantity, and fragmentation of wildlife habitat such as changes to migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

d. Alteration, conversion, or destruction of vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

e. The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels,

through and around facilities, and provide continued access to forage and habitat.

f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan,* and as these plans may be amended in the future.

III. Development of a Wildlife Mitigation Plan ("WMP") that describes consultation with CPW and proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.

a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. Compensatory mitigation for wildlife and wildlife habitat should occur within the individual home range of the impacted wildlife resource, such as the same Game Management Unit for big game species or the same stream corridor for aquatic species.

b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.

c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Mining Operation's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

I. Map and description of terrestrial plant life sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

a. The type and density of terrestrial plants in the area affected by the Project;

b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.

II. Assessment of direct, indirect, and cumulative impacts of the Project to terrestrial plant life that includes without limitation:

a. Changes to habitat of threatened or endangered plant species or species of concern.

b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring

6-203 K. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Existing (solid lines) and proposed (dashed lines) contours at two (2)-foot intervals or other contour intervals approved by staff.

II. Narrative description and scaled drawings of specific measures to avoid soil disturbance, when possible, and to minimize erosion and control sediment. Narrative description and drawing will include approximate locations of any proposed drainage facilities and drainage patterns and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

III. Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

IV. Estimated total cost of the required soil erosion and sediment control measures.

V. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

VI. Copies of any required Colorado Department of Public Health and Environment or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

6-203 L. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.

II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas that have a clear difference in

soil type, drainage, or plant growth will be avoided for sample collection.

III. Summary of potential impacts on vegetation as a result of the Large-Scale Solar Development.

IV. Plan for revegetation and weed management that provides for:

a. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.

c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.

II. Description of proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Large-Scale Solar Development.

6-203 N. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operations of the Large-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any

applicable Dark Sky Places designation(s).

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting.

6-203 O. Visual Quality Impact Assessment

I. Map and description of the existing scenic rural landscape within one (1) mile of the outer perimeter of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Describe the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one (1) mile of the outside perimeter of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-203 P. Natural Hazards Impact Assessment

I. Map and description of geological characteristics and hazardous conditions potentially affected by the Large-Scale Solar Development including without limitation:

a. Description of drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on natural hazards, and the direct, indirect, and cumulative impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts of the Large-Scale Solar Development on natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Large-Scale Solar Development.

6-203 Q. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads,

emergency services, schools, water and wastewater treatment, water supply, transportation, infrastructure, and other services necessary to accommodate Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of proposed techniques that will be used to mitigate impacts on local government services.

6-203 R. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Large-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Large-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Large-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing.

6-203 S. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, critical wildlife

habitat, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.

III. The applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way and/or infrastructure.

6-203 V. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response and to repair damage caused by emergencies.

6-203 W. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.

III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.

IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

6-203 X. Agricultural Resources and Heritage Impact Assessment

I. Map and description of existing agricultural resources and assets, including livestock and lands in the area affected by the Large-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service ("NRCS") classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."

III. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-203 Y. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Large-Scale Solar Development.

II. Description of the impacts of the Large-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-203 Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Large-Scale Solar Development, including without

limitation:

a. Historical or archaeological landscape, features, structures, and artifacts historical and archaeological features, including purposes, functions, and use(s) of those features such as agricultural, grazing, recreation, or religious purposes.

b. State historic site survey and inventory form(s) completed by a qualified professional acceptable to the State Historic Preservation Officer for all paleontological, historical, or archaeological resources affected by the Large-Scale Solar Development.

c. List of properties, structures, objects, districts, and sites listed on the National Register of Historic Places, eligible for inclusion on the National Register of Historic Places, listed on the State Register of Historic Properties, or listed on the San Miguel County Historic Register in the area affected by the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on sites of paleontological, historical, or archaeological importance and proof of compliance with the procedures for notification to the State Historical Preservation Office, Office of the State Archaeologist, San Miguel County Historical Commission, and to applicable local historical societies/organizations upon discovery of historical or archaeological resources during the construction and operation of the Large-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts on sites of paleontological, historical, or archaeological importance.

6-203 AA. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Large-Scale Solar Development that will begin no later than twelve (12) months after power production has permanently ceased. The *Decommissioning and Restoration Plan* must be updated every five (5) years or more frequently upon request by the County based on changed circumstances. The Plan must include:

I. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the plan.

II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline, the process for decommissioning the Large-Scale Solar Development and reclaiming the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

III. Reasonably Similar Condition. Description of how the land will be restored to a condition similar to or better than its condition prior to development and how it will remain available for productive use.

IV. Removal of Components. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures,

fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

V. Site Restoration. Restoration of soil and vegetation on the site after decommissioning in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with crops or vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW's "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

c. Restoration must include soil tests after the system ceases production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection must avoid areas that have a clear difference in soil type, drainage, or plant growth.

VI. Monitoring Plan. A plan to monitor the site after decommissioning and restoration for a minimum of three (3) years and a schedule for reporting monitoring results to the County. Groundwater and surface water monitoring may be required on a case-by-case basis where an adverse impact on groundwater or surface water quality may reasonably be expected. Monitoring shall be extended for an additional period of three (3) years if the site is not decommissioned and restored consistent with the *Decommissioning and Restoration Plan*.

VII. Cost of Decommissioning and Restoration. Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 6-207, including the following costs:

a. Labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.

b. Restoration.

d. Decommissioning and restoration activity management, monitoring, site supervision, and site safety costs.

e. Any other costs, including administrative costs, associated with the decommissioning and restoration of the facility site.

f. Costs of outside technical and legal experts to assist with any phase of inspection and determination of compliance with the *Decommissioning and*

Restoration Plan.

VIII. Process for Updating Plan. A plan for updating the *Decommissioning and Restoration Plan* and submitting any necessary updates to the County for review and approval at minimum every five (5) years or more often as warranted.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-204 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Large-Scale Solar Development consistent with all requirements and conditions.

6-204 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-204 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines and one quarter (¼) mile from a Colorado designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Large-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Large-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Large-Scale Solar Development.

6-204 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-204 E. Technical Feasibility

The Large-Scale Solar Development shall be technically feasible.

6-204 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-204 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-204 H. Water Quality

The Large-Scale Solar Development will not have an adverse impact on surface water or groundwater quality. In determining whether this criterion is satisfied, the Board may take into account, without limitation, changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board may take into account, without limitation:

a. The degree of anticipated changes in species composition, density, or diversity.

b. The degree of anticipated changes to the number of and habitat of species, including but not limited to endangered or threatened species or species of greatest conservation need.

c. The degree of anticipated changes to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.

d. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

f. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for impacts to wildlife and wildlife habitat

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, and as may be amended, or substantially similar design. Install structures (ramps, gates,

etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by best available science and include as appropriate, open space with natural vegetation or habitat features that make these passageways attractive for use by wildlife. and connection to potential wildlife habitat on either side.

e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas.

6-204 L. Terrestrial Plants

The Large-Scale Solar Development will not have an adverse impact on terrestrial plants.

6-204 M. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-204 N. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Large-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health, safety, and welfare, or the environment, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-204 P. Glare and Glint

I. The glare and glint from the Large-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, nor result in a risk to public health, safety, welfare, or the environment.

II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-204 Q. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and

will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-204 R. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

6-204 S. Risk from Natural Hazards

The Large-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-204 T. Impact to Local Government Services

The Large-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-204 U. Housing

The Large-Scale Solar Development will not reduce the availability of housing during construction or operation of the Large-Scale Solar Development.

6-204 V. Water Services Availability

If the Large-Scale Solar Development will be served by water, the water supply facilities must:

I. Be adequate to serve the Large-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Large-Scale Solar Development.

IV. Comply with state standards.

6-204 W. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions, water quality, wildlife, or wildlife habitat.

6-204 X. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Large-Scale Solar Development will be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure necessitated by the construction and operation of the Large-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

VI. Staging activities and parking of equipment and vehicles will occur on-site and on private rights-of-way and are prohibited on maintained County roads, except for temporary road closures during construction with prior notice to the road manager.

6-204 Y. Emergency Preparedness and Response

The construction and operation of the Large-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and Emergency Manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-204 Z. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*.

The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-204 AA. Agricultural Resources

I. The Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than thirty percent (30%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Large-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Large-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-204 BB. Recreational Resources

The Large-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-204 CC. Areas of Paleontological, Historical, or Archaeological Importance

The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-204 DD. Decommissioning and Restoration

The Large-Scale Solar Development will be decommissioned, and the site will be restored, consistent with the approved *Decommissioning and Restoration Plan*.

6-204 EE. Compliance with Required Plans/Studies/Reports

The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-203 and as approved by the Board.

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Medium-Scale Solar Energy Systems ("Medium-Scale Solar Development"), including Microgrid Medium-Scale Solar Energy Systems, to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address both the construction and operation of the Medium-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

6-205 A. Information Describing the Applicant

I. The names, addresses, including email address, organizational form, and business of the applicant and, if different, the owner of the Medium-Scale Solar Development.

II. The names, addresses, and qualifications of individuals responsible for constructing and operating the Medium-Scale Solar Development, including areas of expertise and experience with solar energy systems directly related or similar to the Medium-Scale Solar Development.

III. Authorization of the application package by the owner of the Medium-Scale Solar Development, if different than the applicant.

IV. Authorization of the application package by the owner of the property on which any feature or component of the Medium-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant's experience with similar Solar Energy Systems.

VI. Written qualifications of those preparing the reports, plans, and studies in this

application.

6-205 B. Information Describing the Medium-Scale Solar Development

I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-206, including:

a. Location and extent of existing and proposed disturbed areas and description of how the Medium-Scale Solar Development will prioritize development of existing disturbed areas.

b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.

c. Structures, fencing, equipment, and other improvements related to the facility.

d. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-206.C.II.

e. Method, design, and necessary upgrades to accommodate interconnection.

f. Security measures to prevent uninvited access to or trespass upon any of the facilities.

g. Estimated life span of the Medium-Scale Solar Development.

h. Other proposed uses for the property, if any.

i. Expected end use of the property following decommissioning.

II. Vicinity map showing the location of the Medium-Scale Solar Development and topographic and cultural features and federal and state-owned lands within one (1) mile of the Medium-Scale Solar Development on a USGS quadrangle map.

6-205 C. Technical Feasibility of the Medium-Scale Solar Development

Description of the technical feasibility of the Medium-Scale Solar Development, including the estimated techniques of proposed mitigation measures.

6-205 D. Property Rights, Permits, and Approvals

I. Federal, state, and local permits or approvals that have been or will be required for the Medium-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the permitting process, and copies of approved permits.

II. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Medium-Scale Solar Development.

III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the

permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-205 E. Water Resource Impact Assessment

I. Map and description of the existing hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, floodplains, fens, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Medium-Scale Solar Development.

II. Description of the existing conditions for surface water quality or groundwater quality affected by the Medium-Scale Solar Development.

III. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on water resources, including without limitation surface water and groundwater quality and existing hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. Water resource impacts include but are not limited to increases in impervious surfaces, stormwater runoff, and concentrations of pollutants and adverse impacts to floodplains, wetlands, riparian areas, and fens.

IV. Description of the proposed techniques that will be used to mitigate impacts to water resources and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Medium-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-205 F. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

The applicant may consult with CPW in developing the Wildlife, Wildlife Habitat, and Terrestrial Impact Assessment.

I. Map and description of the existing wildlife, including any threatened or endangered species identified by any state or federal agency, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and USFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Changes to wildlife and plant species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, quality, and fragmentation of wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

d. The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.

e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Development of a Wildlife Mitigation Plan ("WMP") that describes proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.

a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat.

b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.

c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Mining Operation's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring

d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-206 J., Review Criteria for Wildlife and Wildlife Habitat.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

VI. Weed control and monitoring at all locations disturbed by the Medium-Scale Solar Development and along access roads during the life of the Project.

6-205 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the noise, dust, fumes, vibration, and odor caused by the construction

or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 6-205 K.)

II. Description of the proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Medium-Scale Solar Development.

6-205 K. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be susceptible to glare, glint, or lighting, including lighting at night, from construction and operation of the Medium-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operation of the Medium-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of the proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Medium-Scale Solar Development.

6-205 L. Visual Quality Impact Assessment

I. Map and description of the existing roads and properties nearby to the Medium-Scale Solar Development including lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least two (2) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to the visual quality of the nearby roads and properties.

III. Description of the proposed techniques that will be used to mitigate impacts to the visual quality of nearby roads and properties, such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-205 M. Natural Hazards Impact Assessment

I. Map and description of the existing geological characteristics and hazardous conditions affected by the Medium-Scale Solar Development including without

limitation drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to natural hazards and the impacts created by natural hazards on the siting, construction, and operation of the Medium-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts of the Medium-Scale Solar Development to natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Medium-Scale Solar Development.

6-205 N. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, transportation, infrastructure, and other services necessary to accommodate Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of the proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Medium-Scale Solar Development.

6-205 O. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Medium-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Medium-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Medium-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Medium-Scale Solar Development.

6-205 P. Water Services Availability

If the proposed Medium-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the corresponding review criteria.

6-205 Q. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Medium-Scale Solar Development.

II. Routes designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.

III. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

IV. Proposed phasing of construction to minimize interference with traffic movement.

6-205 R. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Medium-Scale Solar Development, including without limitation dust suppression, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

If determined necessary, the applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way, or infrastructure.

6-205 S. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Medium-Scale Solar Development and to repair damage caused by emergencies.

6-205 T. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Medium-Scale Solar Development.

6-205 U. Agricultural Resources and Heritage Impact Assessment

I. Map and description of any existing agricultural resources and assets, including

livestock and lands in the area affected by the Medium-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Medium-Scale Solar Development using NRCS classifications, including whether the land is rated “prime farmland,” “prime farmland if irrigated,” or “not prime farmland.”

III. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-205 V. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Medium-Scale Solar Development.

II. Description of the impacts of the Medium-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-205 W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on sites of paleontological, historical, or archaeological importance.

III. Description of the proposed mitigation techniques that will be used to mitigate sites of paleontological, historical, or archaeological importance.

6-205 X. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Medium-Scale Solar Development commencing no later than twelve (12) months after power production has permanently ceased. The Plan must include:

I. The projected lifespan of the Medium-Scale Solar Development, a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

II. Description of how the land will be restored to a condition similar to its condition prior to development and how it will be available for productive use.

III. Provisions for removal or conversion of all components of the Solar Energy

System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

IV. Description of restoration of soil and vegetation, conducted in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 6-207, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 6-206 Review Criteria for Medium-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Medium-Scale Solar Development, including Microgrid Medium-Scale Solar Energy Systems. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-206 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Medium-Scale Solar Development consistent with all requirements and conditions.

6-206 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-206 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Medium-

Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks for Medium-Scale Solar Development do not include landscaping and berming. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Medium-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Medium-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Medium-Scale Solar Development.

6-206 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-206 E. Technical Feasibility

The Medium-Scale Solar Development must be technically feasible.

6-206 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

a. The degree of anticipated changes in species composition, density, or diversity.

b. The degree of anticipated changes to the number of and habitat of animal, bird, insect, and plant species.

c. The degree of anticipated changes to on-site activity at critical times or locations.

d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.

e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

f. The degree of anticipated changes to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.

d. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design. Install structures (ramps, gates,

etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas.

6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-206 L. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Medium-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-206 N. Glare and Glint

I. The Medium-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots nor result in a risk to public health and safety from glare or glint.

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to significant risk from natural

hazards and will not significantly exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on traffic conditions, water quality, wildlife, or wildlife habitat.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and

repair obligation in an amount and form approved by the County.

6-206 W. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and emergency manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-206 X. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*. The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-206 Y. Agricultural Resources

I. The Medium-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than thirty percent (30%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Medium-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-206 Z. Recreational Resources

The Medium-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-206 AA. Areas of Paleontological, Historical, or Archaeological Importance

The Medium-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-206 BB. Decommissioning and Restoration

The Medium-Scale Solar Development will be decommissioned and restored consistent with the approved *Decommissioning and Restoration Plan*.

6-206 CC. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-205.

Section 6-207 Financial Security

6-207 A. Financial Security Required

I. The County shall require the applicant for a permit for a Large-Scale Solar Energy System to file a guarantee of financial security ("guarantee"), in a form and amount acceptable to the County.

II. The County in its sole discretion may require the applicant for a permit for a Medium-Scale Solar Energy System to file a guarantee, in a form and amount acceptable to the County.

6-207 B. Amount of Guarantee

I. The amount of the guarantee must be based on the applicant's submitted cost estimate and the County's estimate of any additional costs to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee.

II. In determining the amount of the guarantee, the County will also consider:

a. Estimated cost of reclaiming any impacted areas to their original condition or a condition acceptable to the County.

b. Estimated cost of decommissioning the Solar Energy System.

c. Estimated cost of performing all mitigation requirements and permit conditions.

III. The guarantee will be set forth as a permit condition and shall specify as follows:

a. The guarantee may be adjusted upon receipt of bids or other cost estimates to perform the requirements of the permit and these Regulations.

b. The guarantee may be increased at any time that the County determines that the guarantee is insufficient to cover the purposes of the guarantee.

IV. The County may review the guarantee for adequacy at any time. If the County determines that the guarantee is insufficient to perform its purpose, the County shall provide the permittee with written notice to increase the guarantee.

a. The permittee shall post the additional guarantee within sixty (60) days from the date of the written notice. If the amount of the increased guarantee has not been provided within sixty (60) days from the date of the written notice, the County may schedule a duly noticed Public Hearing before the Board for possible revocation of the permit.

b. If the permittee disagrees with the notice to increase the guarantee, the County shall schedule a duly noticed Public Hearing before the Board on the matter and consider the permittee's rationale.

6-207 C. Release of Guarantee

The County may cause the guarantee to be released upon the request of the permittee, based on one or more of the following conditions:

I. The permittee has surrendered the permit to the County before the commencement of any physical activity or disturbance associated with the Solar Energy System.

II. The County determines that the Solar Energy System has been abandoned and areas impacted by the Solar Energy System have been returned to their original or other acceptable condition.

III. The County determines that the Solar Energy System has been completed in compliance with the permit.

IV. The County determines that a phase or phases of the Solar Energy System have been completed in compliance with the permit allowing for partial release of the guarantee consistent with Solar Energy System phasing.

V. The County determines that applicable guaranteed conditions have been satisfied.

6-207 D. Forfeiture of Guarantee

I. If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and to the permittee by mailing the notice to the last known address provided by the permitee, that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited.

II. If the permittee requests a duly noticed Public Hearing, the Board shall hold a hearing after the receipt of the request. At the Public Hearing, the permittee may present statements, documents, and other information for the County's consideration with respect to the alleged violation. At the conclusion of the hearing, the County shall either withdraw the notice of violation or enter an order forfeiting the guarantee.

III. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the County's Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible including costs and attorney fees.

6-207 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within thirty (30) calendar days after receiving notice thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County's Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County

shall suspend the permit until proper substitution has been made.

Section 6-208 Enforcement and Penalties

6-208 A. General

I. Any owner/operator constructing or operating a Solar Energy System who does not obtain a permit pursuant to this Section, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit, shall be in violation of these Regulations. Such violations shall be deemed a violation of the LUC.

II. The County will enforce and remedy violations of these Regulations consistent with the LUC, Article 1.

III. The County's authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.

IV. If the violation is not abated within the prescribed period, the County may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

6-208 B. Inspection

I. The Planning Director or their designee may enter and inspect any property subject to these Regulations at any time for the purpose of determining compliance with these Regulations.

a. The Planning Director or their designee shall first make a reasonable effort to locate the owner, operator, or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.

b. In the event the owner, operator, or other person having charge or control of the premises to be inspected fails to respond within ten (10) business days, or consent is unreasonably withheld, the Planning Director or their designee may enter the property to be inspected after providing twenty-four (24)-hour notice of the time and location of the inspection.

II. If the Planning Director or their designee discovers a violation of these Regulations, the Planning Director or their designee may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine the violation has been remedied.

III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. § 13-21-115.

6-208 C. Hazardous Materials

If the applicant fails to comply with its obligations under the *Hazardous Materials Management Plan* submitted as part of the Large-Scale or Medium-Scale Solar Development application, the County Designated Emergency Response Authority (DERA) or their designee may undertake prevention, control, countermeasure, containment, and clean-up measures. Applicant will pay all costs incurred by the County for any such measures.

- END -

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: Land Use Code Amendment - Regulations for Solar Energy Systems
DATE: July 11, 2024

Background

In the past few years, the Planning Department has had inquiries regarding significant utility-scale solar projects. In order to provide thorough and adequate review that is responsive to today's energy needs and technology and address the concerns of the community, a moratorium was put in place to allow the preparation of draft regulations on May 24, 2023, and extended on November 15, 2023 to May 15, 2024. The moratorium was subsequently extended to November 15, 2024. At the time of the moratorium, the County was in the process of contracting with Sullivan Green Seavy Jarvis LLC to prepare Land Use Code amendments related to natural resources (mining, oil and gas, logging). Solar regulations were added to the scope of work and prioritized.

On October 10, 2023, a community open house was held in Norwood to gather public input on solar energy and natural resources. Approximately 80 people attended. Participants were asked to identify specific issues and concerns regarding both solar and natural resources, and also asked to provide written feedback with other issues and concerns. A summary of the community feedback, as well as the display posters, are available on the "Renewable Energy and Natural Resources" webpage at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources.

The Board of County Commissioners and the Planning Commission have held three work sessions to discuss the draft solar regulations, on January 24, March 27, and May 8, 2024. Prior to the May 8 work session, a subcommittee of two Planning Commissioners and one County Commissioner met with staff to discuss key issues and provide recommendations to both bodies. Additionally, staff gave an informational presentation at the Board of County Commissioners meeting in Egnar on May 1. The draft Land Use Code amendment incorporates direction given by the BOCC and CPC in the work sessions.

Work Sessions

Within the three work sessions, there was significant discussion and community input around a number of topics. A number of changes were made to the drafts over the course of the work sessions, particularly regarding size and location of large-scale facilities. It should be noted that in response to review agency comments, there may be additional changes affecting some of these items.

- Large Scale facilities are now defined as being 40 acres or more. The intent is to allow the development of "solar farms," as defined in State statute, which have a generating capacity of up to 5 megawatts. Based on industry averages, solar facilities on 8 to 10 acres produce about 1 megawatt of energy. Actual output would depend on site conditions, design, and layout of arrays.
- Medium-scale facilities must be less than 40 acres.
- Clarification has been added regarding how the project area is defined.
- The Wright's Mesa Rural Agriculture zone district was removed from zone districts where Large-Scale facilities could be considered. As drafted, Large-Scale facilities may

be proposed in the Forestry, Agriculture and Open (F) zone and in the West End (WE) zone, as well as the Heavy Commercial (HC), Light Industrial (LI) and Public (P) zone districts.

- The review process for both Medium- and Large-Scale facilities is a two-step process, with review and recommendation from the Planning Commission, and final decision by the BOCC.
- Microgrids are defined, and are listed as permitted in the higher density residential and mixed-use zone districts in order to provide power to neighborhoods.
- Requirements for Small-Scale facilities were removed, as those are typically accessory to the principal use of the property, and are reviewed administratively as part of the development and building permit process. Additional regulation is not needed.
- In response to concerns about impacts on agricultural lands, requirements to locate at least half of any project on non-prime farmland (as mapped by NRCS) were added. Requirements to show irrigation and agricultural drainage ditches were added. It is recognized that sites may be developed as "agrivoltaics" projects, where ground crops, pollinator crops, and grazing are incorporated into the project. A statement was added noting it is preferred to locate facilities on disturbed areas where possible.
- The distance from which Visual Quality would be considered for Large-Scale projects was increased to one mile. Assessment of visual impacts for Medium-Scale projects was clarified, identifying "nearby roads and properties" as the area of potential impact.
- The required setback to Large-Scale facilities was increased to a minimum of 200 feet. This is consistent with oil and gas regulations. Setbacks to Medium-Scale facilities are required to be a minimum of 50 feet. Setbacks are measured to the fence or other enclosures, panels, equipment and structures. They do not include berms or landscaping used to screen the project. In response to referral agency comments, some flexibility has been added wherein setbacks can be modified through the review process. For example, a facility that abuts public lands may not need the setback specified in the regulations.
- Water resources and hydrologic impacts have been improved and clarified.
- Consideration of cumulative impacts was added. This is already a requirement for other Special Use Permits, but because this section stands alone, it was advisable to restate it here.
- Compensatory mitigation for wildlife and other impacts was added. Such mitigation may occur within a regionally defined area in a manner that is still beneficial to the area.
- A number of other terms have been defined, including "Adverse," "Impact," Mitigation," and "Significant." These are in the General section of the new Article 6, and are expected to be applied to all Natural Resource topics. The definition of "Solar Energy System" has been clarified to describe it as a "photovoltaic or low temperature thermal system," to allay concerns regarding concentrating solar energy systems.

Additionally, language regarding interconnection, financial security, enforcement and decommissioning has been refined. Consideration has been given to whether application materials and standards are necessary to address impacts of potential development. The County's interest is to ensure that a project, once construction commences, will be reclaimed if not completed, and that once built, that the facility can be removed and the site can be reclaimed if it ceases operation; therefore, performance bonds will be required.

Several of the earlier requirements for detailed technical and financial information has been removed or scaled back, as those are part of an applicant's business plan, and it is up to them to determine if a project makes sense financially. The submission of some items, such as an interconnection agreement, may be deferred to the Development Permit stage. Term of Permit

was added, stating the applicant has three years to commence construction. A section was added regarding Transfer of Permit; this is to provide a process by which a subsequent operator is made aware of all conditions of a permit and agrees to abide by those conditions. Most of the requirements regarding financial guarantees, transfer of permits, and decommissioning are intended to avoid problems the County has experienced with other natural resource permits.

Current Code
Land Use Code (LUC) Article 5, Standards, contains the various zone district standards that identify where specific uses are permitted, as well as development review standards for uses subject to Special Use Permit. Within the specific zone districts, there are enumerated a number of uses related to construction of utilities and infrastructure. However, the listed uses vary between the zone districts. The Code does not specifically identify solar generation (commercial or small-scale) as a permitted use. Under basic planning principles, applications for solar developments have been classified as permitted based on the most similar use in the Code, e.g. “Public Utility Structure.”

LUC Section 5-709 provides standards for the consideration of “Public Utilities Structures and Electricity Transmission and Distribution Lines.” Other sections of the Code used in past review of solar and utility projects include LUC Section 5-10 Special Uses, as well as Article 2, Land Use Policies, and Section 5-4, Areas of State and Local Interest. There are two solar facilities in the County; both are relatively small at between one and one and a half acres.

Proposed Code Amendment
The regulations for Solar Energy Systems will be included in a new section in the Land Use Code, Article 6, Natural Resources. (Article 6, Definitions, will be renumbered to Article 7 and all references within the LUC amended accordingly.) In the future, other sections related to natural resources can be added to the new Article. Corresponding changes related to Land Use Policies, permits, and hearing procedures are also proposed (Articles, 2, 3, 4 and 5).

The complete draft amendments as sent to referral agencies and published on the website follow this report in the meeting packet. In response to comments and suggestions from referral agencies, additional changes have been made to the draft, as described in the memorandum from the consultants, Torie Jarvis and David Baumgarten of Sullivan Green Seavy Jarvis LLC, dated July 3, 2024.

PLEASE REFER TO THE VERSION WITH “UPDATED PER REVIEW COMMENTS” IN THE HEADER FOR THE MOST CURRENT PROPOSED LANGUAGE

<u>Regulatory Approach to Mitigating Impacts</u>
The intent of the solar regulations is to facilitate the development of solar energy systems while mitigating the impacts of such development. The regulations are structured to achieve this goal.

The regulations require an applicant for development of a large-scale or medium-scale solar energy system to provide reports, plans, and studies that analyze impacts of the project and to explain in the application materials how the applicant will mitigate those impacts. Review standards align with application materials. The burden of proof is on the applicant to demonstrate through the application materials how the review standards are met.

A desire for more prescriptive standards has been stated by commissioners, the public, and referral agencies. To the extent practical, dimensional standards have been included. However, given the wide variety of site conditions throughout the County, as well as the

abundance of design options, it is not possible to provide more specific standards. It will be the responsibility of the applicants to prepare an application that meets the submittal requirements and review standards. It is likely that, as with all land use applications, Planning staff will need to work with applicants and make judgements regarding compliance with the Code.

In addition to projects on private and state lands, these regulations apply to private activity on federal land because the regulations are focused on mitigating impacts of the activity, not on dictating whether or not solar development may occur on federal land.

Application Materials and Review Standards

The number of topics and issues to be considered for both Large- and Medium-Scale Solar energy systems is extensive. Staff and the consultant have worked to right-size the required submittal materials and the review standards to suit the two project scales. More detailed plans and studies are required for large-scale projects. Requirements for Medium-Scale Solar Energy Systems are similar to that for Large-Scale, but with adjustments in recognition of the lesser impacts of the smaller facility. It is intended that the Solar Energy standards replaces all other review criteria within the Code, except where other LUC sections are specifically referenced.

A number of required plans, studies and reports will be required, including a "Decommissioning and Restoration Plan," a "Hazardous Materials Management Plan," and an "Emergency Preparedness and Response Plan." These plans would become part of the development approval. It would be a requirement to update the "Decommissioning and Restoration Plan" every five (5) years or more frequently to ensure the Financial Security is adequate, and that best practices are included in the plan.

Section 6-1 General:

The new article begins with statements of Purpose and Authority. Definitions that are expected to apply to all natural resources are also included in Section 6-1.

Section 6-2, Solar Energy Systems

As a stand-alone section, all zone districts where solar energy systems may be permitted are listed, rather than amending each zone district. It also contains all application requirements, and provides all review standards, except where referenced (e.g. lighting). This reduces the number of cross-references within the LUC and minimizes potential omissions and errors. The application requirements are very specific and are directly connected to corresponding review standards.

6-201 General Provisions:

A. Purpose
B. Applicability
C. Permit Required, including on federal land
D. Solar Energy Systems Permitted in Certain Zone Districts, according to large-scale, medium-scaled, microgrid, small-scale, and on federal lands
E. Permit Review Procedures
F. Term of Permit and Commencement of Project
G. Transfer of Permits
H. Definitions

The General Provisions outline the purpose, applicability, where facilities are permitted, the review processes, and definitions specific to solar. Notably, as discussed in the work sessions,

large-scale facilities would not be allowed in the Wright's Messa zone districts, and Large-Scale facilities are defined as occupying 40 acres or more.

Zone Districts (Section 6-201 D):
This section lists the zone districts in which large-scale, medium scale, and medium-scale microgrids may be permitted.

Zone districts where Large-Scale Solar Energy Systems (Section 6-201 D.I) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- West End (WE)

Zone districts where Medium-Scale Solar Energy Systems (Section 6-201 D.II) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- Wright's Mesa Light Industrial (WMLI) (may require rezoning from Wright's Mesa (WM) to WMLI)
- Wright's Mesa Rural Agriculture (WMRA) (may require rezoning from Wright's Mesa (WM) to WMRA)
- West End (WE)

Zone Districts where Microgrid Medium-Scale Solar Energy Systems (Section 6-201 D.III) may be permitted, in addition to those zones listed in D.II above, are:
- High Density (HD)
- Medium Density (MD)
- Low Density (LD)
- Affordable Housing PUD (AHPUD)
- Low Density Residential (LDR)
- Mixed Use Development (MXD)
- Community Housing (CH)

Small-Scale Solar Energy Systems would be permitted by right in all zone districts as accessory uses, consistent with current practice.

The zoning map can be viewed online (Interactive Map or PDF) through the Geographic Information Systems page at https://www.sanmiguelcountyco.gov/185/MappingGIS.

Permit Review Procedures (Section 6-201 E):
- Large-Scale, Medium-Scale and Micro-grid Medium-Scale Solar projects are all proposed to be subject to Two-Step Review (CPC and BOCC review).
- Small-Scale systems are subject to administrative review (a development permit), aligning with the current process for solar energy systems that are primarily intended to provide power to the use on the site.

Definitions (Section 6-201 H):

There are three levels of Solar Energy Systems, defined as follows:

- Large-Scale Solar Energy System: A Solar Energy System consisting of ground-mounted solar arrays occupying forty (40) acres or more of land.
- Medium-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or ground-mounted solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land.
- Small-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or ground-mounted solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses.
- Other defined terms include Grid, Interconnection, Microgrid, and Solar Energy System.

Section 6-202 Permit Requirements for All Solar Energy Systems:

A. Application Fee
B. Consultants and Referral Agency Costs
C. Expansion of Solar Energy Systems or Sequential Projects
D. Waiver of Application Materials
E. Confidential Materials

This section describes permit requirements that apply to all applications for solar energy systems. This section is consistent with requirements set forth in the Land Use Code for other land development application types. Section 6-202 C specifies how system expansion are to be reviewed, so that cumulative impacts can be considered. 6-202 E addresses the industry concern regarding confidential and proprietary information.

As with all land use applications, the Planning Director may waive, modify or defer application requirements when it is determined that a particular topic is not applicable or when certain information is not needed in the earlier steps. This may occur at the pre-application meeting, or the applicant may request waivers or modifications during the application process, wherein they will provide information as to why a modification should be made.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

There are 27 listed submission requirements. Throughout the work sessions, the submission materials were refined to ensure we were receiving all the materials necessary to fully consider the application. In preparing the application, the applicant will need to not only describe the project but assess the potential impacts and explain how those impacts are being mitigated. The submission requirements are:

A. Information Describing the Applicant
B. Information Describing the Large-Scale Solar Development
C. Technical Feasibility of the Large-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Vicinity Map
F. Water Quality Conditions Impact Assessment
G. Floodplains, Riparian Areas, and Fens Impact Assessment
H. Stormwater Management Plan
I. Wildlife and Wildlife Habitat Impact Assessment
J. Terrestrial Plans Impact Assessment and Mitigation
K. Grading, Erosion and Sediment Control Plan

L. Revegetation and Weed Management Plan
M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
N. Glare, Glint and Lighting Impact Assessment
O. Visual Quality Impact Assessment
P. Natural Hazards Impact Assessment
Q. Local Government Services Impact Assessment
R. Housing Impact Assessment
S. Water Services Availability
T. Traffic Route Plan
U. Road and Rights-of-Way Improvements and Maintenance Plan
V. Emergency Preparedness and Response Plan
W. Hazardous Materials Management Plan
X. Agricultural Resources and Heritage Impact Assessment
Y. Recreational Resources Impact Assessment
Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
AA. Decommissioning and Restoration Plan

6-204 Review Criteria for Large-Scale Solar Energy Systems

There are 31 review criteria for Large-Scale Solar Energy Systems. While the numbering doesn't precisely align with the numbering of the submission requirements, each topic criterion matches a specific submission requirement and follows in the same order.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Quality
I. Drainage/Stormwater Runoff
J. Floodplains, Wetlands, Riparian Areas, and Fens
K. Wildlife and Wildlife Habitat
L. Terrestrial Plants
M. Erosion and Sediment Control
N. Revegetation and Weed Management
O. Noise, Dust, Fumes, Vibration, and Odor
P Glare and Glint
Q. Exterior Lighting
R. Visual Quality
S. Risk from Natural Hazards
T. Impact to Local Government Services
U. Housing
V. Water Services Availability
W. Construction Traffic
X. Roads and Rights-of-Way Improvements and Maintenance
Y. Emergency Preparedness and Response
Z. Hazardous Materials Management
AA. Agricultural Resources
BB. Recreational Resources

CC. Areas of Paleontological, Historical, or Archaeological Importance
DD. Decommissioning and Restoration
EE. Compliance with Required Plans/Studies/Reports

6-205 Application Materials for Medium-Scale Solar Energy Systems

There are 24 listed submission requirements. While similar to the requirements for large-scale systems, there is some simplification or combination of topics in recognition that the impacts of medium-scale facilities are less.

A. Information Describing the Applicant
B. Information Describing the Medium-Scale Solar Development
C. Technical Feasibility of the Medium-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Water Resource Impact Assessment
F. Stormwater Management Plan
G. Wildlife, Wildlife Habitat, and Terrestrial Plants Impact Assessment
H. Grading, Erosion and Sediment Control Plan
I. Revegetation and Weed Management Plan
J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
K. Glare, Glint and Lighting Impact Assessment
L. Visual Quality Impact Assessment
M. Natural Hazards Impact Assessment
N. Local Government Services Impact Assessment
O. Housing Impact Assessment
P. Water Services Availability
Q. Traffic Route Plan
R. Road and Rights-of-Way Improvements and Maintenance Plan
S. Emergency Preparedness and Response Plan
T. Hazardous Materials Management Plan
U. Agricultural Resources and Heritage Impact Assessment
V. Recreational Resources Impact Assessment
W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
X. Decommissioning and Restoration Plan

Section 6-206 Review Criteria for Medium-Scale Soar Energy Systems

There are 29 review criteria, also similar to those required for Large-Scale systems but adjusted to recognize that the impacts of the medium-scale facilities would be less.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Resources
I. Drainage/Stormwater Runoff
J. Wildlife, Wildlife Habitat, and Terrestrial Plants
K. Erosion and Sediment Control
L. Revegetation and Weed Management
M. Noise, Dust, Fumes, Vibration, and Odor

N Glare and Glint
O. Exterior Lighting
P. Visual Quality
Q. Risk from Natural Hazards
R. Impact to Local Government Services
S. Housing
T. Water Services Availability
U. Construction Traffic
V. Roads and Rights-of-Way Improvements and Maintenance
W. Emergency Preparedness and Response
X. Hazardous Materials Management
Y. Agricultural Resources
Z. Recreational Resources
AA. Areas of Paleontological, Historical, or Archaeological Importance
BB. Decommissioning and Restoration
CC. Compliance with Required Plans/Studies/Reports

Section 6-207 Financial Security

This section requires an applicant to provide a guarantee of financial security for Large-Scale Solar Energy Systems, and allows the County to require a guarantee for Medium-Scale systems if determined necessary. The purpose of the guarantee is to ensure performance of the permit, including mitigation actions, and to decommission, remove and reclaim the site if it becomes necessary. This section includes requirements for determining the amount, release the guarantee, forfeiture, and substitution. This section is related to the requirements for the Decommissioning and Restoration Plan.

Section 6-208 Enforcement and Penalties

In the event a developer or operator of a solar facility fails to meet the conditions of their approval, this section identifies the steps that will be taken to enforce compliance and seek appropriate remedies. It also spells out the inspection process. The enforcement provisions state that if the Hazardous Materials Management Plan is not followed, the County-Designated Emergency Response Authority (DERA) may take necessary actions regarding prevention, control, countermeasures, containment and clean-up of the site.

Related Land Use Code Amendments

There are several related LUC amendments needed to integrate the solar regulations into the Code. They include the following:

Land Use Policies, Section 2-30, Energy Conservation:

Add Land Use Policy 2-3002, “In order to meet greenhouse gas emission targets (pursuant to board of Commissioner Resolution 2023-4), encourage the development of renewable and alternative energy sources.”

Section 3-101, Development Permits:

Add Solar Energy Systems to uses requiring development permits in the West End (WE) Wright’s Mesa (WM) zone districts.

Section 3-103, Building Permits:

Add Solar Energy Systems to uses requiring building permits in the West End (WE) zone district.

Figure 3-1, Land Use Activities and Review Procedures and Section 3-6, Two Step Reviews:
Add Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems to the list of projects subject to two-step review.

Section 4-2, Minimum Submission Contents for all Land Use Applications:
In recognition that the new solar regulations contain specific submission requirements, add: "Applications for Land Use Applications shall include the following minimum submission contents, except where the Land Use Code identifies more detailed application requirements for specific uses."

Figure 4-1, Land Use Activity Group II:
Add Medium-Scale and Large-Scale Solar Energy Systems to the table.

Section 5-3, Zone District Standards:
Add Section 5-301 C, Solar Energy Systems, to refer to Section 6-2.

Section 5-320, West End (WE):
Clarify that solar development to power data centers shall meet the requirements of Section 6-2.

Section 5-2203, Development in Wetland Areas:
Clarify that development of Solar Energy Systems will follow the requirements within Section 6-2 rather than Section 5-2203.

Article 6, Definitions
Article 6, Definitions, will become Article 7, Definitions. All references within the Code to the Definitions article will be amended.

Public Notice
The agenda for the July 11 Planning Commission meeting was published in the Telluride Daily Planet and Norwood Post on June 28, 2024.

The draft solar regulations have been available online since June 10. A press release was issued on June 18, 2024, display ads have been published in both newspapers for the past several weeks, and emails were sent to interested parties on June 20, 2024.

Referral Agencies
The proposed Land Use Code text amendment was sent to 61 local, state and federal agencies, municipalities, and organizations, as listed in the referral memo contained in the packet. Responses were received from the following:

Colorado Department of Transportation, Dan Roussin, Access Management: CDOT has no concerns regarding the regulations but noted that if any proposed project causes a 20% traffic volume change at the highway, CDOT will require an access permit.

COSSA Institute, Adrienne Dorsey and Jeremiah Garrick: Colorado Solar & Storage Association (COSSA) submitted a number of recommended revisions, with the goal of improving clarity regarding what is required from developers for project acceptance, and improving clarity about requirements for both construction and operation of the system. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the COSSA recommendations. COSSA also submitted Solar

Energy FAQs to help people understand solar energy and find additional resources.

Colorado Parks and Wildlife, Rachel Sralla, Montrose Area Wildlife Manager: CPW submitted a letter with recommendations and attached redlines intended to improve the CPW consultation process and provide clarity to all parties. They ask for clarification of the definition of "Mitigation," particularly with respect to where compensatory mitigation might occur. They also provided recommendations regarding fencing, and attached CDOT wildlife fencing specifications. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the CPW recommendations.

Norwood Water Commission, Tony Daranyi, Chairperson: The Norwood Water Commission letter specifically references the potential One Energy project, for which there is no application and that is not under consideration. They note concerns with potential impacts on water systems and resources, and state a belief that water and soil contamination may occur from facilities. They also reference concerns regarding a loss of agricultural lands.

State Land Board, David Rodenberg, Renewable Energy Program Manager: The State Land Board reiterated that the County has final decision-making authority regarding what uses may be permitted on Trust parcels, pursuant to the Colorado Constitution. They suggested clarifying the criteria that will be used to determine if recreational resources exist on a property, and clarifying how NRCS-designated prime farmland acreage will be calculated. They also provided information regarding the State Land Board's renewable energy portfolio and leasing process. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the State Land Board recommendations.

San Miguel County Sherriff's Office, Shannon Armstrong, Emergency Manager: The Office of Emergency Management (OEM) requested changes to the regulations to ensure updated Emergency Preparedness and Response Plans are updated and provided to OEM every two years. They also requested recognition of the Designated Emergency Response Authority (DERA), and asked that they may undertake all prevention, control, containment and clean-up measures in the event of a spill or incident, and that the DERA may submit a claim for reimbursement of costs for such activities. These comments were received prior to the draft being finalized and were incorporated into the draft regulations, with some adjustments.

Town of Norwood, Candy Meehan, Mayor: The Town of Norwood requested that Large-Scale Solar Energy Systems be limited to a maximum of 30 acres and that setbacks be 75 feet from the road. (Note: the draft requires a setback of 200 feet from all property lines.) They also ask that Medium-Scale Solar Energy Systems be a maximum of 20 acres, with a 50-foot setback. (Note: the proposed setback for Medium-Scale systems is 50 feet.) They also ask for documentation from "Wright's Mesa Dark Sky" regarding lighting impacts, from water providers to confirm availability, and from Emergency Service providers to ensure adequacy of services.

Public Comments
Since the May work session and as of the writing of this report, six emails and letters have been received from five individuals. All letters are in included in the meeting packet.

Land Use Code Amendment Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "Land Use Code Amendments may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the following

standard." This amendment was initiated by the Board of County Commissioners concurrent with establishment of the moratorium.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code." The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

> 1-402 Implement Policies
> To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.
>
> 1-403 Create Common System of Administration and Regulation
> To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.
>
> 1-404 Simplify the Land Use Regulatory Process
> To simplify the application and review process for such regulatory system.
>
> 1-405 Protect Health, Safety and Welfare
> To protect the health, safety and public welfare of San Miguel County.

The proposed Land Use Code amendment implements in part the policies of Section 2-30, Energy Conservation, which states "It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy."

The proposed Land Use Code amendment supports the BOCC's goals regarding becoming carbon neutral. The development of solar facilities will help the County meet its goals of reducing greenhouse gas emission levels as set forth in BOCC Resolution No. 2023-04. It will help implement the San Miguel County Climate Action Plan Objective, "Increase the percentage of electricity provided by renewable energy sources," and the related actions within the Plan.

Sample Motion
I move to recommend to the Board of County Commissioners to amend the San Miguel County Land Use Code and adopt the regulations for Solar Energy Systems, adding Article 6, Natural Resources, and make necessary amendments related to Solar Energy Systems throughout the Land Use Code, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. I further move that:

1. The amendments shall include all changes as shown in the updated redlined version provided by the consultant in response to referral agency comments.

2. List any other amendments to be forwarded to the BOCC.

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

July 11, 2024

Sherrif's Annex Norwood and Online

Present:	Lee Taylor, Chair Josselin Lifton-Zoline, Vice-Chair Ian Bald, Member Galena Gleason, Member
Absent:	Mathew Bayma, Member
Planning Staff Present:	Kaye Simonson, Planning Director John Huebner, Senior Planner Nicola Kerr, Planning Technician
County Staff Present:	Amy Markwell, County Attorney

9:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by Ian Bald to approve the June 13, 2024 minutes

SECONDED by Josselin Lifton-Zoline motion **PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission, there are currently no applications for August so there may not be a Planning Commission meeting. The Board of County Commissioners tabled the deed restriction Land Use Code Update. Kaye is still working with Design Workshop to finalize the Master Plan.

Jarrod Biggs, Assistant County Manager, gave an update regarding the affordable housing needs survey.

9:15 A.M. PUBLIC HEARING: AMENDMENT TO THE LAND USE CODE FOR SOLAR ENERGY SYSTEMS WITH RELATED AMENDMENTS

Kaye Simonson, Planning Director, presented a PowerPoint, regarding the amendment to the Land Use Code, creating a new section for Solar Energy Systems. Kaye also introduced David Baumgarten of Sullivan Green Seavy Jarvis.

Lee Taylor asked what the difference is between a micro grid and a medium facility.

Kaye Simonson responded that a microgrid is dedicated entirely to its subscriber base whereas a medium facility may be connected to SMPA.

Galena Gleason asked if the ability to modify setbacks was too vague.

Kaye Simonson responded that setbacks that work for some properties may not work for others, occasionally the property next door may not be developable and the need for larger setbacks would not be necessary.

Galena Gleason responded that she felt part of the reason 40 acres was decided on as the upper threshold for medium scale was due to the large setbacks which meant the entire 40 acres would not be solar.

Lee Taylor asked about the difference between security fences and wildlife friendly fences.

Kaye Simonson responded that we have worked extensively with CPW to write standards for fencing that keeps larger animals out but allows for the passage of smaller animals.

Josselin Lifton-Zoline suggested adding something in the large-scale section regarding the county's needs and solar developments in neighboring counties.

Lee Taylor suggested that proposals create a narrative regarding how they are contributing to the county's energy goals.

10:30 a.m. Public Comment opened.

Those who addressed the commission:

Zach Snyder

Adrienne Dorsey

Allison Jackson

James John

Mike Malley

Peggy Smelt Day

Craig Greager

Michael Grubal

Ashley Woodward

Mckay Belk

Tami Saint Germain

David Haight

Charmaine Toume

Alexandra Thompson

Sepp Seitz

Kim Wheels

Terri Lamers

Ryan Howe

Mary Ann Gaston

Emily Masson

Public Comment closed 11:53 p.m.

Kaye Simson stated that there may be individuals who may want to use their land for solar and we don't want to prevent them from that opportunity.

Galena Gleason stated that she supports the inclusion of the word economic, under our values.

Josselin Lifton-Zoline stated that the market forces will protect agricultural land if it is more valuable as agricultural land than solar panels. Maybe we should put a limit on the number of large-scale applications we review in the first few years similarly to the way we did with new marijuana grow operations.

David Baumgarten noted that we can only limit the number of permits on private land and cannot pre-empt federal laws for public lands.

Galena Gleason suggested we discuss the 40 acres cap for medium scale.

Lee Taylor commented that the industry leaders have told us that 50 acres are economically viable for commercial scale.

Galena Gleason asked what the commission thought about capping medium solar at 30 acres.

Kaye Simonson responded that this would preclude the upper end of solar gardens from receiving government funding.

Lee Taylor suggested that we set a maximum of 50 percent prime farmland to be utilized if agrivoltaics are involved and 30 percent max if agrivoltaics are not involved and setting medium scale at 20 acres.

The commissioners deliberated further.

MOTION by Galena Gleason to **RECOMMEND** to the Board of County Commissioners to amend the San Miguel County Land Use Code and adopt the regulations for Solar Energy Systems adding Article 6, Natural Resources, and make necessary amendments related to Solar Energy Systems throughout the Land Use Code, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. I further move that:

1. The amendments shall include all changes as shown in the updated redlined version provided by the consultant in response to referral agency comments.
2. Change the upper limit of medium scale to 30 acres, with a corresponding change to large-scale.
3. Revise the requirements for location on NRCS mapped land to occupy up to 30% of prime if irrigated agricultural land or occupy up to 50% if they are using agrivoltaics.
4. Allow no more than 3 large scale permits on private lands shall be issued within a 5 year period, beginning with the issuance of the first permit. This limitation shall not apply to systems on public lands due to state and federal laws.
5. Under Section 6-201 A. Purpose add “grazing” in addition to farm land and add “economics” under the listed values.

SECONDED by Josselin-Lifton Zoline. **VOTE PASSES 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

1:00 p.m. Recessed

1:30 p.m. Reconvened

1:30 P.M. LAND USE APPLICATION

Applicant: Nicole Galloway Warland, Thor Energy PLC
Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands
Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line
Size: 1.09 acres
Zone: West End (WE)

John Huebner, Senior Planner, presented the application.

Nicola Galloway Worland, Thor Energy, presented a supplemental PowerPoint.

Josselin-Lifton Zoline asked if Thor has any mineral exploration projects in Montrose County.

Tony Adkins responded that they do have one project area in Montrose County.

1:40 pm Public Comment opened.

Those who addressed the commission:

Amy Tooker

Ryan Howe

Kendra Ballard

Makayla Gordon

MOTION by Galena Gleason to **RECOMMEND** to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.
2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor, prior to commencement of drilling activities.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.
7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to August 1 to October 30 in 2024 and 2025.
10. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
11. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
12. The revegetation plan shall include soil restoration and best practices to maximize available water.
13. Provide documentation regarding the water source(s) for the project.
14. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.
15. Applicant shall obtain a Road and Bridge Access Permit prior to commencing operations.
16. Applicant will adhere to the applicable BLM Noise Abatement regulations for this project.

SECONDED by Lee Taylor. **VOTE PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

2:15 PM INFORMATIONAL PRESENTATION

Heather Widlund, County GIS Director, presented information regarding an update to Land Use Code Appendix B - Street Naming and Addressing Standards.

Respectfully Submitted,

_____
Nicola Kerr, Associate Planner

Approved on _9/12__, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION

_____
Mathew Bayma, Secretary
:\PC Planning Commission\PC Minutes\2024\pc.7.11.minutes.docx]

Please publish the following Legal Ad in the:

NORWOOD POST AND TELLURIDE DAILY PLANET ON FRIDAY August 30, 2024

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC HEARING NOTICE

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Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this proposed amendment application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https://www.sanmiguelcountyco.gov/liveagenda

Planet Classifieds

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Experienced Only, References Required. Competitive Starting Pay, Employee Benefits, Professional Team Working Environment.

Pay rates vary upon position. Starting wages are between $10.63 plus tips to $23.00/hr.

Please stop by 231 West Colorado Ave. for an application or email ryan@newsheridan.com

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Commission/guarantee salary based.

Enjoy a holistic and supportive work environment, competitive annual pay, 2, 3- or 4-day work weeks, 40% off of all AVEDA products and services and free advancement training. No contract or clientele needed.

Send resume through our website/ contact www.TellurideSpa.com OR email at AvedaTelluride SpaSaon@gmail.com OR walk-in and ask for Catherine.
We are located next to the Gondola and next to Telluride Sports in the town of Telluride.

Wanted:Carpenters and Laborers for construction project near Sawpit area. Must have transportation. Pay 1 hr. travel daily. Call Randy @ 970.318.1171

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2 beautiful, unique, antique Tibetan rugs, 30" x 66", mounted for wall hanging, $2,300, Telluride
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Telluride Long-Term

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1 Bed/1Bath/670 sq.ft.
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Available October 1, 2024
12-Month Lease
Separate unit of private home,
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Call Jim (303)601-2475
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Beautiful, light-filled 1-bedroom apartment with stunning views and a designated parking space. This furnished unit offers convenient ski-in/ski-out access to Galloping Goose, and is nestled in a quiet, peaceful area of Mountain Village. Available for $3,500 per month, plus utilities. Dog friendly (sorry no cats) Email rapaportco@gmail.com

Ski Ranches Long-Term

SKI RANCHES GUESTHOUSE

Furnished 1BR/1 ½ BA
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Single $3000 - Couple $3500
Available 10/01/2024

TEXT: 970-519-0052

10 acre home with stunning Mt.Wilson view
10 minutes to town & 5 to resort
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Basement pool table, bar, guest accommodations
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Flexible lease, furnish-able, $8,260
970-299-4573

Real Estate

Commercial Properties

Very rare light industrial/commercial property, currently set up with shop & office space just 15 mins. South of Telluride in San Bernardo.

Over 4,600sf of usable floor area. Superb for low intensity manufacturing or storage with residential expansion possibilities. Offered at $2,250,000.

Contact J.J. Ossola, LIV Sotheby's International Realty,
jjossola@gmail.com;
970.708.5626.

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Child Care

Telluride Preschool is now Enrolling Children for the school year.

Come join our amazing, adventurous, creative, fun loving Preschool Program.
Children ages 2.5-5!

Contact us at 970-728-5652 or email at TelluridePreschool@yahoo.com

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Legal Notices

COMBINED NOTICE - PUBLICATION
CRS §38-38-103 FORECLOSURE SALE NO. 2024-03

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:

On June 19, 2024, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of San Miguel records.

Original Grantor(s)	Justin Denman and Amie McGee
Original Beneficiary(ies)	Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for Geneva Financial, LLC., Its Successors and Assigns
Current Holder of Evidence of Debt	CMG Mortgage, Inc.
Date of Deed of Trust	September 30, 2022
County of Recording	San Miguel
Recording Date of Deed of Trust	October 03, 2022
Recording Information (Reception No. and/or Book/Page No.)	478640
Original Principal Amount	$417,302.00
Outstanding Principal Balance	$412,415.57

Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: Failure to make timely payments required under said Deed of Trust and the Evidence of Debt secured thereby.

THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.

LOTS 7, 8, AND 9, BLOCK 3, SKALLA SUBDIVISION #1, ACCORDING TO THE PLAT RECORDED JANUARY 14, 1957 IN FILE #20 UNDER RECEPTION NO. 138296 AND THE PLAT RECORDED OCTOBER 24, 1986 IN FILE NO. 20 AT RECEPTION NO. 245781, COUNTY OF SAN MIGUEL, STATE OF COLORADO. AND THE WESTERLY 5 FEET OF LOT 7, BLOCK 3, SKALLA SUBDIVISION, AS SHOWN ON THE LOT LINE ADJUSTMENT SURVEY FILED OCTOBER 28, 2004 IN SURVEYORS PLAT BOOK S1 AT PAGE 526 (WHICH WAS ORIGINALLY PLATTED AS THE EASTERLY 5 FEET OF LOT 6, BLOCK 3, SKALLA SUBDIVISION, ACCORDING TO THE PLAT RECORDED JANUARY 14, 1957 IN FILE #20 UNDER RECEPTION NO. 138296 AND THE PLAT RECORDED OCTOBER 24, 1986 IN FILE NO. 20 AT RECEPTION NO. 245781), COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Purported common address: 1740 San Miguel St, Norwood, CO 81423.

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE

The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.
THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Thursday, 10/17/2024, at 305 W. Colorado Avenue, East entry, Telluride, CO, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication	8/23/2024
Last Publication	9/20/2024
Name of Publication	The Norwood Post & Telluride Daily Planet

IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED;
DATE: 06/19/2024
/S/: Brandi R. Hatfield, Public Trustee in and for the County of San Miguel, State of Colorado
The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:
Holly Shilliday #24423 Ilene Dell'Acqua #31755 Steven Bellanti #48306

McCarthy & Holthus LLP 7700 E. Arapahoe Road Suite 230, Centennial, CO 80112 (877) 369-6122
Attorney File # CO-24-991494-LL
The Attorney above is acting as a debt collector and is attempting to collect a debt. Any information provided may be used for that purpose.
©Public Trustees' Association of Colorado Revised 1/2015

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On September 17, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado Vacating A Portion Of The Colorado Avenue Right Of Way Adjacent To Lot 3, Block1, Canyonlands Subdivision Of The Town Of Telluride And A Portion Of The Colorado Avenue Right Of Way Adjacent To Lots 31, 32, And 33, Backman Village Subdivision Of The Town Of Telluride And Providing For The Conveyance Of The Vacated Portions Of The Same Town Rights Of Way

NOTICE - Request for Proposals - San Miguel County requests proposals for a contractor to refinish and seal the historic wood floor at the Placerville Schoolhouse. RFP info available at www.sanmiguel-countyco.gov/bids.aspx , or the Parks & Open Space dept, 333 W Colorado Ave, 3rd flr, Telluride.
Contact Greg Pollio (970) 369-5424 or gregp@sanmiguelcountyco.gov.
Deadline for proposals: 5:00 PM Friday, September 6th either via email or dropped off at the Parks & Open Space dept in Telluride.

NOTICE - Request for Proposals - San Miguel County requests proposals for a contractor to prepare, paint and seal the historic steps in front of the Telluride Courthouse. RFP info available at www.sanmiguel-countyco.gov/bids.aspx , or the Parks & Open Space dept, 333 W Colorado Ave, 3rd flr, Telluride.
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Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this proposed amendment application may be viewed at www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at www.sanmiguelcountyco.gov/liveagenda

ORDINANCE NO. 1600 SERIES OF 2024
The Town Council Of The Town Of Telluride, Colorado Passed Ordinance #1600 An Ordinance Of The Town Council Of The Town Of Telluride, Colorado Authorizing The Sale Of Gold Run 4B At A Regular Meeting On August 27, 2024. Ordinance #1600 Shall Become Effective Upon The Date Of Publication Of Notice Of Its Passage, And Copies Of The New Ordinance Are Available At Town Hall Or Online At https://www.telluride-co.gov/89/Mayor-Town-Council. Tiffany Kavanaugh, Town Clerk

Legal Notices

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SAN MIGUEL COUNTY

JUNE 2024 EMPLOYEE COMPENSATION

Includes all Full-time, Part-time, and Temporary Employees. Includes all OT, Housing Allowance, Clothing Allowance, Firearm Allowance, Tool Allowance, Deferred Compensation Match, On-Call Pay, and Termination Pay

Employee Title	Gross Pay	Employee Title	Gross Pay
Corrections Deputy	7,707.33	County Mapper	4,750.40
Senior Equipment Operator	4,903.40	Parks & Open Space Director	9,625.44
Sheriff's Assistant	4,198.40	Planning Technician	5,374.40
Assistant Attorney	8,806.40	Corrections Deputy	5,958.41
Emergency Manager	6,848.74	Operations Deputy	6,824.88
Chief Deputy Clerk	4,691.16	Parks and Trails Aide	160.00
Maintenance Technician	4,198.40	Information Technology Director	10,364.36
Senior Sheriff's Assistant	6,325.49	Data Collector	2,922.42
Assistant County Manager	10,729.60	4-H Youth Development Coordinator	4,411.21
Operations Deputy	10,466.78	Human Resources Director	7,977.60
County Manager	15,160.01	Road & Bridge Administrative Assistant	4,465.08
Seasonal Parks and Trails Aide	3,008.06	Chief Deputy Treasurer	5,646.40
Plans Examiner	5,374.41	Public Information Officer	661.54
Corrections Deputy	6,011.87	Seasonal Fairgrounds Maintenance	2,047.50
Commissioner	6,543.32	Systems Analyst	6,080.00
Deputy Clerk	5,400.20	Corrections Deputy	5,490.85
Fairgrounds Coordinator	4,862.26	Veterans Officer	2,424.00
Light Equipment Operator	3,903.20	County Attorney	13,398.40
Election Judge	6,222.41	Appraisal Supervisor	8,097.26
Corrections Deputy	6,608.38	Sheriff	8,951.83
Building Inspector	3,134.78	Operations Sergeant	6,547.20
Appraiser III	6,346.08	Case Manager I	1,217.20
Enviro Health Specialist	4,702.60	Deputy Sheriff SAR Specialist I	2,511.60
Communications Coordinator	5,243.20	Operations Deputy	6,450.50
Parks & Trails Lead/Maintenance Technician	4,411.20	Deputy Clerk	3,932.78
Senior Caseworker	6,074.40	Accessibility Coordinator	4,750.40
Deputy Coroner	26.00	Operations Deputy	7,617.63
Heavy Equipment Operator	4,298.40	Human Resources Coordinator	4,633.60
Civil Deputy	6,811.06	Deputy Treasurer	3,995.20
Undersheriff	12,190.62	Road & Bridge Administrative Assistant	2,226.24
Juvenile Services Director	6,838.46	Corrections Sergeant	8,780.80
Deputy Coroner	800.00	Corrections Deputy	7,457.07
Corrections Deputy	5,883.21	Manager of Operations	5,374.40
Lead Worker	4,760.60	Corrections Deputy	7,471.97
Corrections Deputy	7,091.71	Deputy Sheriff SAR Speciaist II	10,214.48
EM Coordinator/Chief Admin Officer	11,441.08	Staff Accountant	4,411.21
Operations Sergeant	10,378.91	Road & Bridge Director	9,293.20
Parks & Trails Aide	434.50	Heavy Equipment Operator	5,161.72
Deputy Assessor	4,302.40	Case Manager - Juvenile Services	2,760.96
Light Equipment Operator	4,470.21	Finance Director	12,020.84
Case Manager I	4,633.60	Operations Deputy	8,572.04
Operations Deputy	6,589.80	Coroner	5,153.10
Staff Accountant	4,821.66	Program Coordinator	3,308.41
Temporary Administrative Assistant	1,646.49	Case Manager I	4,750.40
Assessor	6,788.72	Planning Director	10,890.54
Clinical Coordinator	4,937.73	Environmental Health Specialist	5,672.64
Surveyor	414.83	Maintenance Technician	4,261.38
Public Health Director	9,251.20	Finance Manager	5,787.20
Temporary Administrative Assistant	1,484.16	Operations Deputy	6,085.51
Social Services Director	11,441.08	Deputy Coroner	506.00
Corrections Deputy	6,538.20	Senior Sheriff's Assistant	4,589.42
Building Official	7,782.40	Lead Worker	5,676.09
Deputy Clerk	4,280.20	Heavy Equipment Operator	4,933.90
Park Supervisor	6,171.20	Chief Deputy Clerk	5,508.80
Road & Bridge District Supervisor	7,488.94	Operations Deputy	5,970.47
Deputy Sheriff - Investigator	7,705.09	Heavy Equipment Operator	4,934.40
Grant Coordinator	943.00	Operations Deputy	6,970.43
Treasurer	7,866.52	Chief Deputy-BOCC	6,483.00
Road & Bridge District Supervisor	7,920.66	Commissioner	6,841.72
Deputy Sheriff SAR Specialist I	1,411.60	Geographic Information System Director	5,924.36
Corrections Sergeant	11,805.15	Operations Deputy	6,809.85
CSU Extension Director	298.33	Paralegal	5,374.40
Commissioner	6,641.47	Case Manager I	4,750.40
Property Appraiser I	4,868.80	Mechanic & Light Equipment Operator	4,726.20
CSU Extension Administrative Assistant & Plant Technician	3,897.60	Clerk & Recorder	6,890.56
Senior Planner	8,719.26	Corrections Sergeant	8,744.91
Community Outreach Specialist	5,243.20	Corrections Sergeant	10,806.24
Natural Resources and Climate Resilience Director	7,782.40	IT Support Technician	5,115.20
Corrections Corporal	7,152.05		
Corrections Deputy	1,606.29		
Chief Deputy Assessor	5,243.20	**TOTAL**	**$813,482.62**

Full-time employees receive additional compensation in the form of fringe benefits paid by San Miguel County. These include social security, medicare, retirement, health, dental, vision, life, and disabiltiy insurance. The county average for such benefits was 30.95% for June 2024.

CHALK BOARD

CHALK BOARD, from page 1

NORWOOD ALCOHOLICS ANONYMOUS: Meetings are Tuesdays at 6 p.m., Saturdays at 9 a.m., in the conference room of the Uncompahgre Medical Center, right side of building as you enter, at 1350 Aspen St. in Norwood. Call 970-310-1703 with questions.

FREE LEGAL AID: Second Wednesday of every month, 2-5 p.m.; for parties without an attorney; call Nucla or Naturita public libraries to sign up.

LONE CONE LEGACY TRUST: Board meets on the first Tuesday of each month at 4 p.m. at Lone Cone Library. More information at loneconelegacy.org.

NORWOOD DARK SKY ADVOCATES: Keeping the stars bright by reducing light pollution with smart lighting; promoting astronomy through astronomical opportunities. Visit Norwood Colorado Dark Sky Advocates on Facebook, or contact Ellen Metrick, metricke@gmail.com, for more information. Next board meeting TBA.

TRUE NORTH YOUTH PROGRAM: Resume building, essay editing, academic, college and career support for Norwood High School students on Thursdays, 1-3 p.m. at the Norwood High School Tech Building. Open office hours 9-3 Tuesdays, 9-1 on Thursdays. Info at www.truenorthyouthprogram.org.

TRI-COUNTY HEALTH NETWORK: Help with health insurance, Medicaid and CHP+ available. Call 708-7096 for more information.

UNCOMPAHGRE MEDICAL CENTER: Board meets on fourth Wednesday of each month. Health Insurance, Medicaid, CICP Assistance, call Cindy or Sarah at 327-4233.

WRIGHT'S MESA HISTORICAL SOCIETY and LOG CABIN MUSEUM: "Celebrating Pioneers" book is available for purchase. Museum is open Fridays and Saturdays, 11 a.m. - 3 p.m., June 1 - Sept. 30, or by appointment. Call Barbara Youngblood at (970) 327-4400 or Patti Ryan at 970-844-7028. More information on Wright's Mesa Historical Society Facebook page.

LONE CONE LIBRARY: Open to the public. Now offering programs for all ages. Ongoing programs: Fridays, Storytime for Littles 10:30-11:15 a.m., Library Club for K-5 12:15-1:45 p.m.; Tuesdays, STEAM for K-5 3:45-5:30p.m. For a complete listing please visit loneconelibrary.org and click calendar for a full list of programs and events. Information also available on Lone Cone Library Facebook page or by email at staff@loneconelibrary.org.

NATURITA COMMUNITY LIBRARY: For library information, hours and other youth programs, call 970-787-2270 or visit the Naturita Community Library Facebook page.

MEDICAL SHUTTLE: Medical shuttle available for all. Sponsored by the Tri-County Health Network and operated by All Points Transit. Shuttle to Montrose and Grand Junction for medical and dental appointments is $5. All other appointments/errands, $10. The only requirement is that riders have a scheduled appointment. Visit tchnetwork.org/regional-medical-shuttle/ more info or call All Points Transit at 970-249-0128 to reserve a seat.

DAILY SHUTTLE: The Galloping Goose. Call 728-5700 or visit telluride-co.gov/index.aspx?NID=254.

SMART: Full schedule may be found online at https://smarttelluride.colorado.gov/norwood-schedule.
Expanded Telluride and Norwood service, Monday-Friday, SMART offers the following services:Telluride to Norwood at 9:45 a.m.; Norwood to Telluride at 11:00 a.m.; Telluride to Norwood at 11:30 p.m.
The Nucla/Naturita-Norwood bus will also make a quick stop at the Lawson Hill Park & Ride to allow people who work in the Lawson Hill commercial area to catch a ride to and from Norwood without needing to call ahead or ride into Telluride to pick up the Norwood bus. The Nucla/Naturita bus will be leaving Nucla and stops along the way five minutes earlier. The Down Valley bus will also be stopping at the Lawson Hill Park & Ride.

SAN MIGUEL/WEST MONTROSE COUNTIES COLORADO STATE UNIVERSITY EXTENSION: For registration and info for all classes and events, including 4-H, call 970-327-4393, visit http://sanmiguel.extension.colostate.edu or email maryw@sanmiguelcountyco.gov.

MONTROSE MEMORIAL HOSPITAL SUPPORT GROUPS: For information or transportation arrangements, call 252-2996.

ECOACTION PARTNERS: For more information email heather@ecoactionpartners.org, visit ecoactionpartners.org or call 728-1340.

UTE TRAIL STUDY CLUB: meets at the Redvale Community Center at noon on the second Wednesday of every month except July and August. Email utetrailclub@gmail.com for more information.

NORWOOD COMMUNITY GARDEN: Located at the corner of Summit and Mesa streets (west of the U.S. Forest Service building). Visit on Facebook or email PJ Ryan at pj81423@yahoo.com.

HABITAT FOR HUMANITY OF THE SAN JUANS: Call 970.252.9303 for information or volunteer opportunities, and visit buildinglives.org. Accepting donations of house-hold items and construction materials, Tuesday-Saturday 9 a.m.-5 p.m.

TELLURIDE ELKS LODGE: For info on meetings and events, email elkugly@yahoo.com, call 728-6362 or visit elks.org.

See **CHALK BOARD,** Page 7

Letters

LETTERS, from page 2

Norwood School lunch room, I passed out. For all intents and purposes, dead to the world. I was extremely fortunate that EMT Sheila Grother was already on the scene as she is a pickleball player as well. She administered CPR for about 2 minutes. When I regained consciousness, I was surrounded by a team of skilled practitioners from the Norwood Fire Protection District. The ambulance was standing by and air

transport had been called in. Within short order I was on my way to St. Mary's Hospital in Grand Junction.

I owe my life to the capabilities of the NFPD. Had this event occurred in some other rural community, I am not sure I would be around to tell this tale. More recently, a fire broke out on County Road V44W, near my home, and personnel were on the scene within minutes to begin efforts to contain and extinguish the blaze. This was a 3-day effort involving air support and assistance from other communities. Thankfully, no homes were lost.

It is essential for the NFPD to receive the necessary funding to keep functioning and carry out its vital mission in this rural community.

Sepp Seitz
Norwood

Legal Notices

District Court, San Miguel County, Colorado Court Address: 305 W. Colorado Ave. / P.O. Box 919 Telluride, CO 81435 970-369-3300	
In the Matter of the Estate of: **JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN** **Deceased**	**COURT USE ONLY**
Attorney for Personal Representative: Mindi L. Conerly Millican, #33946 Ryan F. Callahan, #39008 Conerly & Callahan, LLC 1104 S. Cascade Avenue Montrose, Colorado 81401 Voice (970) 249-3449 Facsimile (970) 249-7455 mlc@montroselawyers.com	Case Number: 24PR30011 Division Courtroom

NOTICE TO CREDITORS BY PUBLICATION PURSUANT TO § 15-12-801, C.R.S.

NOTICE TO CREDITORS

Estate of **JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN**, Deceased
Case Number 2024PR30011

All persons having claims against the above named estate are required to present them to the personal representative or to

☒ District Court of San Miguel, County, Colorado or
☐ Denver Probate Court of the City and County of Denver, Colorado

With a copy to:

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

on or before November 1, 2024 (date)*, or the claims may be forever barred.

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Telluride Land Use Code Of The Telluride Municipal Code At Chapter 18 "Land Use Code" Within Article 3 "Zone District Regulations," Division 5 "Landscaping, Outdoor Illumination, And Maintenance, Removal Or Relocation Of Tree Standards." Tiffany Kavanaugh, Town Clerk

---

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Land Use Code Article 5 "Development Review Procedures," Division 2 "The Land Development Process" For The Purpose Of Amending The Submission Of The Development Application, Timing. Tiffany Kavanaugh, Town Clerk

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Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Land Use Code Article 3 "Zone District Regulations," Division 8 'Wetland Regulations" For The Purpose Of Amending Section 3-820.D Development Review Procedures. Tiffany Kavanaugh, Town Clerk

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Media Release

From June 15 to July 1, 2024, owners of taxable personal property (e.g., business furnishings, equipment, etc.) may challenge the county assessor's valuation of their property. The value determined by the assessor is based on information submitted on your Personal Property Declaration Schedule. If you failed to file a declaration schedule, the value was determined using the "best information available."

Taxpayers who disagree with their personal property valuations may object by mail or in person on or before June 30. Once an objection has been filed, the assessor will review your account and mail you a Notice of Determination by July 10. A taxpayer's exclusive remedy for a "best information available" (BIA) valuation is the protest procedure described herein.

If you disagree with the assessor's decision, you may file an appeal with the county board of equalization. The appeal to the county board of equalization must be postmarked or hand-delivered by July 22. The county board will notify you by mail of the hearing date, time, and place where you may present evidence in support of your case. The county board will conclude hearings and render decisions by the close of business on August 5. The county board must mail you a decision within five business days of the date of its decision. If the county board adjusts the value of your property, the tax bill you receive next January will be based on the adjusted value.

If you disagree with the county board's decision, you may file an appeal with the State Board of Assessment Appeals or the district court, or you may request a binding arbitration hearing within 30 days of the county board's mailed decision.

For additional information regarding the protest and appeal process, contact your county assessor at (970) 728-3174.

COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA
THURSDAY, JULY 11, 2024 – 9:00 AM

Online & 1110 Summit Street, Norwood, Colorado

MEETING INFORMATION - This meeting will be held online and in person. To join the meeting: http://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

9:00 A.M. CALL TO ORDER

APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

June 13, 2024 Minutes

9:15 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Consideration of an amendment to the Land Use Code for Solar Energy Systems with related amendments / MOTION

LAND USE APPLICATION

Applicant: Sherri Reuland, President, KSCR Colorado LLC
Proposal: Social and Scenic Uses Special Use Permit to allow special events with up to 200 guests at Silver Pick Ranch, Wilson Mesa
Location: 1050 Posey Road
Size: 70 acres
Zone: Forestry, Agricultural and Open (F)

BREAK FOR LUNCH

1:00 P.M. LAND USE APPLICATION

Applicant: Jeff Kurtz, Project Geologist, on behalf of Thor Energy PLC
Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line
Size: 1.09 acres
Zone: West End (WE)

ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled.

For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated posting place for all meeting notices will be online at https://www.sanmiguelcountyco.gov/liveagenda. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.

Classifieds ads are small but POWERFUL
The Telluride Daily Planet
has the largest reach of any media
in the region and is the only newspaper
dedicated to news and information about the
Telluride area.

Norwood Business

Norwood Classifieds

Jobs

Help Wanted

San Miguel County is Hiring!
Part-Time & Seasonal Positions

Noxious Weed Technician
Parks & Open Space

Plant Select Gardener

Temporary Parks & Trails Aide

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

Norwood Public Schools

Small Bus Drivers Needed
Non-CDL bus driver position

We will be accepting applications on an ongoing basis until positions are filled. The full job postings are located on our website.

Please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online."

School Bus Drivers Needed
Norwood School District is willing to pay for CDL training and certification. Must pass a Class B CDL with S&P endorsement, CDL Drug Test & Physical.

We will be accepting applications on an ongoing basis until positions are filled.

The full job description is located on our website, please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online".

San Miguel County is Hiring!

The following positions are full-time, year-round and include a comprehensive benefits package!

Lead Mechanic

Light Equipment Operator

Heavy Equipment Operator

Deputy Sheriff - Operations

Correctional Officer/ Emergency Dispatcher

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

Help Wanted

Norwood Public Schools is Hiring:

Spanish/English Language Learner Teacher

5th Grade Teacher

6th Grade Teacher

Middle School English Teacher

Paraprofessionals (1/2 or Full-time)

Activity Driver

We will be accepting applications on an ongoing basis until positions are filled.

For full job postings visit: norwoodk12.org/domain/181 and click on "Click here for job listings and to apply online".

Uncompahgre Medical Center is seeking a Medical Assistant.
40 hours a week
Pay Range – Hourly DOE
$17.00-$22.00
Health, Vision, Life & Accident Insurance
Employee Assistance Program,
Retirement Plan
PTO, And Sick Leave
Wellness Benefit

Send resume and cover letter to aoneal@umclinic.org

Victim Advocate/Volunteer Coordinator

$26.71-$29.38/Hour, 36 Hours Per Week

Comprehensive Benefits Package

Apply at www.smrcco.org

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Media Release

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Classifieds ads are small but POWERFUL

The Norwood Post has the largest reach of any media in the region and is the only newspaper dedicated to news and information about the Norwood area.

Legal Notices

COUNTY PLANNING COMMISSION

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The official, designated posting place for all meeting notices will be online at https://www.sanmiguelcountyco.gov/liveagenda. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.

FOR IMMEDIATE RELEASE

Solar regulations to be considered July 11

County Planning Commission meets in Norwood

Media Contact: Kaye Simonson, Planning Director, 970-728-3083, planning@sanmiguelcountyco.gov

(June 18, 2024) – San Miguel County, CO --- The County Planning Commission (CPC) meets Thursday, July 11 at 9 a.m. in Norwood to consider adoption of the most recent draft of regulations pertaining to solar energy, renewables, and major utilities in the county.

The latest draft, which can be read on the county's website at bit.ly/SolarDraftRegs, has been in the works since the Board of County Commissioners enacted a moratorium on utility-scale solar development in May of 2023. The initial moratorium has been extended to mid-November. There are no current applications under consideration.

Since last summer, the County, as both the CPC and jointly with the Board of County Commissioners, has held a series of meetings and taken extensive public comment about what would work best to strike a balance between the County's support of renewable energy as a way to cut greenhouse gas emissions, and what scale of operations would be most compatible with surrounding environment, view corridors, and construction and grazing impacts, among other factors.

"We have received significant input from the public throughout the process, which has informed the proposed regulations," County Planning Director, Kaye Simonson, said. " We look forward to completing adoption of the solar energy regulations so we have the best tools available to respond to applications in the future."

The CPC will be making a recommendation to the Board of County Commissioners, who will consider adoption of the Land Use Code amendment at a future date.

Comments can be sent to planning@sanmiguelcountyco.gov. Please visit sanmiguelcountyco.gov and navigate to the Planning Department's Renewable Energy and Natural Resources page for more information.

####

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

M E M O R A N D U M

TO:

Bureau of Land Management – Southwest District
Bureau of Land Management – Tres Rios Field Office
Bureau of Land Management – Uncompahgre Field Office
Colorado Agrivoltaic Learning Center
Colorado Department of Agriculture – Drought & Climate Resiliency
Colorado Department of Public Health & Environment
Colorado Department of Transportation
Colorado Division of Water Resources
Colorado Energy Office
Colorado Forest Service
Colorado Geologic Survey
Colorado Historical Society
Colorado Parks and Wildlife
Colorado State Land Board
Colorado Water Conservation Board
COSSA / COSSA Institute
Eco Action Partners
Egnar Fire District
Norwood Fire District
Norwood School District
Norwood Water District
Region 10
San Miguel Conservation Foundation
San Miguel County Assessor
San Miguel County Attorney
San Miguel County Building
San Miguel County Clerk & Recorder
San Miguel County Communications
San Miguel County Emergency Management
San Miguel County Environmental Health
San Miguel County Extension
San Miguel County Finance
San Miguel County GIS
San Miguel County Manager
San Miguel County Natural Resources
San Miguel County Parks, Recreation & Open Space
San Miguel County Public Health
San Miguel County Road & Bridge
San Miguel County Sheriff
San Miguel County Surveyor
San Miguel County Treasurer
San Miguel County Vegetation and Weed Management
San Miguel Power Association
San Miguel Watershed Coalition
Shavano Conservation District
Sheep Mountain Alliance
Telluride Fire Protection District
Telluride R-1 School District
Telluride Regional Airport Authority
Telluride Ski & Golf
Town of Mountain Village
Town of Norwood
Town of Ophir
Town of Sawpit
Town of Telluride
Tri-State Generation & Transmission Assoc.
US Forest Service
WEED-C
West Region Wildfire Council
Western Area Power Administration
Western Slope Dark Sky Coalition

FROM: Kaye Simonson, Planning Director

RE: Land Use Code Amendment – Solar Energy Systems

DATE: June 10, 2024

P.O. Box 548 • 333 W Colorado Ave, 3rd Flr • Telluride, Colorado 81435 • (970) 728-3083
email: kayes@sanmiguelcountyco.gov website: www.sanmiguelcountyco.gov

The San Miguel County Planning Commission will be considering the draft Solar Energy Systems as an amendment to the Land Use Code on Thursday, July 11, 2024. The Board of County Commissioners will hear the proposed amendments at a date to be determined.

The draft regulations and all related materials are available for review online at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources. In addition to the new regulations for Solar Energy Systems, there are several amendments throughout the Land Use Code, which are included in the draft regulations.

Your review comments are very important to us and will help the Planning Commission and Board of County Commissioners make informed decisions. All comments received in response to this request for review will be forwarded to the Planning Commission and Board of County Commissioners, and will be included in their meeting packets. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.

Please provide your review comments by July 1, 2024 to the Planning Department at planning@sanmiguelcountyco.gov. Pass this on to others in your organization who may have an interest in the Plan. If you have several people within your organization reviewing the Plan, we ask that you consolidate all of your comments into a single response. If you are not the correct contact person, let us know so we can update our list.

We appreciate your participation in this important project. Contact the Planning Department if you have any questions. Thank you.

This referral and request for comments is provided to local, state, and federal agencies, districts, and organizations pursuant to C.R.S. § 30-28-136.

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: San Miguel County Land Use Code Amendment Referral - Solar Energy Systems

1 message

Roussin - CDOT, Daniel <daniel.roussin@state.co.us> Mon, Jun 10, 2024 at 4:00 PM
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>
Cc: "Reider - Cdot, Randee" <randee.reider@state.co.us>, Kenneth Gallegos - CDOT <kenneth.gallegos@state.co.us>

Kaye - Thank you for sharing your draft Solar Energy Systems as an amendment to the Land Use Code. This primarily is a land-use action and really doesn't have a transportation element in these types of projects. I didn't see anything that would concern CDOT; therefore, I have no comments on the draft Solar Energy System. My standard answer is if there is a 20% traffic volume change at the highway from the development (land-use action); then CDOT would require an access permit.

Thanks again for including CDOT. If you have any questions, please let me know.

Dan
Dan Roussin
Program Administrator
Access Management Unit
Traffic and Safety Engineering Branch

COLORADO
Department of Transportation
Office of the Chief Engineer

P 303-757-9841 | C 970.216.3610 | F 303.757.9219
2829 W Howard Pl, Denver, CO 80204
daniel.roussin@state.co.us | www.codot.gov/ | www.cotrip.org

On Mon, Jun 10, 2024 at 3:27 PM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

> The San Miguel County Planning Commission will be considering the draft Solar Energy Systems as an amendment to the Land Use Code on Thursday, July 11, 2024. The Board of County Commissioners will hear the proposed amendments at a date to be determined.
>
> The draft regulations and all related materials are available for review online at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources. The draft regulations are also attached to this email. In addition to the new regulations for Solar Energy Systems, there are several amendments throughout the Land Use Code, which are included in the draft regulations.
>
> Your review comments are very important to us and will help the Planning Commission and Board of County Commissioners make informed decisions. All comments received in response to this request for review will be forwarded to the Planning Commission and Board of County Commissioners, and will be included in their meeting packets. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.
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>
> We appreciate your participation in this important project. Contact the Planning Department if you have any questions. Thank you.

This referral and request for comments is provided to local, state, and federal agencies, districts, and organizations pursuant to C.R.S. § 30-28-136.

--
Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
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San Miguel County
East End | Master Plan

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June 25, 2024

San Miguel County Planning Department
333 W Colorado Avenue 3rd Floor
P.O. Box 548
Telluride, CO 81435

Dear San Miguel County Board of County Commissioners, County Planning Commission, and Staff,

Thank you for continuing to seek engagement and input on the proposed updates to the San Miguel County Land Use Code. The COSSA Institute is a 501(c)(3) nonprofit committed to advancing community-driven clean energy solutions in partnership with local leaders, elected officials and solar advocates across the state. We appreciate the opportunity to participate in the vital process of reviewing the proposed changes to the County's LUC to include provisions for solar energy systems.

The COSSA Institute staff and Board have reviewed the draft Regulations for Solar Energy Systems (Regulations) and acknowledge that the changes made to the most recently updated Regulations will ease some of the application process. However, we remain concerned that the Regulations as written remain burdensome for applicants, which may slow or prevent the deployment of new solar projects in the County. We acknowledge the following updates to be positive changes to the draft Regulations: 1) the removal of the alternative site analysis; 2) removal of the requirement for the applicant to disclose financial information; 3) increasing the threshold for what is considered large-scale; and 4) the addition of a definition for mitigation. We are writing to recommend further edits to the Regulations to ensure applicants have the most clear and achievable pathway to secure approval for a proposed project – and to ensure County staff aren't overly burdened with the review process. **Specific recommendations include: 1) improve clarity as to what exactly is required from developers for project acceptance and 2) improve clarity about requirements for both construction and operation of the system.**

In the attached document, we have provided detailed comments on several sections of the proposed Regulations, which we ask you to consider. The intent of our comments is to provide insight from an applicant perspective and recommend edits that will ease the process for both applicants and County staff responsible for reviewing the applications. We believe that addressing the concerns in the attached document will be crucial for fostering a regulatory environment that promotes sustainable and effective solar development while ensuring community welfare and safety. Our commitment remains unwavering in our pursuit of a balanced approach to San Miguel County's Regulations for Solar Energy Systems that benefits your community and facilitates the transition to a clean energy future.

Thank you once again for your commitment to stakeholder engagement and your dedication to finding solutions that benefit the community. We look forward to continued collaboration in refining the San Miguel County Land Use Code for the benefit of all stakeholders involved.

Sincerely,

Adrienne Dorsey
Vice President of Strategic Initiatives

Jeremiah Garrick
Manager of Community Engagement and Strategy

Attachment*:* COSSA Institute Comments on Draft Article 6 in the San Miguel County Land Use Code

COSSA Institute Comments on Draft Article 6 in the San Miguel County Land Use Code

Comments on specific sections of the proposed changes to the SMC Land Use Code are provided below. The **bolded text** identifies the section, the **bolded blue text** identifies the title and/or subject of the section, the un-bolded blue text is language within a certain section, and the black, un-bolded text are comments made by the COSSA Institute in response to the specific Code.

Section 6-1: General
Section 6-101 D. Definitions:
Adverse
The definition for "Adverse" is appropriate; however, the broad nature of "unfavorable, harmful, or negative" might make it challenging to meet some regulatory criteria consistently. We recommend that specific context or examples of what constitutes adverse impacts in the context of the below provisions for solar energy projects be provided to ensure clear and consistent application.

We recommend adding definitions for agrivoltaics and Community Solar Gardens (CSGs) and consider allowing agrivoltaics systems in additional zones and CSGs in all zones. Other codes in Colorado define agrivoltiacs and CSGs as the following:

+ *Agrivoltaics:* "Agrivoltaics, agrophotovoltaics, agrisolar, or dual-use solar is the integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels."

+ *Community Solar Garden:* "A solar power generating facility designed to produce electricity as defined in C.R.S. 40-2-127. A community solar garden may include battery storage equipment as accessory equipment."

Section 6-2: Solar Energy Systems
6-201 G. – Transfer of Permits
The requirement for a public hearing for the transfer of permits for Large-Scale and Medium-Scale Solar Energy Systems seems repetitive. The conditions and requirements of a permit remain unchanged regardless of the owner/operator. Requiring a public hearing for permit transfer does not alter the legal obligations of the permit holder to adhere to these conditions. If the County intends on keeping this requirement, moving the approval process for permit transfers to the administrative review and approval stage would streamline the process, reducing any delays and administrative burdens.

Section 6-202 D. – Waiver of Application Materials
We support the option for the Planning Director to waive one or more of the application materials when the Director determines that the information would not be relevant to the application, however we recommend clarifying whether the decision to waive certain materials will be made during the pre-application meeting or if applicants will need to request a waiver during the application process.

Section 6-203 & 6-205
6-203 A. & 6-205 A. – Information Describing the Applicant
The firm or individuals responsible for construction and operation may not yet be determined at the permitting stage, making it premature to require their qualifications upfront. We recommend this requirement be revised to mandate qualifications of the developer/applicant at the land use permit stage, with qualifications of contractors or operators addressed during the building permit stage when those details are finalized.

6-203 B.I. & 6-205 B.I.a. -"Location and extent of existing and proposed disturbed areas and description of how the Large-Scale/Medium-Scale Solar Development will prioritize development of existing disturbed areas."
We recommend that an additional clarifying statement be added to this requirement indicating that a developer can state "not applicable" if the proposed project will not be sited on disturbed land.

If the intent is to incentivize development of existing disturbed areas, as stated in 6-201 A., consider allowing exemptions to some requirements in the drafted code, such as setbacks or visual impacts, to allow for more flexibility and increased chances of development on disturbed areas.

6-203 C. & 6-205 C. - "Technical Feasibility of the Large-Scale Solar Development
A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques and costs for proposed mitigation measures."
There have been major improvements to this section in this draft, but the COSSA Institute suggests that the "estimated costs" of mitigation measures be removed. There are significant measures in place to ensure the developer is mitigating any and all impacts from solar development within this code. Developers may have proprietary strategies or agreements in place, and mandating the disclosure of specific costs may infringe upon their business interests.

6-203 D.VI. & 6-205.D.III. & 6-204 B. - "If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or an interconnection agreement."
The requirement for a "letter of intent to interconnect" underscores the County's recognition of the utility vetting process and the critical role of securing interconnection agreements in large-scale solar projects. If the County requires a specific format or information to be included in the letter or agreement those specifications should be detailed in the regulations. We also recommend that the County consider allowing conditional approval of an application so long as the developer has an interconnection agreement prior to commencement of construction.

Further, we recommend that the County provide the option for the developer to indicate if the system will not be interconnected to a utility. For example, a behind-the-meter system for an agricultural producer who wishes to power their operation with a microgrid or tie directly to another facility on their property, rather than interconnect directly to the grid. If the system will not be interconnected to a utility, the County should specify if the developer needs to submit any specific documentation indicating so.

6-203 H. & 6.205 F. - Stormwater Management Plan
Based on experience with other counties, the COSSA Institute typically sees county-level review of the Stormwater Management Plan at the site plan review or building permit stage, aligning with when project details are finalized. Additionally, the technical and engineering requirements specified in the current plan are typically addressed during ministerial permitting stages rather than discretionary permit reviews. If included in the discretionary permit, we recommend that the Stormwater Management Plan be narrative in nature, providing overarching strategies rather than detailed technical specifications. This approach would streamline the process, avoid duplication of efforts, and ensure regulatory compliance without unnecessary bureaucracy.

6-203 I. - Wildlife and Wildlife Habitat Impact Assessment
6-203 J. - Terrestrial Plants Impact Assessment and Mitigation
6-204 K. - Wildlife and Wildlife Habitat
6-204 L. - Terrestrial Plants
6-205 G. - Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment
6-206 J. - Wildlife, Wildlife Habitat, and Terrestrial Plants

The criterion stating that the solar development will not have an adverse impact on wildlife or wildlife habitat will pose challenges for developers. Specifically, it is unclear how a developer can definitively show that their facility will not have any adverse impact on the considerations listed without limitation, as any development will inevitably have some impact on wildlife, habitat, and plants. The purpose of this code is to identify and mitigate those impacts to the extent possible.
We recommend clarifying or rewording the review criteria set forth in 6-206 J., 6-204 K., and 6-204 L. to show clearly what extent of mitigation is deemed acceptable by the County for a facility to be approved. This could be achieved by revising these sections to align more with the language already used in the San Miguel Land Use Code. For example, “minimize impacts” or “demonstrate negligible adverse impacts” rather than the approval criteria stating “no adverse impact”.

Additionally, the potential for solar developments to attract waterfowl and other bird species is still an area of active research, and there is no consensus among experts. Expecting developers to provide conclusive evidence on this point is unrealistic and should not be a part of the approval criteria until more definitive scientific guidance is available. We suggest removing this specific requirement from the above sections until further research is available.

6-203 K. 6-205 H. - Grading, Erosion, and Sediment Control Plan
While it's important to address these aspects of construction and operation, requiring detailed plans at the discretionary permit stage may be premature and impractical. Ideally, such plans should be part of a Site Plan or Building Permit application, aligning with when details are finalized and regulatory requirements are clearer. The preliminary nature of plans at the discretionary permit phase, particularly regarding calculations, drawings, and cost estimates, suggests that finalization should occur at the ministerial permit stage. Additionally, the inclusion of costs and requirements for CDPHE permits are premature, as these are typically obtained closer to the construction phase (90 days out). Overall, this section appears to overlap with state regulations and may unnecessarily burden applicants with duplicative requirements. Simplifying this section to focus on narrative descriptions of Best Management Practices (BMPs) would streamline the process and ensure regulatory compliance without unnecessary bureaucracy.

6-203 S. & 6-206 T. - Water Services Availability
6-204 V. & 6-205 P. – Water Services Availability
While it is understandable that counties aim to monitor water supply closely, the inclusion of this section at the discretionary permit stage may be premature. Typically, details regarding water supply for construction are not finalized at this stage. We recommend this section be revised to require a narrative plan for water supply, outlining the proposed source and capacity, at the discretionary permit stage. Proof of adequate supply could then be submitted at the ministerial permit stage when details are finalized. This approach would streamline the process, aligning with when regulatory requirements are clearer, and avoid unnecessary burdens on applicants with premature requirements.

6-203 P. & 6-205 M. Natural Hazards Impact Assessment
6-204.S. & 6-206.Q - “**Risk from Natural Hazards** - The Large-Scale/Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.”
Given that it is impossible to eliminate all risk from natural hazards and this language is more stringent than what is currently in the San Miguel County Land Use Code it would be helpful to understand what level of risk mitigation is considered acceptable. Any development is subject to some level of risk to natural hazards. It is also important to note these facilities are insured for those purposes. It is reasonable to expect fire mitigation, but the regulations also mention things like avalanches, seismic history, and more, which would not be exacerbated by a solar facility. Since these hazards are not

called out for other industries in the San Miguel County Land Use Code, we suggest removing or clarifying the language in 6-204.S. and 6-206.Q.

6-203 W. & 6-205 T. & 6.204 Z. – Hazardous Materials Management Plan
In our experience working with other counties, it is not common to have a hazardous materials management plan requirement in a solar energy development code. Solar energy projects are known for their low environmental impact and minimal use of toxic or hazardous materials. Understanding which materials are considered hazardous in this context, and the protocols expected by the County, will help developers ensure compliance with this requirement. As such, we recommend the County specify what materials related to a solar energy project would be considered materials and ask the developer to indicate if the project will include any of the listed materials; if the answer is yes then a plan would be required. Or, we suggest removing 6-203 W. and 6-205.T to alleviate raising non-real concerns about solar development and operation.

6-203 AA.IV. & 6-205.X.III - "**Removal of Components.** Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site."
The requirement to remove or convert all components of the Solar Energy System, including those below the surface raises several important considerations. While thorough decommissioning is essential for site restoration, it is crucial to balance this with environmental and practical concerns. In the case of a solar facility being decommissioned, the soil structure and any below ground disturbance has had 30+ years to recover since originally being disturbed. Removing components deeper than 36 inches can cause additional environmental disturbance and damage to the soil structure and surrounding ecosystem. Limiting the removal depth to 36 inches is sufficient to eliminate major infrastructure while minimizing environmental impact and maintaining soil stability. We suggest revising 6-203 AA.IV & 6-205 X.III to require the removal of belowground equipment up to 36 inches below grade. This practice aligns with industry standards.

6-203 AA.VI. & 6-205 X. – Monitoring Plan
Regarding the monitoring plan post-decommissioning, the necessity of a three-year monitoring period should be carefully evaluated. Monitoring should be commensurate with the potential risks posed by the project and its decommissioning process. Case-by-case assessments for groundwater and surface water monitoring are sensible, allowing for tailored approaches based on site-specific conditions and potential impacts. The County should consider that a blanket requirement for a three-year monitoring period may not usually be warranted, especially if there are no significant environmental concerns identified during the project's lifespan. We suggest removal or shortening the length of the monitoring plan to 1 year, with an option for the County to add or extend the timeline towards the end of that year if it is deemed necessary, as it may not be in many scenarios.

Section 6-204 & 6-206 - Review Criteria for Large-Scale/Medium-Scale Solar Energy Systems
"The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area."
The term "geographic area" is not defined in this code or the San Miguel Land Use Code. From how far away shall an applicant be expected to consider cumulative impacts? We suggest providing some clarification here as to what constitutes the geographic area within which an applicant must consider other permits.

6-204 C.I. & 6-206 C.I. - "**Underground Utility Connection** - Electrical connection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts."

There are more considerations than just environmental impact concerns that involve underground lines. We suggest revising this language to "... environmental impacts or if technical engineering considerations prevent underground installation. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection." Providing flexibility for overhead transmission lines from the project substation to the point of electrical interconnection allows for better integration with existing grid infrastructure and accommodates varying site-specific conditions. Additionally, installing lines underground involves more trenching and disturbance of the soil than aboveground and costs more to install. Therefore, revising the language to include "technical engineering considerations" and permitting overhead transmission lines when appropriate ensures a more practical, cost-effective, and still environmentally sensitive approach to the County's intent.

6-204 C.II & 6-206 C.II - "**Setbacks.** Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two hundred or fifty (200 – large scale)/(50 – medium scale) feet from all property lines."
This setback requirement may not consistently mitigate impacts. A residence could be situated right on the property line or significantly farther away, meaning that a blanket setback from the property line would not be consistent with the intent of the setback. Moreover, there are already visual impact requirements, decibel ratings for noise, and regulations on glint and glare that apply from property lines, which provide more targeted mitigation. The blanket 200/50-foot setback from property lines can significantly hinder the development of solar facilities, especially when a facility is designed to span over multiple parcels of land, which is not uncommon.

A more common approach would be to set setbacks from residential buildings and public roads or highways instead of property lines. This would more consistently mitigate potential impacts on neighboring properties and provide more flexibility in project design.

Additionally, there should be provisions for waivers or options to reduce the setback requirement if the adjacent property owner agrees. This flexibility would help facilitate cooperative development while still addressing any potential concerns of nearby property owners. We suggest revising the setback requirements to something similar to the example below.

For example, for large-scale see below (consider 50 feet for medium).

1. One quarter (¼) mile from a Colorado designated Scenic By-way
2. A minimum of one hundred fifty (150) feet from the nearest outside wall of a residential occupied structure on adjacent properties, unless a different negotiated agreement is reached with the adjacent property owner.

6-204 K.II & 6-205 G.II. & 6.206 J.II.- "No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS."
To ensure consistency and clarity for applicants, we recommend clarifying that applicants can refer to one map provided by CPW, BLM or USFWS. We also recommend that the County identify a preferred agency map, if applicable, to ensure the applicant has the most relevant data to use and also provide a link to one or all maps to ensure the required data is readily accessible to ensure applicants are using the correct data when assessing siting options. Making these changes should also reduce burden on staff as applicants will consistently refer to the same map when identifying habitat locations.

Further, the applicant is to show "Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, such as the BLM Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s), the USFWS Recovery Implementation Strategy

for the Gunnison Sage-Grouse and the CPW Gunnison Sage-Grouse Rangewide Conservation Plan as these plans may be amended in the future."
We recommend clarifying what the County is looking for regarding how the applicant should show consistency with or impacts to the Gunnison Sage-Grouse plans. No components can be placed in those areas according to the code, so it would be extremely difficult for a developer to speculate on changes to the various Gunnison Sage-Grouse plans in the future. Clarifying how the applicant can show consistency with those plans would be beneficial.

6-204 K.III.e. - "Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side.
As written this requirement would apply to all 40 acre and larger solar facilities, regardless of their individual site considerations and environmental impact determined by the wildlife impact assessment(s) and CPW consultation. Given that the necessity and practicality of such passageways can vary significantly depending on the specific site and the surrounding ecosystem, we suggest that this requirement be removed as a blanket condition. Ideally, the need for wildlife passageways should be determined based on environmental impact studies conducted for each specific site. This approach would ensure that the requirement is applied where it is truly necessary and reasonable, based on the actual conditions and wildlife presence at the site, but avoiding unnecessary burdens on project viability from a blanket requirement. Also, depending on the species in the area, creating a fenced in hallway can allow for predators to have a significant advantage on animals passing through.

6-204 R. & 6-206 P. - "**Visual Quality** - The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development [no distance given for medium], including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations."
The current approval criterion states that the Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one mile of the development. This includes views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

This requirement reads as highly subjective, even with the added definitions of significant and adverse. This language poses significant challenges for developers as visual quality is inherently a matter of personal and community perspective, making it difficult to establish clear, objective standards for compliance. Without specific criteria or guidelines, developers cannot be certain about what constitutes a "significant adverse impact" or how to effectively demonstrate that their project will not negatively affect the visual quality of the surrounding area. Even with multiple visual renderings from different angles as required in the visual quality impact assessment, it is not clear what would be acceptable to the community. Is zero visibility required from those key vantage points, if so, do other forms of development have to meet the same requirement?

The code already has many requirements that take into account nuisances, such as cumulative impacts, setbacks, glint/glare, noise, etc. during both construction and operation. We suggest specifying what the actual requirements for approval would be in a more specific manner, or removing this visual quality piece of approval, as this intent is met through other requirements within the code and is a highly subjective criterion. Adding a setback from scenic-byways and allowing solar to be built in specific zones is another option to address this concern without subjectivity. See above comment on 6-204.C.II - Setbacks.

6-204 AA. & 6-206 Y. - Agricultural Resources

I. "The Medium-Scale/Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems."

II. "No more than fifty percent (50%) of land disturbed by the Medium-Scale/Large-Scale Solar Development will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS."

The approval requirements call for a description of the agricultural productivity of the land affected by the Solar Development using NRCS classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland.", which is being taken into account here as well. The second requirement states that no more than fifty percent (50%) of the land disturbed by the Solar Development can be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. We suggest these requirements be clarified. A few questions that arise when considering these requirements are:

1) If a farmer chooses to use half of their land as a solar facility, does that count as an adverse impact on the productivity of agricultural lands?
2) Is it possible for a solar project to be denied for agricultural productivity reasons even if it meets the 50% threshold regarding the disturbance of prime farmland?

Additionally, we suggest allowing an exemption from the agricultural protections portion of the code for solar arrays that involve some level of agrivoltaics. This is a sensible approach to the intent of protecting agricultural resources and heritage. Agrivoltaics represent a sustainable and innovative approach to land use and protect the heritage and productivity of the land. By integrating solar panels with agricultural activities, agrivoltaics can enhance land productivity, conserve water, and support local food production while generating renewable energy. Further, agrivoltaics can generate additional income for farmers and ranchers. See the comment in the above Definitions section on agrivoltaics. An example would be designating agrivoltaics as an allowed use in rural zones and CSGs an allowed use in all zones. It is worth considering incentivizing Community Solar Gardens in this manner as well (see comment in above Definitions section). We have seen success meeting community clean energy goals and creating benefits to agricultural producers with the inclusion of this type of language in other land use codes around the state.

Section 6-207 - Financial Security

6-207 B.III - "The guarantee will be set forth as a permit condition…"

Requiring upfront financial security places an unnecessary burden on developers, especially during the initial stages of the project when resources may be allocated towards construction, interconnection agreements, analyses and studies, and other immediate needs. By permitting financial security to be posted at a later stage, commonly 5 years from the end date of the interconnection agreement, developers have the opportunity to assess the project's performance and financial viability over time. This approach allows for a more accurate estimation of the potential impacts on public roads, rights-of-way, and infrastructure, ensuring that the financial security amount is proportionate to the actual risks and impacts associated with the project. Guessing about the costs and specifics of decommissioning 30 or more years out is a futile effort.

Moreover, waiting until about five years from the utility offtake agreement's end date aligns with the project's lifecycle and provides sufficient time for any potential issues to manifest and be addressed. Significant monetary and legal risk are involved in a developer abandoning the project during early stages of development so it is a highly unlikely and improbable situation. Thus, we suggest that the requirement be for the developer to post the financial security at the 5-year mark from the end date of the project's offtake agreement.

6-207 D. - "Forfeiture of Guarantee - If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and the permittee that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board of County Commissioners within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited."

The language regarding the forfeiture of guarantee presents several concerns due to the subjective nature of the regulations drafted in this code and potential implications for developers. The regulations outlined in this section provide the County with broad discretion to determine whether a guarantee should be forfeited based on any violation of the permit or regulations. However, the criteria for determining such violations are not clearly defined and the subjective nature of the codes leaves room for interpretation and potential inconsistencies in enforcement. We suggest that the code itself be addressed to be less subjective and allow some surety to the developer that their project can happen if they meet all intended requirements and that their financial guarantee will be held to those specific terms.

Supplemental Research on Avian Impacts and Fire Risks Related to Solar Facilities

Following the Board of County Commissioners Work Session on May 8, 2024, COSSA Institute staff conducted research to help address some of the questions and concerns that were brought up during the public comment portion of the meeting. Please find supplemental information and resources below.

Avian impacts: As mentioned by multiple individuals at the meeting, considerable research continues to be done on this topic - particularly on the "lake effect" - and other avian and solar facility interactions. That being said, there is not currently conclusive evidence that the "lake effect" exists.

In effort to inform the discussion related to the "lake effect," COSSA Institute staff met with Robb Diel, Ph.D., Research Ecologist with the USGS, who is currently conducting research on avian impacts from solar facilities. Dr. Diehl's research on the "lake effect" will not be available to the public until a later date, so he pointed us to two peer-reviewed research papers written by Karl Kosciuch, Ph.D, who is a leading researcher on avian and renewable facility interactions in the United States.

Most notably the paper Aquatic Habitat Bird Occurrences at Photovoltaic Solar Energy Development in Southern California, USA it was concluded that "the idea of 'lake effect' in which birds perceive a PV USSE facility as a waterbody (or the facility creates a lake effect) and are attracted is likely a nuanced process as a PV solar facility is unlikely to provide a signal of a lake to all aquatic habitat birds at all times. The results from our study suggest that some species of aquatic habitat birds could be attracted to PV USSE facilities, and if attraction occurs, it is likely context dependent".

It is crucial to keep in mind that some old research on these matters includes avian impacts from **concentrated solar facilities, which are towers that concentrate the solar rays onto a receiver to turn the solar energy into heat. Those facilities are not in Colorado and have not been built anywhere in the USA in nearly a decade, due mainly to avian risks and costs.**

Further, the National Audubon Society has come out in strong support of properly sited photovoltaic solar power systems. As stated on their website, "the benefits to birds by reducing carbon emissions outweigh other concerns, as long as installations are built with care."

Additionally, it is important to keep in mind that fossil fuels have very significant impacts on the avian populations, and so do other forms of development. For example, avian collisions with buildings cause far more avian deaths than solar facilities.

Fire risks from solar facilities: While solar facilities do not pose a non-zero risk of fires, based on research to understand the matter, fires are a rare occurrence. As stated in a comprehensive research paper released by the International Energy Agency, "**components of photovoltaic (PV) systems undergo rigorous safety and reliability testing protocols during manufacturing and fulfill the electrical safety requirements established by various codes and standards. These systems do not pose health, safety, or environmental risks under normal operating conditions if properly installed and maintained by trained personnel as required by electrical codes.** However, with the ever-growing deployment of PV systems globally and the myriad of applications—from traditional rooftop and ground-mounted

installations to more advanced building-integrated and façade systems—it is becoming increasingly important to develop practices and share knowledge on the safe management and risk mitigation of PV systems under non-routine circumstances.**"**

Further, solar panels themselves rarely cause a fire - usually fires on solar facilities are caused by another piece of equipment, such as electrical cabinets or cables. **While fires on solar facilities are not specifically tracked in the United States, a study conducted in 2021 by the Fraunhofer Institute for Solar Energy Systems found that, of the more than 2 million PV plants in Germany, less than one-hundredth of 1% (0.006%), or in other words only 120 out of over 2 million plants caused a fire resulting in serious damage.** They also found that the majority of these fires were the result of faulty cabling and connections, which could occur in any electrical system. For comparison, according to a research paper released by the U.S. Fire Administration, lightning is the cause of an estimated 17,400 fires in the United States each year.

Although a fire can happen anywhere, the precautions developers take help to mitigate potential risks and in the situation a fire does occur will help prevent it from spreading. These precautions include frequently maintaining and monitoring systems, following setback guidelines, maintaining vegetation, and more.

While it is important to continue research on these matters, we encourage staff and Commissioners to keep in mind the context and the research that has already been conducted. Please find a list of referenced resources on the attached page as verification of our sources.

The COSSA Institute staff are happy to provide more scientific research on this topic if it would be beneficial to the County. Please reach out to Adrienne Dorsey, VP of Strategic Initiatives, at Adrienne.dorsey@cossainstitute.org or Jeremiah Garrick, Manager of Community Engagement and Strategy, at Jeremiah.garrick@cossainstitute.org with any questions or concerns.

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Solar Energy – FAQs

IS SOLAR TAKING OVER FARMLAND?

Every community has its own needs regarding land use, and we all want to use our land in the most efficient and effective ways. For many communities, retaining the most productive agricultural land is crucial as that makes the most economic sense. For some communities, innovative solutions such as agrivoltaics or certain requirements of preserving native plants and grasses may better fit their needs. Local communities can adopt zoning ordinances to be clear about what can be built and where. Most communities in Colorado have already updated (or are currently updating) their land use codes to best fit the individualized needs and preferences of the community. These land use codes include decommissioning requirements and frequently require the soil to be fully reverted to pre-construction after the 20-40 year useful life of a solar facility.

- See SolSmart's Toolkit for Local Governments on Planning, Zoning, and Development at https://solsmart.org/resource/planning-zoning-development

ARE THERE POTENTIAL HEALTH IMPACTS DUE TO SOLAR DEVELOPMENT?

No! Solar facilities actually provide many health and safety benefits to a community. Through reducing the amount of fossil fuels used to generate electricity, the air quality in a community will improve. There are no negative impacts to the health or safety of a community due to solar development.

- N.C. State University. (2017, May). Health and safety impacts of solar photovoltaics. NC State Extension at https://nccleantech.ncsu.edu/wp-content/uploads/2018/10/Health-and-Safety-Impacts-of-Solar-Photovoltaics-2017_white-paper.pdf

ARE SOLAR FACILITIES A FIRE HAZARD?

Fire risk assessments are taken before development to ensure that solar facilities are safe. Although a fire can happen anywhere, the precautions developers take help to mitigate potential risks and in the situation a fire does occur, help prevent it from spreading. These precautions include frequently maintaining and monitoring systems, following setback guidelines, maintaining vegetation, and more.

- See the National Fire Protection Agency's suggestions on Energy Storage and Solar System Safety at: https://www.nfpa.org/News-and-Research/Resources/Emergency-Responders/High-risk-hazards/Energy-Storage-Systems

DOES SOLAR DEVELOPMENT IMPACT WILDLIFE?

Any form of large-scale development can impact wildlife and ecosystems. It is crucial to know the risks in each area and how to best mitigate impacts of development. Many, if not all, environmental impacts can be either mitigated or avoided with proper siting and permitting. There is no one size fits all approach to wildlife and ecosystem management. Having clear and concise land use codes, zoning regulations, decommissioning agreements, and environmental impact assessments will best take into consideration migration corridors, habitat, and plant/animal biodiversity conservation.

- See Solar Energy, Wildlife, and the Environment https://www.energy.gov/eere/solar/solar-energy-wildlife-and-environment

ARE UTILITY-SCALE SOLAR INSTALLATIONS A THREAT TO HISTORIC OR ARCHAEOLOGICAL SITES?

Development should not take place on designated historical land or areas of known archaeological importance. Developers perform impact studies that reference maps of archaeological sites to ensure sites of importance are not disturbed in any manner. Considering an off-site solar array, located outside of the boundaries of historic land, may be an option.

WILL BROKEN OR OLD SOLAR PANELS CONTAMINATE THE SOIL OR WATER?

Panels are built to be extremely strong, made of tempered glass and layers of protective coating. Extensive research and testing show the panels will not emit any trace metals, even in rare cases of extreme stress or fire. Did you know that the average solar panel can withstand one inch hail at 50 mph and winds of over 140mph?

- Potential Health and Environmental Impacts Associated With the Manufacture and Use of Photovoltaic Cells (2003, Nov.). Public Interest Energy Research Program, California Energy Commission.

DO SOLAR FACILITIES MAKE NOISE?

Some solar facilities can make a small amount of noise, similar to that of an air conditioner. This can be created by inverters, HVAC systems for energy storage, and potentially solar tracking mechanisms. Solar panels themselves do not create any noise.

CAN A SOLAR FARM CREATE A HEAT ISLAND EFFECT?

Technically, yes. There is a similar warming effect in the air around solar panels as that of an urban area, however, the effect is much smaller and less impactful than that of an urban area. The increased temperature dissipates quickly in each direction and will not impact the local community or wildlife.

- Fthenakis, V., & Yu, Y. (2013). Analysis of the potential for a heat island effect in large solar farms. 2013 IEEE 39th Photovoltaic Specialists Conference (PVSC). https://doi.org/10.1109/pvsc.2013.6745171

DOES THE MANUFACTURING AND INSTALLATION OF SOLAR PANELS REQUIRE MORE ENERGY OR EMIT MORE POLLUTANTS THAN THE PANELS SAVE OVER THEIR LIFETIME?

Solar panels take approximately 3 years to "pay off their carbon debt" from manufacturing. Then, for the following 25 to 40 years, the panels produce carbon free energy, benefiting the community and environment in many ways. Solar significantly reduces greenhouse gas emissions and lowers the amount of fossil fuels being used for electricity generation, even when considering the resources and energy used in production.

- See Brandt, et. al., Global Silicones Council, Silicon-Chemistry Carbon Balance - An assessment of Greenhouse Gas Emissions and Reductions at https://www.silicones.eu/wp-content/uploads/2019/05/SIL_exec-summary_en.pdf

DO WE NEED SOLAR ENERGY WHEN OTHER SOURCES OF ENERGY COULD BE DEVELOPED IN THE FUTURE?

No single energy source can meet our state-wide energy needs, but solar is an ssential and growing part of Colorado's energy mix.To meet State and Federal energy goals, Colorado will need to utilize a mix of clean generation sources as we transition to a less fossil fuel-intensive future. Solar is one of the most cost-effective sources of renewable energy generation available. The time to transition is now as we have commercially viable, accessible, safe, and renewable options, such as solar.

- See Colorado GHG Pollution Reduction Roadmap: https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap
- See IPCC recent report: https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/

Learn more at COSSAInstitute.org

COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

June 21, 2024

Ms. Kaye Simonson
Planning Director
San Miguel County Planning Department
333 W Colorado Avenue 3rd Floor
P.O. Box 548
Telluride, CO 81435

RE: San Miguel County Land Use Code Amendment-Solar Energy Systems-Draft Agency and Planning Commission Review, June 10, 2024

Dear Ms. Simonson-

Colorado Parks and Wildlife (CPW) appreciates the opportunity to review and provide comments on San Miguel County's Land Use Code Draft Solar Energy System Regulations (draft regulations). We recognize that renewable energy development is important to meeting the State's greenhouse gas reduction goals and improving climate resiliency. Our mission is to perpetuate the wildlife resources of Colorado, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations. This mission is implemented through our 2015 Strategic Plan[1] and the goals it embraces, which are designed to make CPW a national leader in wildlife management, conservation, and sustainable outdoor recreation for current and future generations. Part of this implementation includes responding to agency and industry requests for recommendations to avoid, minimize, and mitigate the impacts of various types of land use development activities on wildlife resources in Colorado. CPW is committed to the conservation of wildlife resources and working with others to facilitate responsible renewable energy development.

CPW has enjoyed a close working relationship with San Miguel County (SMC) on land use related permitting issues for decades. CPW strives to provide recommendations to developers and regulatory agencies based on the best available science and knowledge of wildlife and wildlife use

[1] Colorado Parks and Wildlife 2015 Strategic Plan (November 2015)
http://cpw.state.co.us/Documents/About/StrategicPlan/2015CPWStrategicPlan-11-19-15.pdf

in the project area. We have participated in several work sessions hosted by the Planning Department regarding these draft regulations. We appreciate the draft regulations requiring a consultation between the project proponent and CPW[2]. In our view, consultation and coordination between facility developers and regulatory agencies almost always results in better projects that are designed to avoid, minimize, and mitigate impacts to wildlife, wildlife habitat, and natural resources.

Governor Polis recently signed into law SB24-212 concerning renewable siting in Colorado. The law requires, in part, CPW to provide wildlife best management practices designed to avoid, minimize, and mitigate renewable energy development project impacts at the request of local governments, tribes, and project developers. We believe SMC's draft regulations reflect the intent of SB24-212 by requiring consultation with CPW, developing wildlife and wildlife habitat impact assessment, and developing review criteria for Planning Commission and Country Commissioners to evaluate projects. We offer the following suggestions that, in our view, would improve the consultation process and provide some clarity to facility developers, CPW, and SMC Planning Staff on several of the draft regulations.

Mitigation

The draft regulations include a definition of mitigation. The use of this definition broadly refers to the hierarchy of avoid, minimize, and finally compensate for development and operational impacts. Section 6-101D.e further defines mitigation:

> *Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities or a combination thereof called "compensatory mitigation". Compensatory mitigation must occur within the area impacted by the Solar Energy System Development.*

It is clear from the definition that compensatory mitigation is intended to offset the impacts of a solar energy system. We support this approach, as compensatory mitigation may be an important tool in the tool box to address impacts to wildlife species. However, we are concerned with the second part of the definition that the compensatory mitigation "must occur within the area impacted by the Solar Energy System development[3]. In our experience, it can be difficult to achieve compensatory mitigation offsets when limited to the development site. In the context of compensatory mitigation for wildlife impacts, we encourage the County to provide some flexibility to choose the best sites and opportunities that most effectively offset the residual unavoidable adverse impacts on wildlife resources and their habitats. CPW often sets the goal of conducting mitigation within the individual home range of the impacted wildlife resource, whether that action occurs within the same Game Management Unit for big game species, or within the same stream corridor for aquatic species.

[2] Section 6-203 I. Wildlife and Wildlife Habitat Impact Assessment

[3] Section 6-101D.e Definitions. Draft Agency and Planning Commission Review. June 10, 2024. Pg. 2.

Compensatory mitigation actions necessary to offset the unavoidable residual adverse impacts should in general: benefit the species and habitats impacted preferably within the same proximity or population; be at a sufficient scale to address the direct, indirect, and cumulative impacts; persist for the duration of the impact; and occur in a timely manner to reduce lag effect between the impact and mitigation actions. Compensatory mitigation measures may include actions designed to conserve, improve and/or restore nearby habitats. To that end, we recommend including some additional language to address any requirements for compensatory mitigation for wildlife species or wildlife habitats. The Energy Carbon Management Commission (ECMC) 1200 Series Regulations[4] may provide some framework with which SMC could craft more detail about compensatory mitigation requirements for solar energy systems development. Specifically, regulation 1203 details requirements of how an operator can develop a compensatory mitigation plan and what elements are necessary for the Commission to determine if the proposal is sufficient to meet the regulatory standards of the agency.

Draft Regulation Sections

We have provided redline edits to Section 6-203I, 6-203T, 6-204K, 6-205G, 6-206J as Attachment A. Those edits are intended to clarify the regulations for ease in implementation for applicants, CPW, Planning Staff, and Commissioners and to improve conservation outcomes for wildlife. Specifically, we have attempted to clarify what is required to document with respect to wildlife and wildlife habitat, including the anticipated or reasonably foreseeable impacts and how those impacts may be addressed. For example, it may be useful to require applicants to develop a wildlife mitigation plan as part of the consultation process with CPW. In addition, we have suggested changes in order for the County to be able to evaluate the sufficiency of an application to meet the conservation standard of the regulations of "no adverse impact". We recommend that SMC consider including a provision that directs the applicant to prepare a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat to address the unavoidable adverse impacts to wildlife when applicable.

Within Section 6-205 Application Material for Medium Scale Solar Energy Systems we added a note to encourage but not require consultation with CPW. We assume that SMC staff can and will engage with CPW if any significant issues or questions arise during a Medium Scale Solar application. Additionally, we would recommend bifurcating the 6-205G regulations to require a consultation if a Threatened or Endangered species is potentially impacted by the proposed medium-scale solar energy system.

Finally, we made some recommendations around the fencing requirements, and our recommendations reference the Colorado Department of Transportation wildlife fencing specifications document. Those specifications are enclosed as Attachment B.

[4] ECMC 1200 Series Regulations: https://ecmc.state.co.us/documents/reg/Rules/LATEST/1200%20Series%20-%20Protection%20of%20Wildlife%20Resources.pdf

Conclusion
Colorado Parks and Wildlife appreciates the opportunity to provide input on San Miguel County's Land Use Code Draft Solar Energy System Regulations. Our interest in commenting is to provide a regulation framework that can help to meet the goals of San Miguel County. We look forward to continuing to work with SMC in a collaborative manner. If you have any questions regarding these comments or would like to discuss anything related to the project, please feel free to contact me or SW Region Energy Liaison, Brian Magee at (970) 759-9587.

Sincerely,

Rachel Sralla
Montrose Area Wildlife Manager

cc: Area 18 File; SW Region File; Peter Foote, SW Land Use Coordinator; Matt Thorpe, SW Deputy Regional Manager; Cory Chick, SW Regional Manager;

Attachment A: CPW Redlines of Review Draft Solar Energy Systems_06102024

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in good faith in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

a. Wildlife including the status and relative importance of game and non-game wildlife and any other species identified by CPW during consultation. ~~animals~~.

b. Any species ~~A~~(animal, bird, and insect species) listed as threatened or endangered under the Endangered Species Act, U.S. Fish and Wildlife Service (USFWS) designated Critical Habitat, or species listed by CPW as State Threatened or Endangered, ~~–~~Species of Special Concern or Species of Greatest Conservation Need~~.~~ including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

~~b.~~

c. Critical wildlife habitat including migration ~~routes~~corridors, calving areas (production area), summer and winter range, mating grounds, nesting grounds,~~–~~ nest sites, and aquatic species habitats. ~~and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.~~

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II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development will have or are reasonably likely to have on wildlife and wildlife habitat identified by CPW, Planning Staff, and/or Commissioners including without limitation:

a. Known or anticipated ~~C~~changes to wildlife species composition or density.

b. Known or anticipated ~~C~~changes in the number of and habitat of threatened or endangered species.

c. Known or anticipated ~~C~~changes in extent, quantity, ~~-~~quality, and fragmentation of wildlife habitat such as changes to migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection and propagation of wildlife species.

d. Alteration, conversion or destruction of ~~major~~ vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

e. ~~How t~~The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels, through and around the facility, and provide continued access to forage and habitat.

f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

III. Development of a Wildlife Mitigation Plan (WMP) that includes a ~~D~~description of consultation with CPW, descriptions of the proposed techniques that will be used to mitigate (avoid, minimize, and compensate) impacts to wildlife and wildlife habitat during construction and operation of the Large-Scale Solar Development. ~~, including~~ WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. ~~plans~~ WMPs should detail ~~for~~ avoidance of impacts to wildlife and habitat during construction and maintenance activities~~, specifically~~. In addition, WMP shall include ~~including~~ a description of any occupied and unoccupied Gunnison Sage-Grouse Habitat, and wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally ~~–~~and visually sensitive areas, critical wildlife habitat, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

a. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for known, anticipated or reasonably foreseeable impacts to wildlife and wildlife habitat.

~~a.~~b. The degree ~~C~~of anticipated changes in species composition, density, or diversity.

~~b.~~c. The degree of anticipated ~~C~~changes to the number of and habitat or use by ~~of animal, bird, and insect~~threatened or endangered species, species of greatest conservation need~~ species.~~

~~c.~~d. The degree of anticipated ~~C~~changes to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.

~~d.~~e. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

f. The degree of anticipated ~~C~~changes to wildlife habitat, including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

~~e.~~

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly. ~~and install temporary structures to allow animals to escape, if necessary~~.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4 or substantially similar design. Install structures (ramps, gates, ect) to allow large animals (e.g. deer and elk) to escape security fencing.

~~c.~~

~~d. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by the best available science and include as appropriate, ~~high-quality wildlife habitat,~~open space with natural vegetation, or habitat features that make these passageways attractive for use by wildlife, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side~~.~~

~~e.~~

~~f.~~e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas, and as it may be amended.

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A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment-Applicants are encouraged, but not required to consult with Colorado Parks and Wildlife

I. Map and description of the existing wildlife, including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and ~~U~~USFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Known or anticipated ~~C~~changes to wildlife and plant species composition or density.

b. Known or anticipated ~~C~~changes in the number of and habitat of threatened or endangered species.

c. Known or anticipated ~~C~~changes in extent, quantity, quality, and fragmentation of wildlife habitat, including migration

corridors~~routes~~, calving areas (production areas), summer and winter range,

mating grounds, nesting grounds, or any other habitat features necessary for the ~~protection~~conservation, protection and propagation of wildlife species.

d. ~~How~~ The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around the facility and provide continued access to forage and habitat.

e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Description of the proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat, including wildlife-friendly fencing and plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

a. The degree of anticipated ~~C~~changes in species composition, density, or diversity.

b. The degree of anticipated ~~Ch~~changes to the number of and habitat of animal, bird, insect, and plant species.

c. The degree of anticipated ~~C~~changes to on-site activity at critical times or locations.

d. The potential for the Medium-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

e. The degree of anticipated ~~C~~changes to wildlife habitat, including migration corridors~~routes~~, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

f. The degree of anticipated c~~C~~hanges to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4 or substantially similar design. Install structures (ramps, gates, ect) to allow large animals (e.g. deer and elk) to escape security fencing.

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by the best available science and include as appropriate, open space with natural vegetation, or habitat features that make these passageways attractive for use by wildlife, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side

~~. Minimize the footprint of the fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.~~

~~. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.~~

~~. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

~~. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas, and as it may be amended.~~

~~6-210~~6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

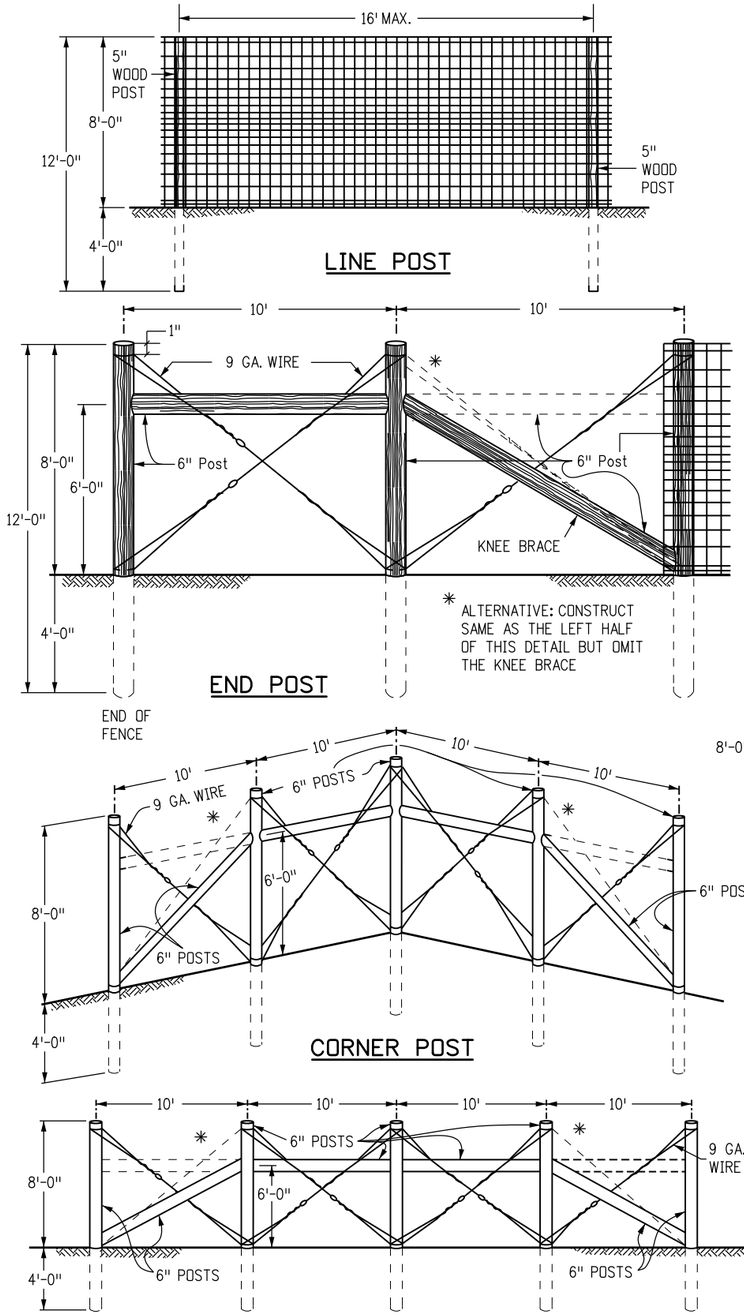
6-206 U. Construction Traffic

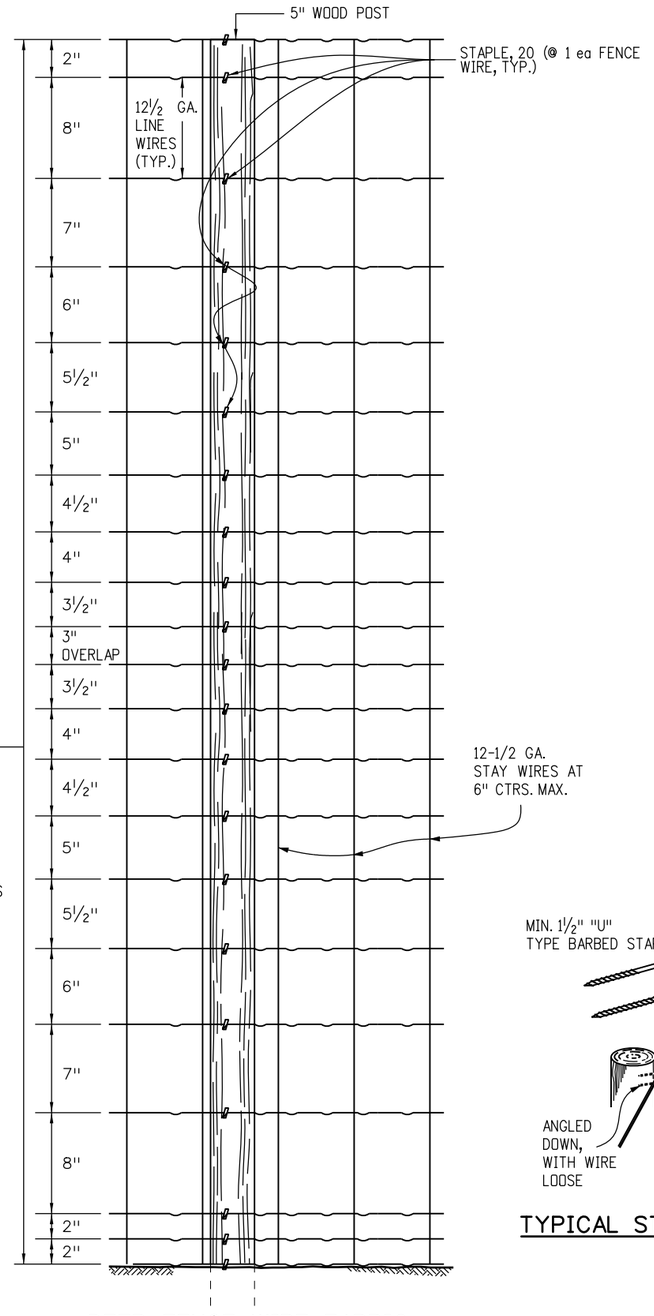
Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on local traffic conditions. Traffic route may be conditioned to avoid and minimize impacts to certain resources.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must

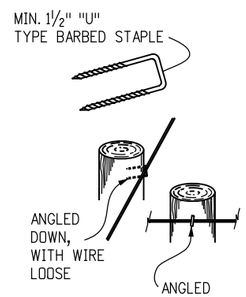
Attachment B: Colorado Department of Transportation- Deer Fence, Gates, and Ramps Standard Plan No. M-607-4



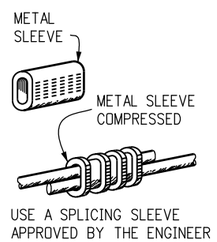


GENERAL NOTES

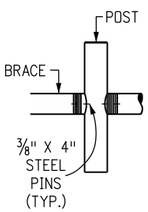
1. AT EACH LOCATION WHERE AN ELECTRIC TRANSMISSION, DISTRIBUTION OR SECONDARY LINE CROSSES A BARRIER FENCE, THE CONTRACTOR SHALL FURNISH AND INSTALL A GROUND CONFORMING TO ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE. THE GROUND ROD SHALL BE A MINIMUM DIAMETER OF ½ IN. AND 8 FT. IN LENGTH, AND DRIVEN AT LEAST 7½ FT. INTO THE GROUND. THE ROD SHALL BE CONNECTED TO EACH WIRE WITH A MINIMUM AWG NO. 8 STRANDED COPPER WIRE. GROUNDING WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE WORK.
2. END POST, CORNER POST, AND LINE BRACE POST SHALL BE ASSEMBLED BY THE UNIT AND PAID FOR AS SUCH. ALL WORK AND MATERIAL ASSOCIATED WITH EACH ASSEMBLY, SHALL BE INCLUDED IN THE UNIT PRICE FOR THAT ASSEMBLY.
3. LINE BRACE POSTS SHALL BE SPACED AT 400 FT. INTERVALS, WHERE FENCING IS CONTINUOUS AND WHERE END, CORNER & LINE BRACE POSTS ARE NOT SPECIFIED.
4. ALL LINE POSTS SHALL BE 5 IN. MIN. DIAMETER AND 12 FT. LONG. ALL END, CORNER AND LINE BRACE POSTS SHALL BE 6 IN. MIN. DIAMETER AND 12 FT. LONG. ALL POSTS AND BRACES SHALL BE TREATED IN ACCORDANCE WITH SUBSECTION 710.07.
5. FENCE WIRE MAY BE PLACED ON EITHER THE ROAD SIDE OR THE FIELD SIDE OF POSTS, DEPENDING ON LOCAL CONDITIONS; i.e., ON CURVES, THE WIRE SHOULD BE PLACED ON THE SIDE WHICH WOULD RESULT IN THE LEAST AMOUNT OF TENSION ON THE STAPLES. THIS ALSO APPLIES WHERE WIND DRIFT OR OTHER CONDITIONS WOULD EXERT UNUSUAL PRESSURE AGAINST THE WIRE.
6. WHERE CONCRETE STRUCTURES ARE USED AS A DEER PASS, THE FENCE SHALL END AT EYEBOLTS IN WINGS OF THE STRUCTURE. EYEBOLTS IN FRESH CONCRETE SHALL BE MADE OF ½ IN. ROUND BARS AND EMBEDDED A MINIMUM OF 6 IN. WITH A HOOKED OR BENT END. IN EXISTING CONCRETE, THE ½ IN. ROUND BARS SHALL BE DEFORMED AND GROUTED INTO DRILLED HOLES. EYEBOLTS SHALL HAVE A MINIMUM OF 1 IN. INSIDE EYE DIAMETER AND SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. COST OF EYEBOLTS SHALL BE INCLUDED IN THE CONTRACT PRICE FOR FENCING.
7. WOVEN WIRE FENCE FABRIC SHALL CONFORM TO AASHTO M 279 (ASTM A 116). DESIGN NO. 2096-6-12½, GRADE 60, COATING TYPE ZA, COATING CLASS 80.
8. ALL FENCE WIRE TIES, BRACE WIRES, STAPLES AND OTHER WIRE APPURTENANCES SHALL BE GALVANIZED IN CONFORMANCE WITH AASHTO M 232.
9. THE CONTRACTOR SHALL RE-ESTABLISH DISTURBED OR DESTROYED SURVEY MONUMENTS TO THE APPROPRIATE ACCURACY IN ACCORDANCE WITH SUBSECTION 625.08 OF THE STANDARD SPECIFICATIONS.
10. CONTINUOUS LINE WIRE SHALL BE HIGH TENSILE (175 K MIN.). CONTINUOUS STAY WIRE SHALL BE MID-TENSILE (125 K MIN.). FIXED KNOT 13 GAUGE WIRE (60K MIN.) SHALL CONNECT LINE WIRE WITH THE VERTICAL STAY WIRE.
11. DEER GATE AND TOP BRACES SHALL BE PAINTED WITH GREEN PAINT ACCORDING TO SUBSECTION 708.03 AND COLOR NO. 14109 OF FEDERAL STANDARD 595B.



TYPICAL STAPLING



WIRE SPLICE



CROSS BRACE DOWELING

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CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English	(R-X)		

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DEER FENCE, GATES, AND GAME RAMPS

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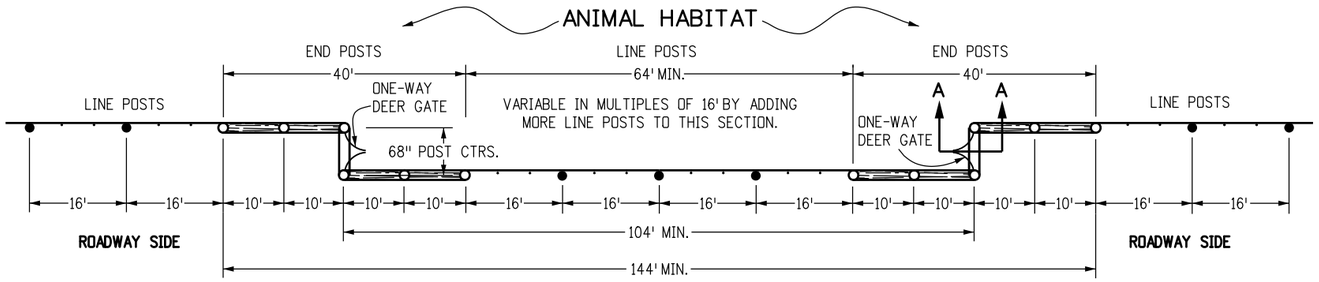
M-607-4



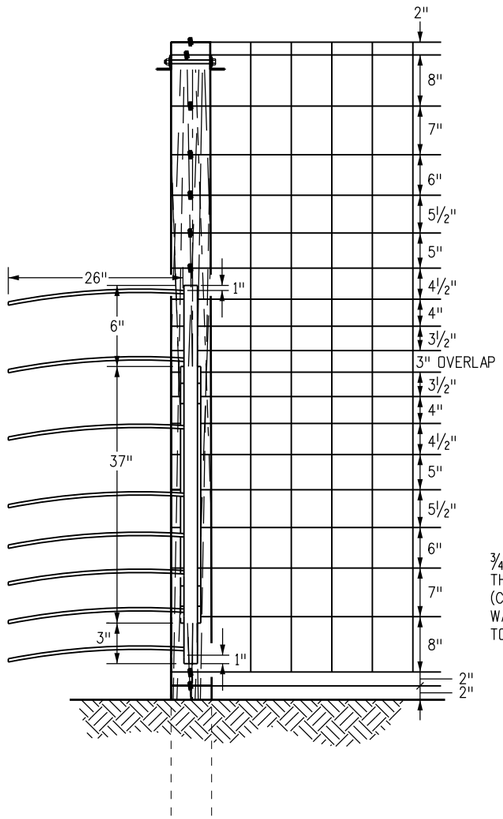
PLAN VIEW - TYPICAL DEER GATE INSTALLATION

LEGEND

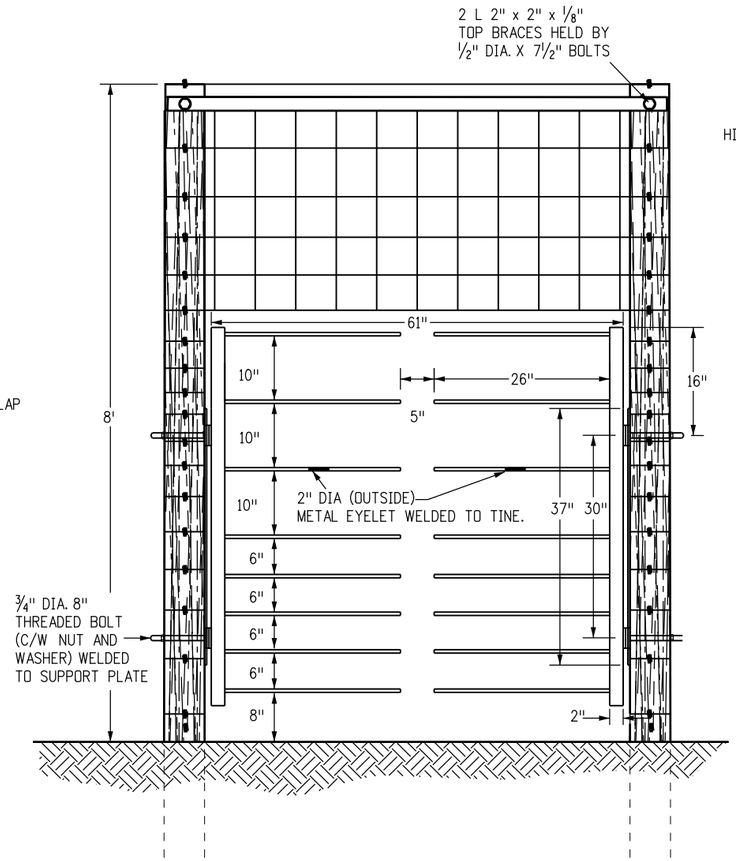
- =LINE POST
- =WOODEN STAY
- =END POST
- =BRACE

NOTES

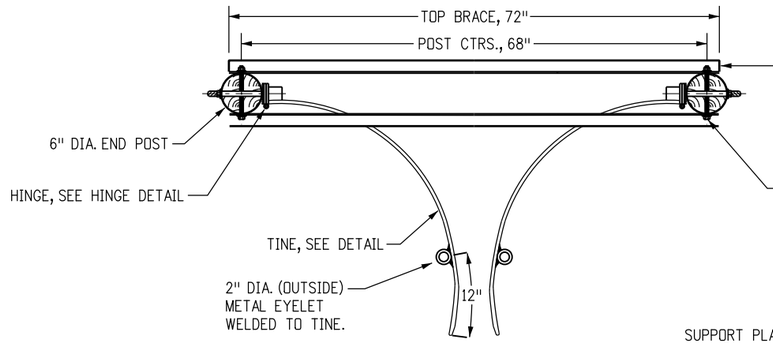
1. SIX IN. DOUBLE ACTING SPRING DOOR HINGE WITH FLAT BUTTON TIPS CUT IN TWO SHALL BE USED AS A SINGLE SWING HINGE AND BE PROVIDED WITH A GREASING NIPPLE AND WELDED TO SUPPORT PLATE.
2. TINES SHALL BE MOLDED IN ONE PIECE OF STEEL (AASHTO M 169, GRADE 1050), WITH NO WELDS ALLOWED.



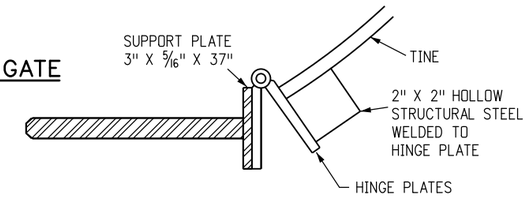
SECTION A-A



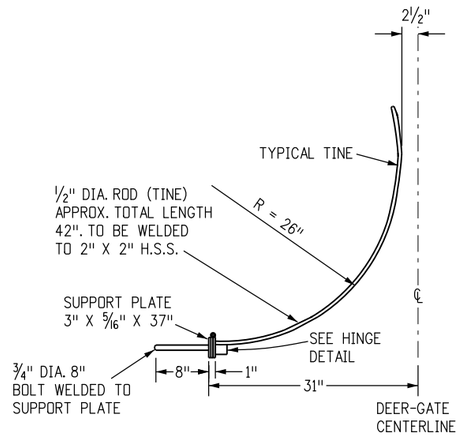
FRONT VIEW - DEER GATE



TOP VIEW - DEER GATE



TYPICAL HINGE DETAIL



TYPICAL TINE DETAIL

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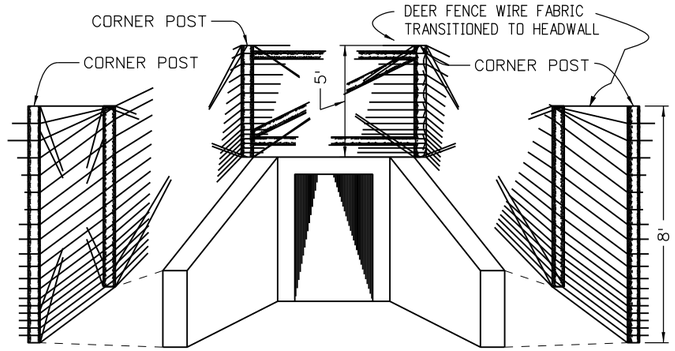
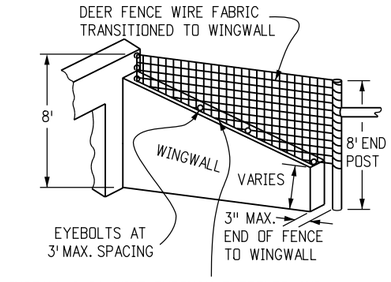


FENCE DEER (SPECIAL) OVER CONCRETE BOX CULVERT

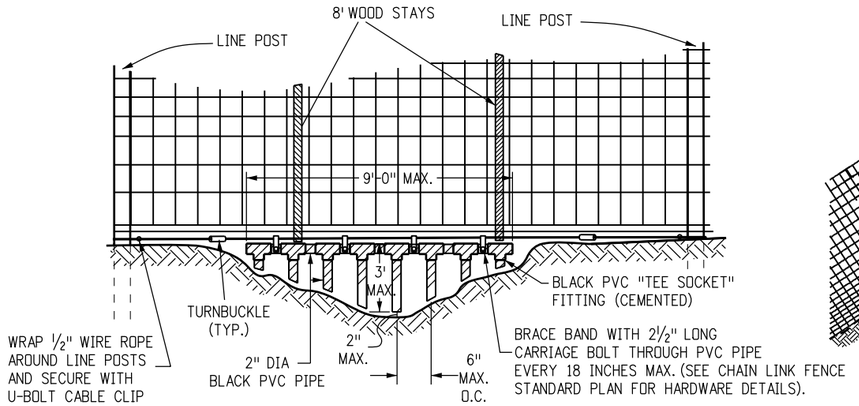
FIVE FOOT POSTS AND WIRE FABRIC SHALL BE INSTALLED WHERE THE FENCE PASSES OVER A CBC AT LOCATIONS SHOWN IN THE PLANS. THIS WORK WILL BE PAID FOR AS FENCE DEER (SPECIAL).

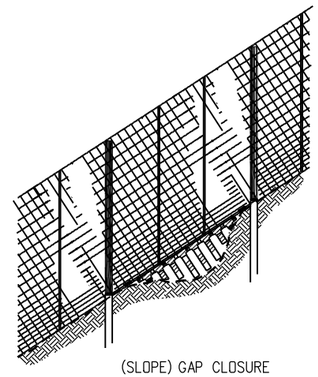


INSTALL 9 GA. WIRE THROUGH EYEBOLTS AND ATTACH FENCE FABRIC TO WIRE AT 1 FT. INTERVALS

NOTES

1. LOCATIONS OF DEER FENCE IN THE CLEAR ZONE SHALL BE SHOWN IN THE PLANS.
2. POSTS WITHIN THE CLEAR ZONE SHALL BE DRILLED.
3. DRILL HOLES PERPENDICULAR TO THE ROADWAY.
4. KNEE BRACE SHALL BE OMITTED FROM ANY END POST OR CORNER POST WITHIN THE CLEAR ZONE.

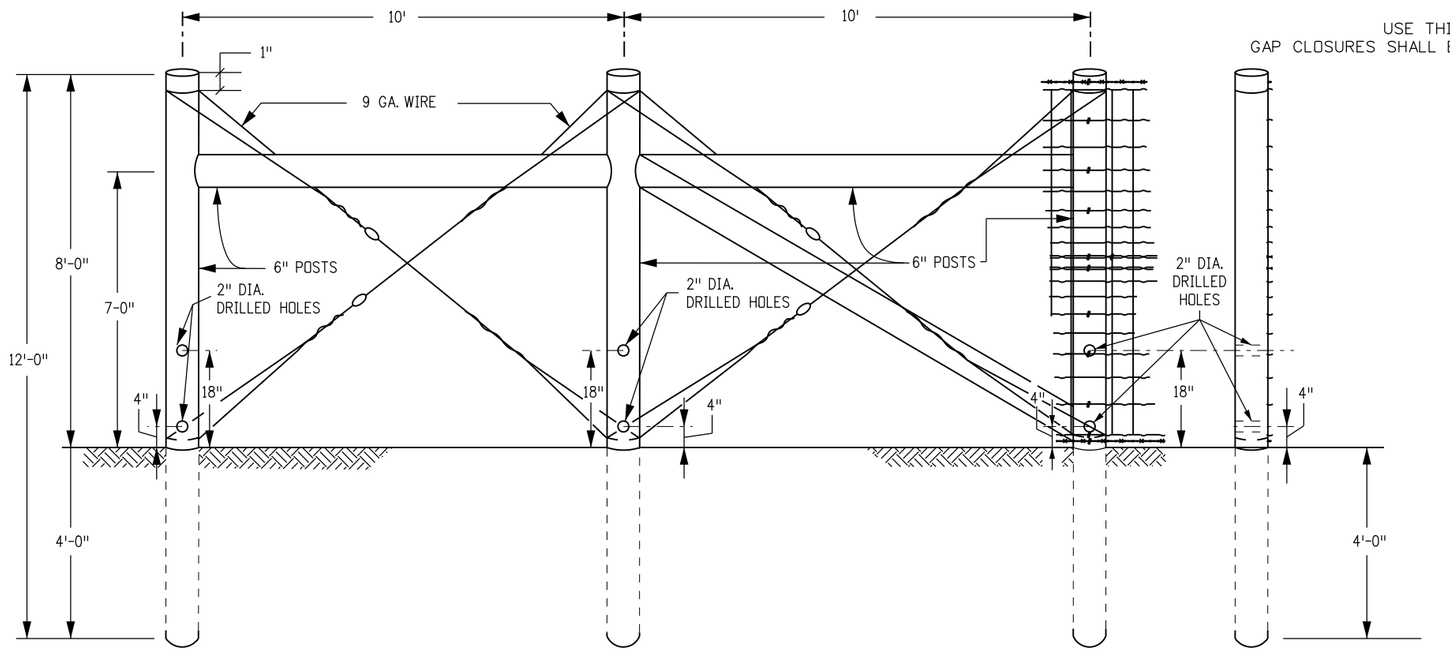




(SLOPE) GAP CLOSURE

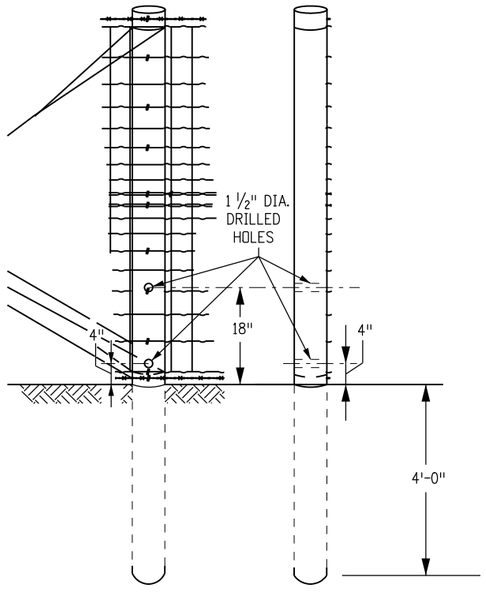
GAP CLOSURE

USE THIS DETAIL TO CLOSE ALL GAPS BEWTEEN 6 INCHES AND 3 FEET.
GAP CLOSURES SHALL BE INCLUDED IN THE PRICE OF THE FENCE AND NOT BE PAID FOR SEPARATELY.



END POST AND CORNER POST

SIDE VIEW



FRONT VIEW SIDE VIEW

5 IN. LINE POST

MODIFIED FOR PLACEMENT WITHIN ROADWAY CLEAR ZONE

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DEER FENCE, GATES, AND GAME RAMPS

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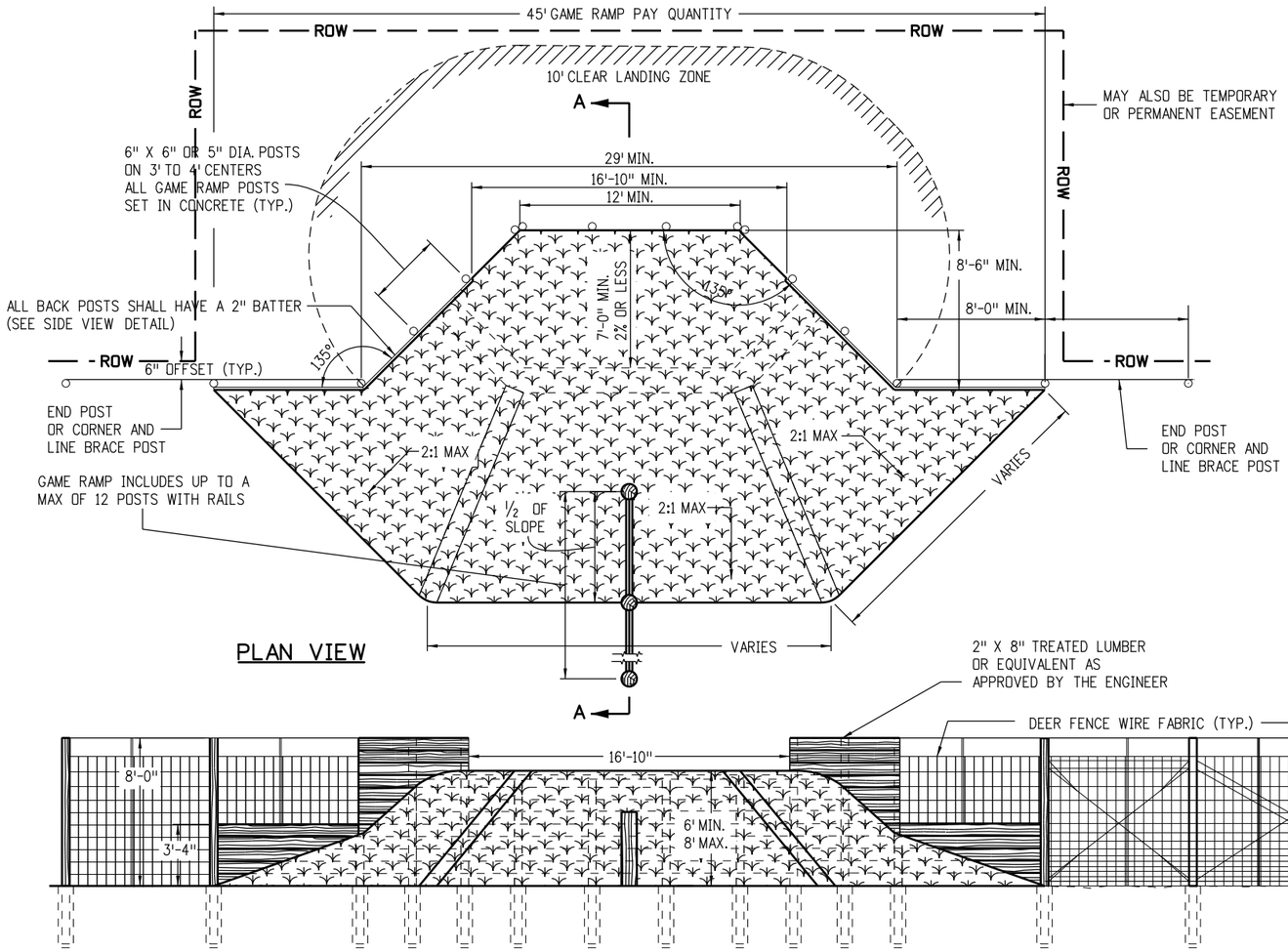
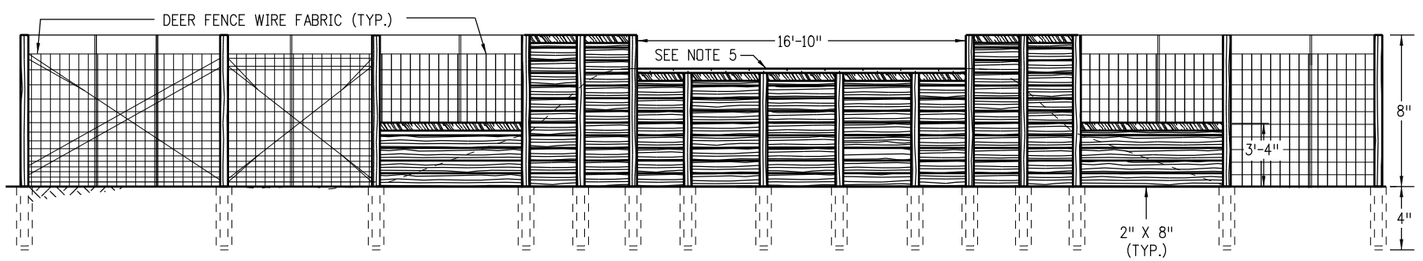
M-607-4



PLAN VIEW

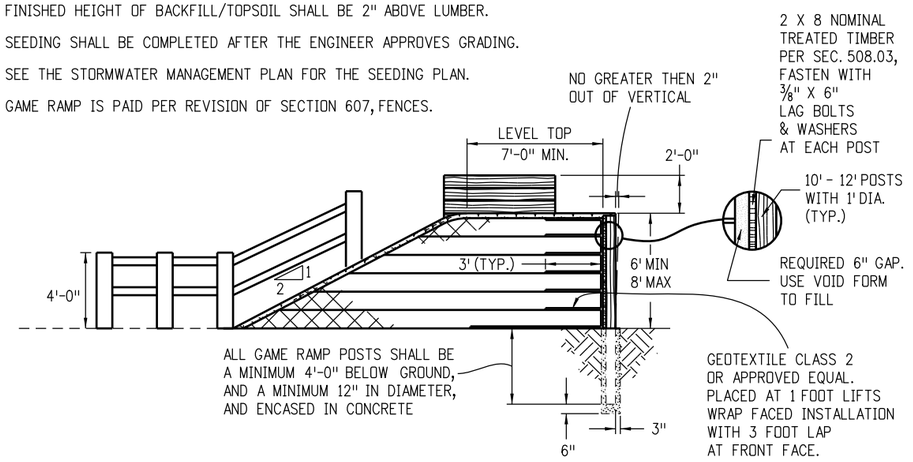
FRONT ELEVATION VIEW



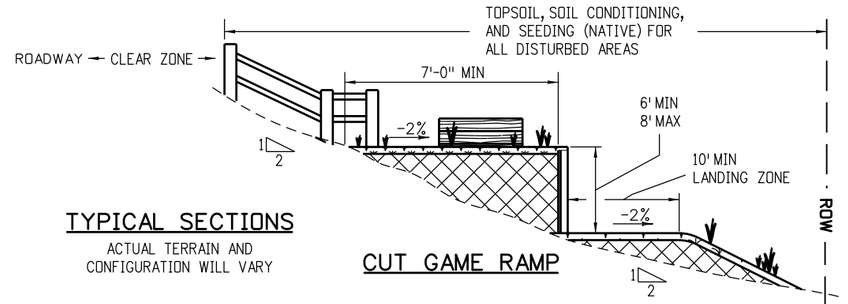
REAR ELEVATION VIEW

NOTES

1. THE LANDING ZONE SHALL BE FLAT, STABLE, AND EARTHEN. THE AREA SHALL BE VOID OF OBJECTS THAT MAY HINDER OR ENDANGER WILDLIFE. THE ENGINEER MAY ADJUST THE GAME RAMP LOCATION AS NEEDED.
2. THERE SHALL BE NO DISTURBANCE BEYOND THE ROW OR TEMPORARY/PERMANANT EASETMENTS.
3. FILL MATERIAL SHALL BE STRUCTURE BACKFILL (CLASS 2) AND MEET THE REQUIREMENTS OF SECTION 206 WITH A MINIMUM COMPACTION OF 90%.
4. FOUR INCHES OF TOPSOIL SHALL BE PLACED IN ACCORDANCE WITH SECTION 207.
5. FINISHED HEIGHT OF BACKFILL/TOPSOIL SHALL BE 2" ABOVE LUMBER.
6. SEEDING SHALL BE COMPLETED AFTER THE ENGINEER APPROVES GRADING.
7. SEE THE STORMWATER MANAGEMENT PLAN FOR THE SEEDING PLAN.
8. GAME RAMP IS PAID PER REVISION OF SECTION 607, FENCES.



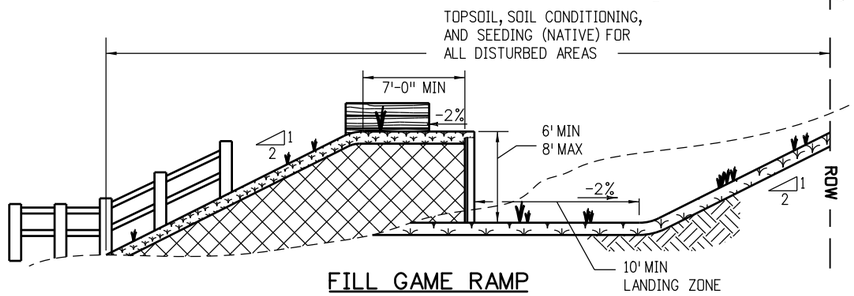
SECTION A-A



TYPICAL SECTIONS

ACTUAL TERRAIN AND CONFIGURATION WILL VARY

CUT GAME RAMP



FILL GAME RAMP

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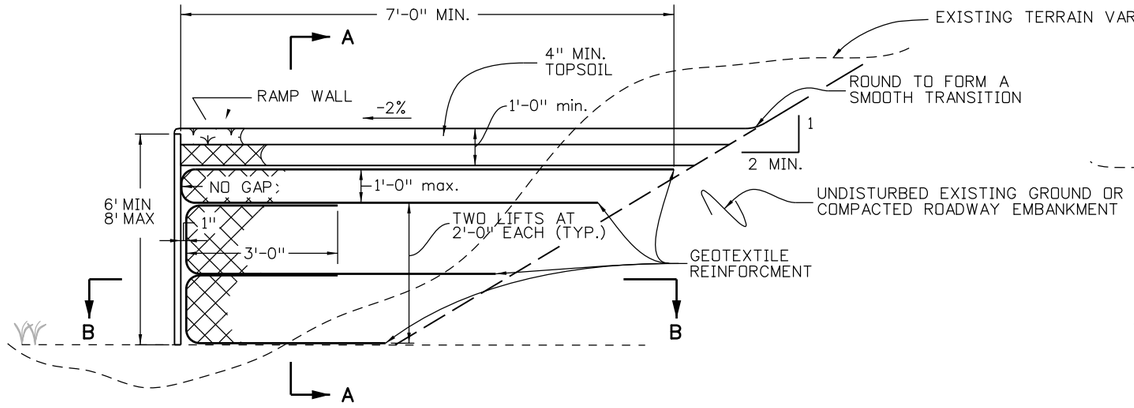
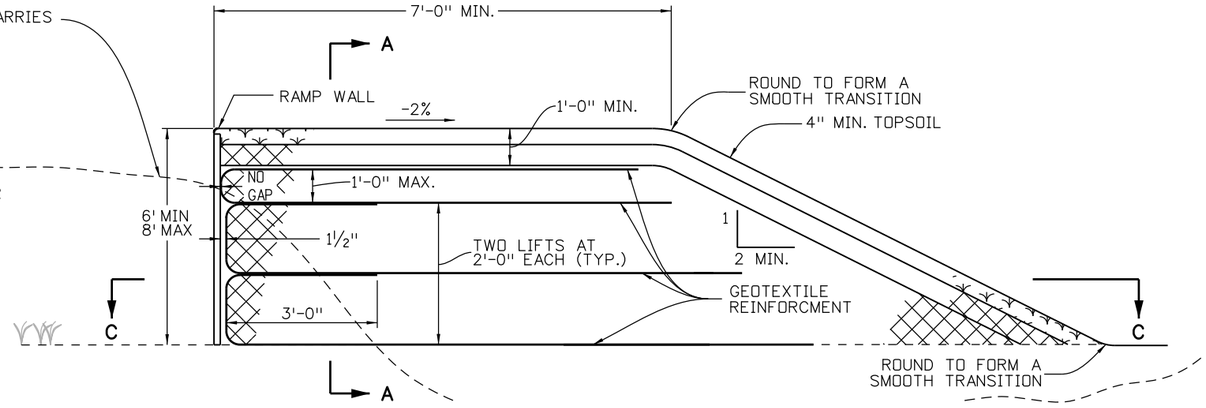
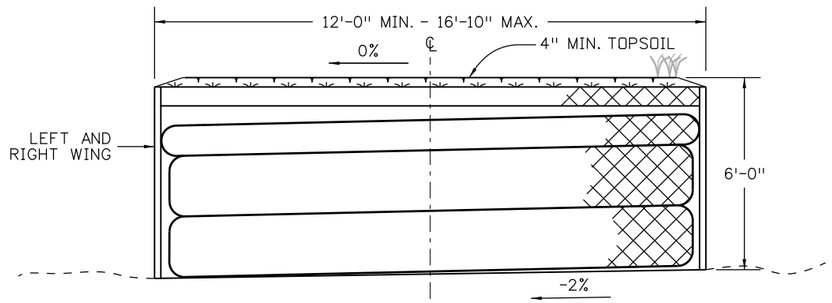


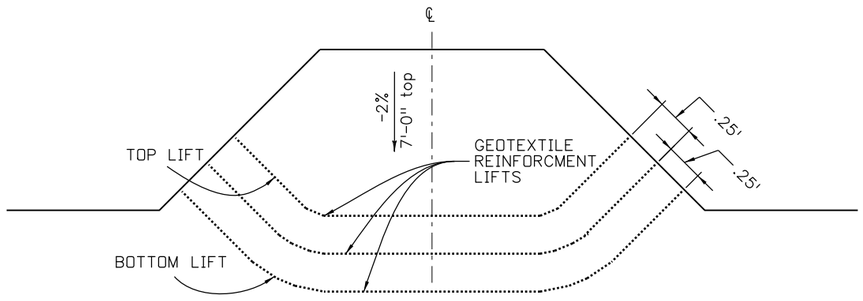
CUT SECTION PERPENDICULAR TO GAME RAMP



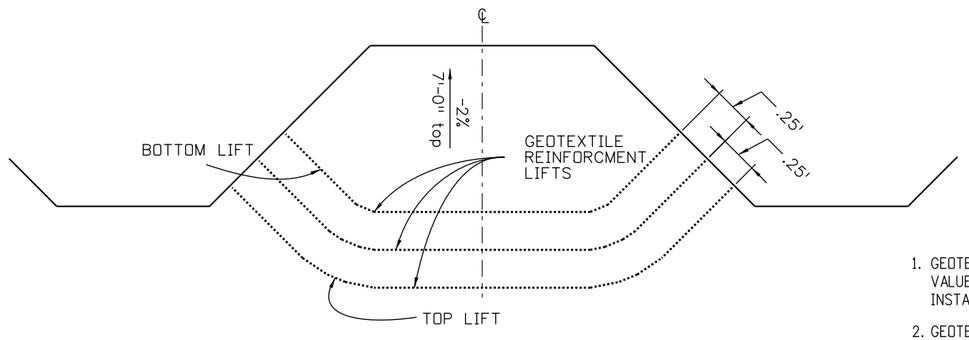
FILL SECTION PERPENDICULAR TO GAME RAMP



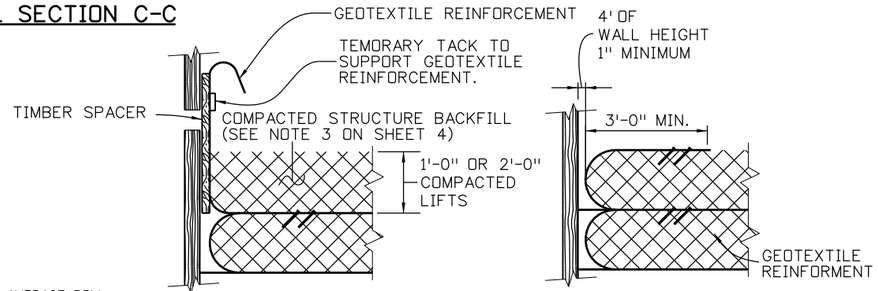
SECTION A-A



FILL SECTION C-C



CUT SECTION B-B



GAP DETAIL STEP 1

GAP DETAIL STEP 2

NOTES

1. GEOTEXTILE REINFORCEMENT SHALL BE WOVEN FABRIC WITH A MINIMUM AVERAGE ROLL VALUE OF 4800 LB/FT FOR INSTALLATIONS WITH A GAP AND 2400 LB/FT FOR INSTALLATIONS WITHOUT A GAP BASED ON ASTM D4595.
2. GEOTEXTILE REINFORCEMENT SHALL BE PLACED BY ALTERNATING MACHINE DIRECTION (MD) WITH CROSS MACHINE DIRECTION (XD) FROM LAYER TO LAYER.
3. THE GEOTEXTILE REINFORCEMENT WRAP AT BACK FACE OF GAME RAMP SHALL BE PULLED BACK SLACK FREE WITH ITS END ANCHORED TO SOIL UNDERNEATH WITH STAPLES OR PINS.
4. MINIMUM SPLICE OF ALL GEOTEXTILE SHALL CONSIST OF 1 FOOT OF OVERLAP.
5. GEOTEXTILE REINFORCEMENT WRAP AT BACK FACE OF GAME RAMP WALL SHALL BE TEMPORARILY HUNG WITH A SPACER BOARD AND TACK STRIP. AFTER REACHING A TOTAL OF 2'-0" COMPACTED LIFT, THE TACK STRIP SHALL BE REMOVED AND GEOTEXTILE REINFORCEMENT SHALL BE PULLED BACK SLACK FREE WITH ITS END ANCHORED TO SOIL UNDERNEATH WITH STAPLE OR PINS BEFORE THE SPACER BOARD IS PULLED.
6. DO NOT USE SPACER FOR THE TOP LIFT (FINAL LIFT). TOP LIFT SHALL ABUT THE GAME RAMP WALL.

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DEER FENCE, GATES, AND GAME RAMPS

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STANDARD PLAN NO.
M-607-4
Sheet No. 5 of 5

NORWOOD WATER COMMISSION
NORWOOD SANITATION DISTRICT

PO Box 528; 1670 Naturita St, Norwood, CO 81423

***Phone:** 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com*

San Miguel County Board of County Commissioners
PO Box 1170
Telluride, CO 81435

Regarding: Large Scale Solar Projects on Wright's Mesa May 1, 2024

To Whom it May Concern:

I am writing on behalf of the Norwood Water Commission (NWC) in opposition to the proposed Large Scale Solar development located on Wrights Mesa. The NWC is opposed to the development under consideration with OneEnergy, as well as large scale developments of a similar nature for the following reasons that are relevant to water issues within our area:

- The stress on our existing aged-out water system could potentially result in unanticipated (and expensive) repairs;
- The water requirements of potential projects may exceed the availability from secured sources;
- The Norwood Water Commission is mandated to provide potable water to households and businesses within its service area and does not have it in its long-range plans to serve Large Scale Solar projects;
- There is a potential for water and soil contamination from hazardous materials;
- The region's ongoing drought needs to be taken into consideration;
- The reduction in valuable and scarce farmland and agricultural production on Wrights Mesa is unacceptable; and
- At a minimum, the energy produced by Large Scale Solar, as proposed by OneEnergy and not addressed by proposed LUC language, needs to benefit the local community first, before its distribution to the larger grid.

On a personal note, I would like to add that regional communities in San Miguel County such as Norwood should be responsible for its own energy demands, working with local energy providers already in place. There are federal monies currently available for "microgrids". San Miguel County is uniquely characterized by municipalities small enough (Telluride, Mountain Village, Ophir, Norwood, Egnar) where microgrids are very feasible and practical. Battery technology has advanced so much that the energy can be stored for overnight use. The existing grid can still be a back-up source of energy.

Lastly, (and again, I'm speaking personally on this point and not necessarily reflecting the position of the water commission) relatively scarce agricultural lands in San Miguel County should remain agricultural! The County should not lose the carbon sink that the existing grass pastures provide (carbon sequestration), nor should it lose lands that are currently favorable to food production. Solar projects and agriculture, contrary to a myth that's perpetrated out there, are not compatible. We have 52 panels here at Indian Ridge Farm: the panels shade the grasses out too much for their growth, and the panels also shield the grass from receiving moisture falling from the sky. These observations come from first-hand experience!

Thank you in advance for your consideration.

Sincerely,

Tony Daranyi, Chairperson
Norwood Water Commission

COLORADO
State Land Board

Colorado State Board of Land Commissioners
1127 Sherman Street
Denver, CO 80203

June 26, 2024

Kaye Simonson, AICP, Planning Director
San Miguel County Planning Department
333 W. Colorado Avenue, 2nd and 3rd Floors
Telluride, CO 81435

Dear Ms. Simonson:

Thank you for soliciting comments from the Colorado State Land Board regarding San Miguel County's proposed solar energy systems as an amendment to your land use code.

Please allow me to use this comment period to reiterate that your County has final decision-making authority regarding what uses are permitted -- or not -- on a trust land parcel. The Colorado Constitution requires that the State Land Board comply with valid local land use regulations and land plans [Colo Const. Art. IX, Sec.10(1((c)].

Additionally, our Staff has two suggestions regarding the proposed amendment. First, clarify the criteria the County will use to determine a property's recreational resources. Second, clarify how the County will determine the applicable acreage when calculating the acreage for the NRCS-designated prime farmland threshold? For instance, how will the acreage include or not include the undisturbed acres located between panels that are viable for agrivoltaics?

Finally, I would be glad to share more information about our renewable energy portfolio and leasing process. The State Land Board has a fiduciary responsibility to steward trust assets — 2.8 million acres of working trust land spanning 6,000+ parcels — to earn money for schools intergenerationally. Currently there are 65 leases on 21,834 acres of trust land in San Miguel County.

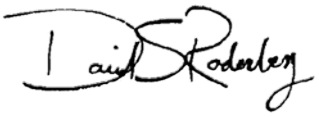
While we own the land, we don't work the land ourselves. We lease the land to other operators who pay us rent, which flows to the beneficiaries. Obtaining a lease with the State Land Board is the first step of a multi-step, public process that occurs

before development. Again, lessees must comply with all local, state, and federal or sovereign nation regulations and obtain all required permits.

Approximately 10 percent of all renewable energy generated in the state is located on trust land. In FY2023, renewable energy leases on trust land generated $3.4 million. Our agency takes into account many factors when issuing leases for renewable energy on trust land, such as revenue potential, long-term land use implications (aka forage viable for agriculture relative to solar), compatibility with other leased uses, and statewide goals regarding renewable energy and carbon management.

Thank you again for soliciting comments.

Sincerely,



David Rodenberg, Renewable Energy Program Manager
Colorado State Board of Land Commissioners

Cc: Bill Ryan, Director, State Land Board

Kaye Simonson <kayes@sanmiguelcountyco.gov>

proposed language changes to solar regs

1 message

Shannon Armstrong <shannona@sanmiguelsheriff.org> Wed, May 29, 2024 at 10:01 AM
To: SMC Planning <planning@sanmiguelcountyco.gov>

Hello,
There are a few changes I would like to see to sections 103 V. and 103 W. to make sure we receive updated plans on a regular basis and also to clarify roles and responsibilities. I have attached a Word doc with the changes I would like to see highlighted in green. If there is a different, preferred format, please let me know.

Thanks,
Shannon

--

SAN MIGUEL COUNTY SHERIFF

Shannon Armstrong
Emergency Manager

shannona@sanmiguelsheriff.org | Phone 970.369.8628
Cell 970.729.3497 | 24hr Dispatch 970.728.1911
Physical and Mailing Address 684 CR 63L | Telluride, CO 81435

For Criminal Justice Records requests click here for our online form

*Under the **Colorado Criminal Justice Records Act (CCJRA)** all messages sent by or to me on this county-owned email account may be subject to public disclosure.*

Edited Draft Solar Regs - EM and DERA reference.docx
15K

103 W. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, and spills. The plan must be updated regularly and must include proof of adequate personnel, supplies, procedures, an updated contact list, response infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Large-Scale Solar Development and to repair damage caused by emergencies. An updated Emergency Preparedness and Response Plan must be provided to the San Miguel County Office of Emergency Management every two years.

103 X. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development. This plan must be updated regularly and must be provided to the San Miguel County Office of Emergency Management and the Local Emergency Planning Commission, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.
III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.
IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.
V. The Local Emergency Planning Commission (LEPC) may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.
VI. The County has designated the Telluride Fire Protection District as the Designated Emergency Response Authority (DERA) pursuant to Section 29-22-102(3)(b), C.R.S. by County Resolution 2017-28 and the DERA may undertake prevention, control, countermeasure, containment, and clean-up measures in the event of a spill or other incident involving Hazardous Materials.
VII. The DERA has the right to claim reimbursement for reasonable, necessary, and documented costs resulting from action taken to remove, contain, or otherwise mitigate the effects of the incident (29-22-104, C.R.S).

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com

Wednesday, June 12, 2024

San Miguel County Board of County Commissioners and San Miguel County Planning Commission
500 West Colorado Avenue
Telluride, CO 81435

Dear Members of the San Miguel County Board of County Commissioners and Planning Commission,

We are writing to express our sincerest gratitude and appreciation for the dedication and hard work that has been put into developing the draft regulations for solar energy systems in the Wrights Mesa master plan. We aware of the countless hours that have been dedicated to not only constructing, but also refining the land use code that will have a significant impact on Wrights Mesa.

It is clear that mindful and reasonable consideration has been given to the economic, ecological, and emotional impacts of industrialization in this resource delicate area. The efforts put forth to ensure that the regulations are well-thought-out and comprehensive are commendable.

As concerned citizens and stakeholders in the community, we have had the opportunity to review the third set of draft regulations dated June 10, 2024. While we appreciate the hard work done so far, we would like to request that specific attention be given to the following items:

Section 6-201 General Provisions

1. 6-201 H., Definitions

Large-Scale Solar Energy System

- A Solar Energy System consisting of solar arrays occupying forty (40) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.
  - ***We would ask that this is reduced and capped at a maximum of thirty (30) acres.***
  - ***We would ask that this is formally capped as to size and scale.***
  - ***We ask that set backs are required to be 75 feet from the road.***

Medium-Scale Solar Energy System

- A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.
  - ***We would like to ask that this is reduced to a maximum twenty (20) acrea.***
  - ***We ask that set backs are required to be 50 feet from the road.***

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com

1. 6-203 N. Glare, Glint, and Lighting Impact Assessment
    - ***Please add / include the requirement of documentation from Wrights Mesa's Dark Sky regarding designation regulations as to compliance of project.***
2. 6-203 S. Water Services Availability
    - ***Please add / include the requirement of documentation from specific water provider to confirm availability.***
3. 6-203 V. Emergency Preparedness and Response Plan
    Please add / include the requirement of documentation from Emergency Service provider to confirm availability.

Addressing these items will further strengthen the regulations and ensure that they effectively meet the needs and concerns of all stakeholders involved.

Once again, we want to express our gratitude for the hard work and dedication that has been put into this. Your efforts are crucial in shaping the future of Wrights Mesa, and we confident that with our continued commitment, we will achieve a sustainable and thriving community.

Thank you for your time and consideration.

Sincerely,

Candy A Meehan, Mayor

Town of Norwood

PO Box 528
1670 Naturita Street
Norwood, Colorado 81423
meehan@norwoodtown.com

www.norwoodtown.com

C - 970.208.7829

C - 970.729.1234

September 10, 2024

San Miguel County Planning Department
333 W Colorado Avenue 3rd Floor
P.O. Box 548
Telluride, CO 81435

Dear San Miguel County Board of County Commissioners and Planning Staff,

The COSSA Institute recognizes and applauds the tremendous amount of work that County staff and elected officials have put into compiling the final proposed regulations for Solar Energy Systems. As a 501(c)(3) nonprofit organization committed to bridging the gap between local leaders, elected officials, and solar developers to advance clean energy solutions in communities across the state, we have appreciated the opportunity to provide comments on the proposed regulations for Solar Energy Systems over the past several months. As you move toward adoption of the final regulations, we encourage you to consider some key facts before making your final decision.

In 2019, the Colorado General Assembly passed legislation to set statewide goals to reduce greenhouse gas emissions and support the transition to clean energy, with the intent to protect the health of communities and the natural environment, increase economic growth opportunities, and expand clean energy jobs. To address Colorado's largest sources of emissions, which includes electricity generation from fossil fuel sources, the State is working to transition to 100% clean energy generation by 2040.

To achieve this goal, State officials estimate that we will need to quintuple the amount of solar installed across Colorado within the next 10 years. The Colorado Energy Office estimates that new solar with capacity of 10,000 megawatts installed over the next 15 years (the amount needed to achieve 100% clean energy generation) will require between 75 and 125 square miles (48,000-80,000 acres) of land, which is about one-tenth of 1% of land in the state. For comparison, it is projected that low-density exurban sprawl will use 500,000 acres - more than 500 times as much land as solar development – over the same time period. The solar to be installed will bring benefits to local communities, including a more resilient and reliable electric grid, diversification of energy sources powering the local grid, and a bolster to local economies.

Rural communities, such as those in San Miguel County, will play an instrumental role in the transition to a clean energy future in the coming years. Although only 15% of Colorado's population is rural, 37% of emissions are produced in rural communities, largely from the extraction of fossil fuels to generate energy for urban centers, making it clear that rural communities are not bystanders in the climate crisis – they are active participants who are directly affected. As of April 2024, 91% of renewable energy generation in the state was happening in rural areas, demonstrating the critical role rural communities play in advancing climate solutions. San Miguel County has already shown its leadership in addressing

climate change by adopting a Regional Climate Action Plan and taking action to curb greenhouse gases; the adoption of regulations for Solar Energy Systems that facilitate the development of a diverse mix of clean energy projects will be critical to ensure the County remains a leader in climate action, both locally and nationally.

The final regulations for Solar Energy Systems adopted by the Board of County Commissioners will be a critical next step to ensure San Miguel County is part of the transition to a clean energy future. **However, the County's well-intentioned effort to write regulations that reflect the many desires brought forth by community members has resulted in requirements that are so stringent that they will discourage small and medium-sized solar installers from applying for permits.** The scope of the proposed regulations, as written, may also discourage companies specializing in microgrids - an excellent solution for right-sizing/right-siting solar projects for communities like those in San Miguel County - from applying for permits, as the financial burden and resources required to complete an application will be prohibitive.

A recent analysis of the regulations, compiled by one of the COSSA Institute's partner organizations, revealed that big projects (those 150 acres or more in size) with high potential revenues have the money, capacity, and resources to invest in managing their way through the complicated application process. These large-scale projects play a critical role in increasing the amount of renewable energy powering the broader electrical grid, however if only large developers have the means to submit applications, the outcome will be misaligned with the community's desire for a diverse mix of projects that are right-sized and right-sited for the County. Landowners with parcels smaller than about 150 acres will be the ones most likely to forgo project opportunities, losing out on supplemental revenue that could be critical to help them stay on their land.

To ensure San Miguel County receives applications for projects of varying sizes - especially medium-scale and microgrid projects - we encourage the Board of County Commissioners and Staff to consider the following before formally adopting the final regulations:

- **Maintain the original acreage threshold of 40 acres for medium-scale projects**. As originally written, the threshold of forty (40) acres of land would allow for a 5 megawatts (MW) solar energy system to be built. This threshold aligns well with State legislation authorizing the creation of community solar gardens and limiting generational capacity to 5MW. If the BoCC adopts the recommended change to reduce the acreage allowance to thirty (30) acres of land, the maximum size of a medium scale solar energy system would be 3.5MW. A solar project 5MW in size can power approximately 865 homes (1/10th of the population in the county); reducing the acreage allowance to 30 acres would reduce the number of homes powered by a single system by about 30%.
- **Simplify the requirements for medium-scale projects**. Specific recommendations include:
    - Revise the requirement for a Stormwater Management Plan to be narrative in nature, rather than in a detailed technical format which could be cost prohibitive.

- Provide a checklist for yes/no/not applicable answer options for the requirements laid out in the final adopted Land Use Code Amendment for Solar Energy Systems to simplify and streamline the application process. This would also be beneficial for "large-scale" projects to clearly define what is required of the applicant at this stage.

- **Simplify the requirements for all microgrid projects**. SMPA has secured over $130,000 in grant funding to install microgrid projects within San Miguel County, which will enhance resiliency and reliability of the electrical grid for the local community. If the regulations are not better streamlined to encourage microgrid projects, these critical assets risk not being built. Similar to the recommendations for medium scale projects, we recommend:
  - Adopt a One-Step Approval process for microgrid projects.
  - Revise the requirement for a Stormwater Management Plan to be narrative in nature, rather than in a detailed technical format which could be cost prohibitive. The full technical designs will come at a later stage in the process.
  - Provide a checklist for yes/no/not applicable answer options for requirements laid out in the final adopted Land Use Code Amendment for microgrids to simplify and streamline the application process.
- **Add "significant" in front of "adverse impacts" in Sec. 6-204 AA and Sec. 6-206 Y.** Recognizing the important role agricultural operations and landowners play in the region, it is critical for the final regulations to protect the productivity of agricultural lands while not limiting private landowners' ability to choose to install clean energy projects on some or all of their property. Any development will have some level of adverse impacts on the land, so clarifying that the project may not have **significant** adverse impacts will allow agricultural producers the option to consider a solar lease on some or all of their property as appropriate.

Thank you once again for your commitment to stakeholder engagement and your dedication to finding solutions that benefit the community. We look forward to continued collaboration in refining the San Miguel County Land Use Code for the benefit of all stakeholders involved.

Sincerely,

Adrienne Dorsey
Vice President of Strategic Initiatives

Jeremiah Garrick
Manager of Community Engagement and Strategy

SAN MIGUEL POWER ASSOCIATION

September 9, 2024

San Miguel County Planning Commission
333 West Colorado Ave #3
Telluride, CO 81320

Dear San Miguel County Planning Commission,

Subject: Support for Solar and Community Resiliency Projects in San Miguel County.

On behalf of the Board of San Miguel Power Association, we are writing to express our support for solar and community resiliency projects that adhere to the principles of local support and appropriate scale, given the location and any site constraints. As an organization dedicated to the betterment of the communities that we serve, we ask that, when planning and defining land use restrictions, consideration be given to the potential for sustainable energy solutions to enhance community resilience and environmental stewardship, drive energy independence, and decrease energy costs for the communities where they are located.

While we advocate for local solar in our territory in general, community solar projects, in particular, provide a valuable opportunity for residents and businesses to access renewable energy sources without the need for individual installations. In many instances, the mountains and canyons of our area make individual installation locations unsuitable. Community solar can provide another option to the residents of these locations while promoting energy equity for those who cannot afford their own individual installation.

We believe that successful community solar and resiliency projects should meet the following criteria:

1. **Local Support**: Community involvement and support are crucial for the success and longevity of these projects. We advocate for comprehensive community engagement processes that ensure local residents, businesses, and stakeholders are informed, consulted, and given a voice in project planning and implementation. This inclusive approach helps build trust and ensures that the projects meet the community's specific needs and preferences.

2 **Appropriate Location**: The siting and scale of solar projects are critical to their success. We support projects located in areas that meet or exceed all of that jurisdiction's siting considerations. A successful project must gain support from the community, and likewise, the community deserves to understand the complete benefits that the project can provide. Ideal locations include those near the existing grid interconnection infrastructure.

Headquarters
Box 817, Nucla, Colorado 81424
970-864-7311 ● 970-864-7257 FAX

Box 1150, Ridgway, Colorado 81432
970-626-5549 ● 970-626-5688 FAX

SAN MIGUEL POWER ASSOCIATION

By adhering to these principles, solar and community resiliency projects can provide numerous local economic, social, and environmental benefits. As we look to the future and potential vulnerabilities that may face the national electric grid, solar in our "backyard" could also serve a security purpose. We hope you will consider this in all of your long-term planning and land use discussions.

We are eager to collaborate with local authorities, community groups, and developers to promote and implement solar projects that meet these standards.

Thank you for considering our perspective on this important issue. We look forward to working together to advance energy solutions that benefit the communities we serve.

Sincerely,

Rubel Felicelli
Board President
San Miguel Power Association, Inc.
rube@smpa.com

Brad Zaporski
General Manager/CEO
San Miguel Power Association, Inc.
brad@smpa.com

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Draft Solar Regs

1 message

'Darin Graber' via SMC Planning <planning@sanmiguelcountyco.gov>
Reply-To: Darin Graber <dgraber@telluride-co.gov>
To: "planning@sanmiguelcountyco.gov" <planning@sanmiguelcountyco.gov>

Hello SMC Planning Department,

I've read through the draft solar regs and wanted to provide some very minimal feedback:

- p. 12: "Mining Operations" seems to be included in error in item III. c.
- p. 33: same as previous comment (item V. c.)

Best,
Darin Graber
Sustainability and Grant Administrator

O (970) 200-8455
M (970) 519-1200
dgraber@telluride-co.gov
telluride-co.gov

TOWN OF TELLURIDE
EST.1878

Rebekah Hall
113 W Columbia Ave
Telluride, CO 81435

Stay in the know. Sign up for the Town of Telluride newsletter.

ECOACTION PARTNERS

To: San Miguel County Board of County Commissioners and Planning Commission
From: Emma Gerona, Executive Director, EcoAction Partners
Date: September 10th, 2024
Re: SMC Solar Land Use Code Updates

Thank you to San Miguel County staff, planning commission members, and county commissioners for your extensive time and effort allocated towards listening to community member input while working to update the solar land use codes. As a regional environmental non-profit, we appreciate your efforts in trying to develop regulations that are environmentally robust while encouraging the right size and scale of project that we will need to develop to meet our Climate Action Plan goals. The development of local community size microgrid projects is a critical objective as we strive to address our increasing energy consumption and continue to improve grid reliability and resiliency. Now is a key time to enact community solar and microgrid projects to best utilize the wide range of funding resources from IRA incentives, state and federal grant opportunities, and the Production Tax Credit that are currently available to support new renewable energy projects. These resources make it possible to develop the right types of projects to support our local energy needs and emission reduction goals.

EcoAction Partners remains concerned that the current draft LUC solar regulations are too burdensome for local solar businesses to be financially able to consider submitting a project application for a medium scale project. This assessment stems from conversations including those with Alternative Power Enterprises, a local solar installation business located in Ridgway. At EcoAction's recent event, *Community Conversations on Local Solar,* the owner of Alternative Power shared that he would not be able to invest the time and resources to even submit an application for a community-scale project as solar project economics are already tight. This is especially true for the small end of the "Medium-Scale" projects, such as those covering 0.5 to 10 acres, which we as an organization would like to see San Miguel County encourage to be able to meet the formally adopted emission reduction goals within the Climate Action Plan.

We support the idea discussed during our solar conversation event for San Miguel County to consider splitting the current medium-scale project category into two categories to create a small-medium size category (such as 0.5-to-10-acres) with simplified application requirements for this smaller category.

We also propose the following suggestions provided from the COSSA Institute be considered for the current draft of the solar regulations:

- Allow for the stormwater management plan to be in narrative format, rather than a detailed plan. If allowing this is already intended, then revise the language accordingly to clarify the level of detail required.
- In sections 6-206Y & 6-204AA, where the code focuses on agricultural impacts, include "significant" in front of "adverse impacts". Since it is likely that development on agricultural land will have some impact, clarify language to better define what impacts are acceptable or not.

We sincerely hope that you take the time to consider these updates to the draft LUC regulations. There is concern that with the current regulations only large non-local developers with "Large-scale" projects will be able to take on the burden to apply. We hope to encourage San Miguel County to find pathways within these regulations that will encourage, small-medium scale, community driven projects that will support our energy resiliency and grid reliability. These projects will be instrumental for our region if we are to successfully reach our adopted goals of 50% emission reduction by 2030 and 90% by 2050. Thank you for your time and consideration of these updates.

Emma Gerona, Executive Director

EcoAction Partners

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288- **Fax:** 970-327-0451; www.norwoodtown.com

Wednesday, September 11, 2024

San Miguel County Board of County Commissioners and San Miguel County Planning Commission
500 West Colorado Avenue
Telluride, CO 81435

Dear Members of the San Miguel County Board of County Commissioners and Planning Commission,

We are writing to express important considerations regarding solar power developments in San Miguel County. These projects should prioritize meeting the current and future energy demands of our local community rather than reallocating our resources for export to other regions. It is essential that solar developments are strategically located near the highest consumption areas of our county, rather than being imposed in remote locations merely for the purpose of being out of sight.

Moreover, we must prioritize strict decommissioning regulations and appropriate bonding measures. It is imperative that the responsibility of dismantling these installations does not fall on future generations. Establishing robust frameworks now will ensure sustainable practices in the long term.

Addressing these concerns will not only enhance regulatory effectiveness but will also ensure that the needs and interests of all stakeholders are adequately supported. Please make specific adjustments to following items:

Section 6-201 General Provisions

1. *6-201 I., Definitions*
   Large-Scale Solar Energy System
   - *A Solar Energy System consisting of solar arrays occupying thirty (30) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.*
     - *We ask that set backs are required to be at minimum 75 feet from the road.*

   Medium-Scale Solar Energy System
   - *A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than thirty (30) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.*
     - *We ask that set backs are required to be at minimum 50 feet from the road.*

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288- **Fax:** 970-327-0451; www.norwoodtown.com

2. *6-204 P., Glare, Glint, and Lighting Impact Assessment*
    - *Please add /include the requirement of documentation from Wrights Mesa's Dark Sky regarding designation regulations as to compliance of project.*

3. *6-204 V., Water Services Availability*
    - *Please add / include the requirement of documentation from specific water provider to confirm availability.*

4. *6-204 Y., Emergency Preparedness and Response Plan*
    - *Please add / include the requirement of documentation from Emergency Service provider to confirm availability.*

5. *6-204 AA. Agricultural Resources*
    - *I. The Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.*
    - *II. No more than thirty percent (30%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. If the Large-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Large-Scale Solar Development shall be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS.*
    - *We ask that you reduce the thirty percent (30%) of land distributed to ten percent 10% by the Large-Scale Solar Development categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS*
    - *We ask that you reduce the fifty percent (50%) of land distributed to twenty percent 20% by the Large-Scale Solar Development categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS if it includes agrivoltaics.*
    - *Please add /include the requirement of documentation from the Shavano Conservancy District that the site does not violate any protected prime farmland.*

6. *6-206 Y. Agricultural Resources*
    - *I. The Medium-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.*
    - *II. No more than thirty percent (30%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. If the Medium Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS.*
    - *We ask that you reduce the thirty percent (30%) of land distributed to ten percent 10% by the Medium-Scale Solar Development categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS*
    - *We ask that you reduce the fifty percent (50%) of land distributed to twenty percent 20% by the Medium-Scale Solar Development categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS if it includes agrivoltaics.*

PO Box 528; 1670 Naturita St, Norwood, CO 81423

***Phone:** 970-327-4288- **Fax:** 970-327-0451; www.norwoodtown.com*

- *Please add /include the requirement of documentation from the Shavano Conservancy District that the site does not violate any protected prime farmland.*

7. 6-206 C. Site Design Review Criteria
   - II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks for Medium-Scale Solar Development do not include landscaping and berming. Setbacks may be increased or decreased during the review and evaluation of the application
   - *We ask that you increase the one quarter (1/4) mile to 1 mile from a Colorado-designated Scenic Byway.*

Finally, we would like to extend our gratitude for your ongoing efforts and commitment to this important initiative. Your hard work is instrumental in shaping the future of Wrights Mesa, and we are confident that our collaborative endeavors will lead to a sustainable and prosperous community.

Thank you for your time and consideration.

Sincerely,

Candy A Meehan, Mayor

Town of Norwood

PO Box 528
1670 Naturita Street
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rneehan@norwoodtown.com

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C - 970.208.7829

C - 970.729.1234

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Concerns Regarding Recent Changes to Solar Development Plans and Green Energy

Alexandra Thompson <alexandra.grace.hilton@gmail.com> Mon, May 13, 2024 at 1:49 PM
To: planningcommission@sanmiguelcountyco.gov, Galena Gleason <galenagleason@gmail.com>, josselin.lz@gmail.com, Anne Brown <anneb@sanmiguelcountyco.gov>, lancew@sanmiguelcountyco.gov, krish@sanmiguelcountyco.gov

Dear County Commissioners and County Planning Commissioners,

I hope this letter finds you well, though I must express my deep dismay and concern regarding recent developments surrounding solar development plans and the Green Energy Initiative within our county.

It is with a heavy heart that I address you today, as it seems the majority of our community conversation has centered around the perceived threat of large-scale solar projects. However, with the removal of the "large scale" designation from Wrights Mesa, we now face a new and pressing issue. The size of what is now labeled as "medium scale" developments has been expanded by a staggering 400%, allowing for projects of up to 40 acres. This significant increase has occurred with little to no community discussion or input.

Moreover, I am alarmed by the apparent lowering of standards for approval and the removal of essential requirements for potential developers. I firmly believe that we should not be making it any easier for developers to encroach upon our historic agricultural lands and rural landscapes. Our limited resources should be safeguarded, not further depleted for the sake of expediting solar projects.

I cannot ignore the unequal burden being placed on the west end of San Miguel County. It seems Telluride, with its affluent residents and green beliefs, is eager to champion green energy initiatives—yet it conveniently passes the responsibility and consequences onto the less affluent communities like ours. This disparity in burden and responsibility is unjust and must be addressed.

I am deeply frustrated by County Planner Kaye Simonson's repeated insistence on expediting the process of solar development plans. While I understand the importance of efficiency, rushing through such crucial decisions undermines the significance of the matter at hand. This is not merely about ticking boxes on a checklist; it's about the livelihoods, property values, and emotional well-being of our community members. We owe it to ourselves and future generations to take the necessary time to ensure that these plans are meticulously crafted and thoroughly evaluated. Rushing through this process risks making irreversible mistakes that could have far-reaching consequences. We must prioritize quality over speed and commit to getting this 100% perfect, regardless of how long it takes.

It is imperative that we prioritize the preservation of our rural landscapes and agricultural heritage. Rather than facilitating large solar arrays, we should be promoting roof-mounted personal systems,

which not only minimize land use but also empower individuals to take control of their energy consumption.

Additionally, the well-being of our ranching community must be a paramount consideration. Increased solar development not only threatens our limited resources but also heightens the risk of death loss from fires and has been linked to the proven lack of fertility of cattle around solar arrays.

I implore you to refocus our efforts on supporting and uplifting the ranchers of San Miguel County. Let us work together to find sustainable solutions that honor our agricultural heritage, protect our rural landscapes, and ensure the prosperity of all members of our community.

Thank you for your attention to these pressing concerns. I look forward to your thoughtful consideration and action on this matter.

Sincerely,

Alex Thompson
c. 401-829-9943
e. alexandra.grace.hilton@gmail.com

Dear Board of County Commissioners, Planning Commission, County Attorney, and Planning Director,

I am writing to express my deep frustration and concern regarding the ongoing discussion about commercial solar development in San Miguel County. Along with 99% of those who oppose this development, I have been incredibly courteous throughout this process, despite the profound impact such development would have on our lives and the landscape of the west end.

Over the past months, we have submitted extensive FACTUAL evidence highlighting the numerous risks and negative impacts associated with allowing commercial solar development. This evidence includes, but is not limited to, increased fire risk, mental health concerns, significant water needs, the destruction of property values, and the terrible environmental impact. Despite our efforts to present well-researched and substantiated arguments, it has become clear that our concerns have fallen on deaf ears.

It is particularly disheartening to observe that Planning Director Kaye Simonson appears to be acting against the best interests of the residents she is supposed to serve. Her recent email suggesting that the regulations are ready to be implemented is not only premature but also pharisaical. It suggests a disregard for the legitimate concerns raised by the community and an eagerness to push forward an agenda without proper consideration.

The situation is further exacerbated by the fact that Kaye Simonson remains in her position despite the Diamond Ridge fiasco. For those who may need a reminder, the legal ruling in the 106(a) case clearly stated that the county was WRONG and had overreached. The judges' notes were unequivocal:

- “The County’s argument ignores the comprehensive structure of the 1991 PUD Plan.”
- “The County’s position is not reasonable.”
- “Another flaw in the County’s position…”
- “The Court rejects this [the County’s] argument because it is illogical and leads to an absurd result.”

These statements underline a fundamental misunderstanding and misapplication of the law by the county officials involved. It begs the question: should our way of life and enjoyment be in the hands of people who do not understand the law or proper planning principles? I **firmly** believe that the answer is no.

Throughout this process, Kaye Simonson has been attempting to fast-track these regulations, repeatedly referencing "good and legal planning” to force her desires through. However, her actions and the outcomes of previous cases suggest that she does not fully grasp what constitutes good and legal planning. This is not merely an opinion but a conclusion supported by legal rulings.

It is high time that the voices of the residents are heard and respected. The future of San Miguel County should not be dictated by individuals who have demonstrated a lack of understanding

and a disregard for the law. We deserve better. Our community deserves to have its concerns addressed with the seriousness and respect they warrant.

I urge you to reconsider the current approach to commercial solar development in our county. Please take into account the comprehensive and factual evidence we have provided. Ensure that the planning process is transparent, fair, and truly reflective of the community's best interests, not the "environmental goals" that don't take into account our way of life.

Thank you for your attention to this critical matter. I look forward to seeing a more thoughtful and community-centered approach to planning and development in San Miguel County.

Cheers,

Alexandra Thompson

alexandra.grace.hilton@gmail.com

401.829.9943

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Solar regs

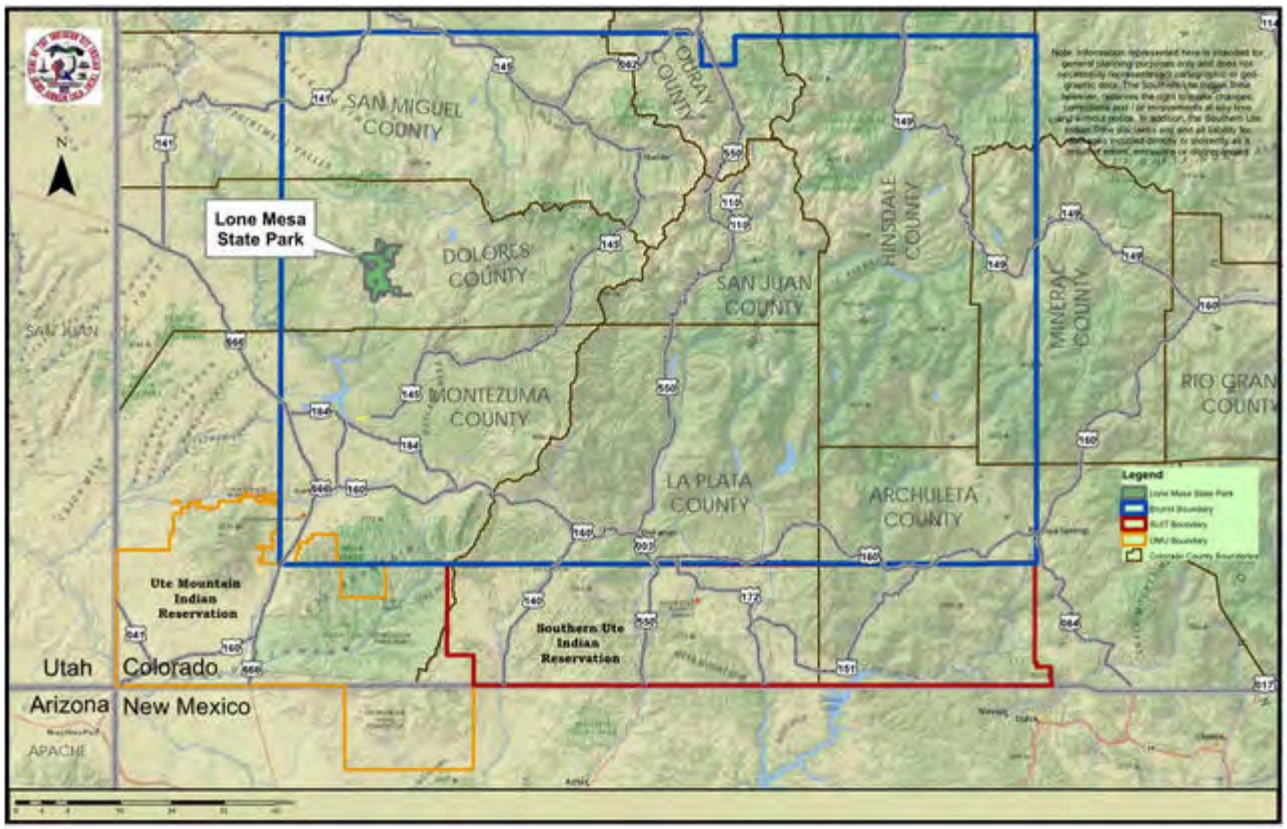
1 message

Joan May <joan@joanmay.org> Thu, May 16, 2024 at 12:00 PM
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcounty.org>

Hello Kaye and John,

I hope this finds you well. In my work with various environmental orgs, I have been trying to follow SMC's proposed large scale solar regulation process, especially as it relates to SB24-212. In reviewing the draft regs, one thing that seems to not be included, but is mentioned in SB24-212, is requiring consultation with the Ute tribes on projects within the Brunot Treaty area regarding potential impacts to wildlife. Most of San Miguel County seems to be in the Brunot area.

Thanks for considering this comment!



Joan May
Ophir CO
970-729-1359
joan@joanmay.org

Tami St. Germain
636 Gurley Drive
Norwood, CO 81423
970/708-8600

May 8, 2024

To the Board of County commissioners and the Planning and Zoning Committee:

I am submitting the below comments to the proposed *draft* Regulations for Solar Energy Systems as presented at the May 8, 2024 County Commissioner Planning Commission Work Session. I have included direct passages from the proposed draft regulations with my comments in italics. In some instances, I have edited passages with red insertions.

Thank you for considering these recommendations.

SECTION 101 GENERAL PROVISIONS

101 E. 1. Large-scale Solar Energy System

Comment: Remove Forestry, Agriculture, Open Space, and West End Zone districts from large-scale list. That there is no cap on the large-scale system jeopardizes the natural resources of the county.

101 G. Permit Review Procedures

III.

Comment: Cite the LUC Article 3-1302 B.

101 H. Term of Permit and Commencement

II. If construction of a permitted Project has not been initiated within 3 years of permit issuance, or if construction of a permitted Project is delayed for more than 3 years from the schedule approved in the permit, the permit shall be void and of no force and effect. The Board of County Commissioners may grant extension(s) of the approval for good cause shown.

Comment: Is there a time limit to the allowance of extensions?

101 J. Definitions

Mitigation e.
Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities, or a combination thereof, called "compensatory mitigation." Compensatory mitigation must occur within the area impacted by the Solar Energy System development.

Comment: The "area" needs to be clearly identified? Is this determined by watershed, ecoregion, zone district?

Solar Energy System

Comment: The proposed draft regulations do not mention concentrated solar systems (CSS). Can the LUC specifically forbid CSS? What happens if a proposal for a CSS were to be submitted? My concern being that if the LUC doesn't mention CSS, then it is possible for CSS applications to be considered and possibly permitted.

103 APPLICATION MATERIALS FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

D. Property Rights, Permits and Approvals

IV. Copies of environmental assessments and impact statements.

Comment: There needs to be a criterion for these documents to have been prepared by a qualified consulting team.

103 ~~H~~G.

I. e. Aerial extent, function, and channel connectivity of floodplains.

Comment: What is aerial extent?
Comment: Move subsections d. and f. to II., below.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens. **The description must include without limitation:**

d. Potential for transition from wetland to upland species.
f. Potential for alteration in hydrology that would allow succession to upland species.

III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

Comment: Avoidance should be the only form of mitigation for wetlands.

103 ~~K~~J. Terrestrial Plants Impact Assessment and Mitigation

Comment: Include criterion that this be prepared by a qualified biologist.

103 ~~O~~N. Glare, Glint, and Lighting Impact Assessment

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Large-Scale Solar Development.

Comment: Are there contingencies in place should the developer want to upgrade lights once in operation? Would upgrades require further review and approval?

103 ~~P~~O. Visual Quality Impact Assessment

Comment: A set viewshed distance is not appropriate in areas with hilly or mountainous terrain where the facility may be visible or hidden, depending upon the vantage point. Visual impact assessments should be prepared on a case-by-case basis.

103 ~~AAZ~~. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. d. Confidential information may be redacted in consultation with the County Attorney.

Comment: Any information regarding locations of cultural sites should be withheld from all documents to be made publicly available.

SECTION 104 REVIEW CRITERIA FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

104 ~~LK~~. III. Proposed fencing....

Comment: The language regarding wildlife fencing seems to be contradictory in that it refers to wildlife friendly fencing where possible. However, in subsection f. there is reference to non-security fencing. It is assumed that security fencing would also be a perimeter fencing. How will wildlife fencing be friendly if the perimeter of the facility is contained within a security fencing? Please provide greater explanation with regards to how fencing will allow for wildlife passage and also for facility security.

e. Construct unfenced wildlife passageways through large facilities to allow ~~big mammals like~~ *large wildlife species such as elk,* deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and ~~thinner~~ *narrower*, and connect ~~to potential~~ *suitable* wildlife habitat on either side.

Comment: What is meant by large facilities?

104 ~~PO~~. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an **unreasonable attractive** nuisance for birds, wildlife, or persons.
Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

104 ~~QP~~. Glare and Glint
II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

104 ~~RQ~~. Exterior Lighting

Comment: This needs to include language referring to dark sky designations and proposals, such as: the large-scale solar development will not degrade existing dark sky designations nor prevent pending proposals for dark sky designations.

104 ~~SR~~. Visual Quality

Comment: Visual impact assessments will be prepared on a case-by-case basis and will consider topography and landscape.

SECTION 105 APPLICATION MATERIALS FOR MEDIUM-SCALE SOLAR ENERGY SYSTEMS

105 D. Property Rights, Permits, and Approvals

Comment: This should include the following:

- The applicant's right to use any water necessary for the construction and operation of the Medium-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.
- Copies of any consultation correspondence with federal, state, and local authorities prepared for the Medium-Scale Solar Development.
- Copies of any draft or final environmental assessments or impact statements prepared for the Medium-Scale Solar Development.

Comment: Section 105 needs to include the following:

Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Medium-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

105 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

I. Map and description of the existing wildlife, including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

105 ~~F~~U. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

Comment: This section should contain all the same materials as for the medium-scale development per Section 103~~AA~~Z.

105 ~~V~~U. Decommissioning and Restoration Plan

Comment: This section should contain all the same materials as for the medium -scale development per Section 103~~BB~~AA.

SECTION 106 REVIEW CRITERIA FOR MEDIUM-SCALE SOLAR ENERGY SYSTEMS

*Comment: Since the medium-scale has increased to 40 acres, Section 106 needs to include and consider impacts to **Floodplains, Wetlands, Riparian Areas, and Fens**, same as per 104 ~~KJ~~.*

106 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

Comment: The language regarding wildlife fencing seems to be contradictory in that it refers to wildlife friendly fencing where possible. However, in subsection f. there is reference to non-security fencing. It is assumed that security fencing would also be a perimeter fencing. How will wildlife fencing be friendly if the perimeter of the facility is contained within a security fencing? Please provide greater explanation with regards to how fencing will allow for wildlife passage and also for facility security.

106 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an **unreasonable attractive** nuisance for birds, wildlife, or persons.
Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

106 N. Glare and Glint

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

106 O. Exterior Lighting

Comment: This needs to include language referring to dark sky designations and proposals, such as: the medium-scale solar development will not degrade existing dark sky designations nor prevent pending proposals for dark sky designations.

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Preliminary solar energy LUC regulations

Daranyi/Indian Ridge Farm <daranyi@rmi.net> Mon, Jun 24, 2024 at 12:10 AM
To: planning@sanmiguelcountyco.gov

To whom it may concern,
I am writing to express my views on a few of the items in the proposed Solar Energy Systems LUC regulations:

1) The current draft of the regs states in Section 6-204 AA. II (page 26):
"No more than fifty-percent (50%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS."

I believe 50% of prime farmland is too large an area of land to sacrifice for solar production. While I understand the impetus (agrivoltaics) for wanting to implement this provision, our "brittle" climate and our relative scarce resource of farmlands within San Miguel County, demands that we preserve prime lands at all costs. Prime farmlands must be preserved! Prime farmlands act as lands suitable for sustainable food production, act as a carbon sink to offset the impacts of climate change, and provide for ecosystem enhancements.

There are plenty of "drylands" (not prime farmland) available throughout San Miguel County for solar energy production.

The "prime farmland" figure should be 0%.

2) As written, the preliminary Solar Energy Systems LUC regulations are still "West End" heavy. Why is there no mention of solar production (esp. large-scale solar) in the East End of the county? Simply put: why does the East End of SMC seem to be immunized by the potential for, in particular, large-scale solar energy production? This point was brought up several times during public comment sessions, but seems to be ignored.

For instance, the tailings piles east of Telluride seem like a good spot for solar energy production, as do lands near the airport and on neighboring mesas (Sunshine, Wilson, Deep Creek, West Meadows, Specie, Beaver, Iron Springs, Hastings, etc. all come to mind). As written, do the Solar Energy Systems preliminary LUC regulations allow for large-scale solar production in these areas?

3) Related to the comment above, the preliminary Solar Energy Systems LUC regulations lack mention of micro-grids for areas in the East End of San Miguel County that may want to install them. For instance, under the preliminary LUC regulations, would micro-grids still be suitable in unincorporated areas surrounding the towns of Telluride, Ophir, Mountain Village, Sawpit and Placerville?

4) The preliminary Solar Energy Systems LUC regs do not adequately mandate that energy produced by large-scale solar energy systems be required to be used locally first, with distribution into the greater grid secondarily. As written, local communities would feel the impacts of large-scale solar systems without reaping any of the benefits.

Thank you for your consideration of these comments.

Sincerely,
Tony Daranyi
Indian Ridge Farm
Wrights Mesa, Colorado

Richard Hollinbeck
PO Box C
Norwood, CO 81423

July 2, 2024

To: San Miguel County Board of County Commissioners and Planning Dept
PO Box 548
Telluride, Colorado 81435

Thank you for the continued opportunity for public review and comment on the latest revisions of the Land Use Code additions to address solar energy development in San Miguel County. I understand this will be discussed at the next public meeting.

I appreciate the progress that has been made.

In a quick review I noticed two important issues:

Stronger local grid generation requirement for West End Data Centers

I am glad that the proposed LUC recognizes the importance of providing some local energy grid benefit in Section 5-320 J (II.)(a).

Please give this more teeth so that a SIGNIFICANT portion of generated solar energy goes onto the grid to offset carbon emissions elsewhere and also benefit our local energy users.
Perhaps specifying a reasonable percentage of generation capacity (25-50%) would make sense.

Better defined disturbance criteria for the setback area for Medium Scale.

It should be more clearly specified that “landscaping and berming are the only allowed disturbance in the setback area”.

As I interpret Sec 6-206 C (II), any industrial disturbance other than “solar panels, equipment and structures” can be built (roads, for example) all around the perimeter of a 40 acres land parcel within the setback area, impacting all adjacent byways or property owners unfairly.

I don’t think this was the intention of the LUC and this wording just needs to be improved.

Yours sincerely,

Richard Hollinbeck
PO Box C
Norwood, CO 81423

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Fwd: GJ Sentinel Editorial 9/4/24 - BLM Western Solar Plan

Carmen Warfield <carmenw@sanmiguelcountyco.gov> Wed, Sep 4, 2024 at 12:26 PM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, SMC Planning <planning@sanmiguelcountyco.gov>

Carmen L. Warfield

Chief Deputy Clerk - BOCC

San Miguel County

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W:www.sanmiguelcountyco.gov

---------- Forwarded message ---------
From: **Mary Ann Gaston** <mgaston10@gmail.com>
Date: Wed, Sep 4, 2024 at 11:59 AM
Subject: GJ Sentinel Editorial 9/4/24 - BLM Western Solar Plan
To: Karen Gauvey <kgauvey@gmail.com>
Cc: ETW - Candy Meehan <candy@earthtechwest.com>, Mike Malley <Mike@refractivemarketing.com>, <peggywooddive75@gmail.com>, <mikpeg1231@gmail.com>, Alexander Pape <apape@telluridehelpdesk.com>, Sepp Seitz <sepp_12@msn.com>, Zach Snyder <zacharyhsnyder@me.com>, kim@ecoactionpartners.org <kim@ecoactionpartners.org>, Terri Lamers <snyderranch56@yahoo.com>, Carmen Warfield <Carmenw@sanmiguelcountyco.gov>, Vivian Russell <vivian@truenorthyouthprogram.org>, Jackson ORDEAN <jaksno@gmail.com>

I'm attaching an editorial from the GJ Sentinel. Before we start sending a bunch of protest letters, I'd like for people to actually understand what BLM is proposing.

If you are against solar anywhere, please let me know.

I talked to BLM on Wednesday before the Western Solar Plan was to be released on August 30. What I understand from BLM Planner Tracey's input and what I've read in

the BLM Western Solar Plan, I believe BLM is trying to take a balanced approach.

1. Any BLM land on Wright's Mesa is exempt.
2. The habitat for the Gunnison Sage Grouse and other sensitive wildlife areas are exempt.
3. Leases for solar projects must be larger than 5 MgW, be within 10(or 15) miles of a grid transmission line (TriState), less than 10% slope, $10,000/acre bond. There is additional review for each specific proposed project before the lease on BLM is approved. There is an opportunity for citizen comment for each specific project.

For San Miguel County, the area on BLM is in the West End/Basin/Disappointment Valley, etc. area. I have attached theBLM has a map designating the areas in San Miguel County where the solar leasing would be available. The map is very difficult to read because of the scale. See attached map, bottom of page a link to map for better viewing.)

These qualifications for development should also apply to San Miguel County solar regs, at a minimum, for the private land in the West End Plan area. (Remember, Wright's Mesa Master Plan is distinct and not in the same area as the West End Plan. Think of St Hwy 141 going to Egnar).

I welcome any feedback.

Mary Ann Gaston
1280 CR 44Z N, Norwood, Co
970-970-0001

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2 attachments

BLM's Western Solar Plan takes sensible approach _ Editorials _ gjsentinel.com.pdf
63K

MAP BLM SMC.pdf
3056K

https://www.gjsentinel.com/opinion/editorials/blms-western-solar-plan-takes-sensible-approach/article_131f7cc6-6a43-11ef-bd1f-57c091ddcdf7.html

BLM's Western Solar Plan takes sensible approach

Sep 4, 2024

Considered ground-breaking when it was proposed in 2012, the Bureau of Land Management's Western Solar Plan is, at last, rounding into final form as an instrument of expedited solar energy development.

It's a natural follow-up to the BLM's adoption of a long-awaited rule earlier this year that puts conservation on equal footing with oil and gas leasing, grazing and other commercial uses of federal land.

The Public Lands Rule emphasizes the importance of siting development projects appropriately to ensure the BLM can carry out its multiple-use and sustained yield mission into the future.

Or, as BLM Director Tracy Stone-Manning has summarized the rule: "Protect the best, restore the rest and make smart decisions."

Updating the Western Solar Plan has been a priority of the Biden administration, which strives to meet a goal of the Energy Act of 2020 to permit 25,000 megawatts of solar, wind and geothermal power projects on federal lands by 2025. Biden has also set a goal of a 100% carbon-free energy sector by 2035.

The Western Solar Plan seeks to guide development of commercial-scale projects away from lands with sensitive resources by providing a streamlined permitting process for projects in areas that the agency believes are most suitable for solar.

As the Sentinel's Dennis Webb reported last week, the revised Western Solar Plan would make nearly 600,000 acres in Colorado available for applications to develop solar projects, including a sizable swath of land northwest of Grand Junction,

Nationwide, the proposal would make more than 31 million acres of public lands available for potential solar development. The plan seeks to drive development near transmission lines or on previously disturbed lands, and avoid protected lands, sensitive cultural or historic resources and important wildlife habitat, the BLM says.

In our view, those are good parameters for smart decision-making and the agency is clearly seeking to strike a balance between responsible renewable energy development, conservation and other multiple uses.

The original plan identified 17 "solar energy zones" where projects would undergo streamlined permitting in Arizona, California, Colorado, Nevada, New Mexico and Utah. The updated plan replaces "solar energy zones" with "priority areas" and added 5.4 million acres in Idaho, Montana, Oregon, Washington state and Wyoming to the list of federal lands that the bureau has evaluated and deemed suitable for commercial-scale solar development applications.

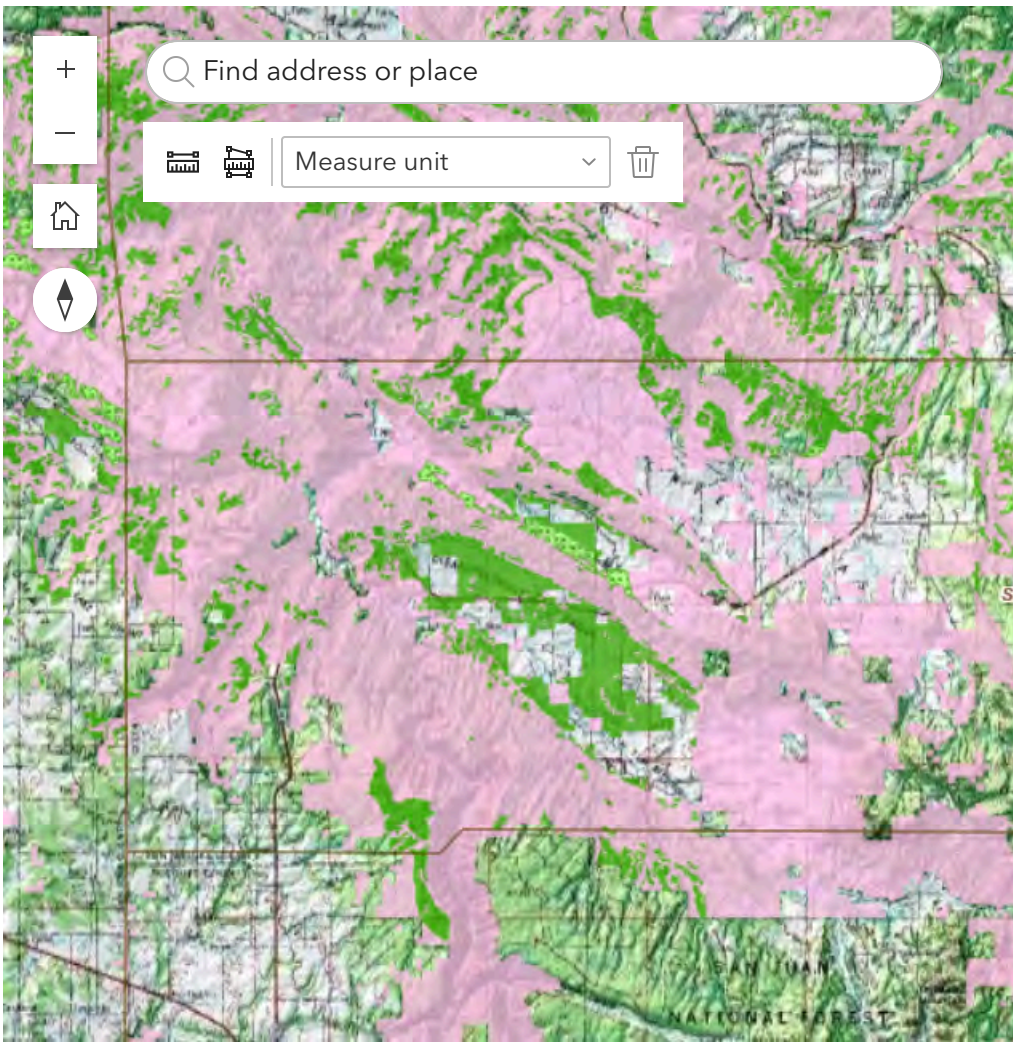
As Webb's reporting revealed, the expanded acreage is a concern to at least one environmental group, while another says its relatively small compared to the land available for fossil fuel extraction. We take that a sign the agency is in the vicinity of a sweet spot — though its own projections leave some question.

The BLM estimates that about 45,200 acres of BLM land in Colorado would be needed to support potential utility-scale solar development by 2045, and nearly 700,000 acres of BLM land would be needed in the 11-state region analyzed, along with about 232,600 acres of non-BLM land in those states.

Still, it's a step in the right direction for a country that clearly needs to ramp up production of "clean" electricity if it has any hope of meeting climate objectives.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Utility-Scale Solar



Map Layers | Legend

USA County Boundaries

BLM National Final Solar PEIS Proposed Plan

Final Solar PEIS Proposed Plan

- Lands Available for Application
- Lands Available for Application - Avoidance Designation
- Exclusion Areas
- Lands Excluded Because Not Within 15 Miles of Transmission and Not Previously Disturbed
- DRECP/CDCA - not part of this Solar PEIS Planning Effort

10 mi

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
anneb@sanmiguelcountyco.gov
lancew@sanmiguelcountyco.gov
krish@sanmiguelcountyco.gov
bocc@sanmiguelcountyco.gov

DATE: SEPTEMBER 09, 2024

FROM:
Michael & Kandi Malley
160 County Road S44, Norwood, CO 81423
Mike@refractivemarketing.com
KMalley@GVTC.com

Dear County Commissioner:

As property owners in the greater Norwood area. I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

We support renewable energy projects that benefit our local communities. Only small-scale solar arrays, grid tie and stand-alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

Landowners' property values usually appreciate with the installation of small end user systems. Our land values will depreciate if installation of commercial/utility size systems are permitted on Wright's Mesa.

The Commercial/utility size installation does not reflect our quality of life we enjoy on Wright's Mesa; scenic, agriculture, dark sky, rural.
Please adopt the solar regulations where ONLY small-scale solar projects are allowed on Wright's Mesa.

The 48-page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Thank you for your understanding and service to our local community.

Michael Malley
President / Founder CRM Group

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
anneb@sanmiguelcountyco.gov
lancew@sanmiguelcountyco.gov
krish@sanmiguelcountyco.gov
bocc@sanmiguelcountyco.gov

DATE: SEPTEMBER 10, 2024

FROM:
Dave and Bridget Muller
7200 44ZS, Norwood, CO 81423
Dsmgeoman@gmail.com
Bisit1113@gmail.com

Dear County Commissioner:

Bridget and I are property owners in the greater Norwood area. This note pertains to the Draft San Miguel County Solar Regulations which will be considered for adoption at the BOCC meeting on September 18, 2024.

Part of San Miguel County's unique heritage is its extremely dark skies. Efforts are underway and have been for some time to preserve this increasingly rare resource. Class 1 Bortle skies are present in only a few remaining areas in the continental United States.

Security lights and radiance from a massive solar development would destroy this legacy of extremely dark skies. Current work to have this characteristic of San Miguel County preserved and recognized by Dark Sky International as the third International Dark Sky Reserve in the United States would come to a halt.

Once lost, reclaiming dark skies is almost impossible. Cities along the Front Range (e.g. Boulder) are discovering lost skies once lost Is nigh on impossible.

Commercial/utility size installations does not preserve the quality of life we enjoy on Wright's Mesa. Development on Wright's jeopardizes the character and health of our community. Wright's Mesa is scenic, agricultural, rural, right-sized for the water resources available, in addition to our dark skies. These are the characteristics that define Wright's Mesa and attracted us to the area.

Please adopt the solar regulations where ONLY small-scale solar projects are allowed on Wright's Mesa.

Thanks for your work on this question, your understanding of what is at stake, and service to our local community!

Dave Muller


Dave Muller
DAVE MULLER PHOTOGRAPHY

Richard Hollinbeck
PO Box C
Norwood, CO 81423

Sept. 10, 2024

To: San Miguel County Board of County Commissioners and Planning Dept
PO Box 548
Telluride, Colorado 81435

Thank you for the work you've accomplished working on amendments to the San Miguel County Land Use Code to address new solar industrial development.

As a prior member of the citizen's advisory committee that helped develop the county's land use codes for the Wright's Mesa Rural Agriculture (WMRA) zone, it was clear to us at the time that the goals and spirit of the Wright's Mesa Master Plan did not include industrial power development on the mesa, although small renewable projects were to be encouraged.

This community view has been overwhelmingly affirmed again and again by WMRA residents at all the public meetings I've attended.

I applaud the Planning Department for removing the "large scale" solar as an allowed use in the WMRA zone.

But, based on the Wright's Mesa Master Plan guidance, as well as unified local public opinion, both "large scale" and "medium scale" solar data centers and power plants should be located in the relatively unpopulated "West End" half of San Miguel County.

I hope the proposed solar LUC will reflect this change before they are formally adopted.

Yours sincerely,

Richard Hollinbeck
PO Box C
Norwood, CO 81423

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
anneb@sanmiguelcountyco.gov
lancew@sanmiguelcountyco.gov
krish@sanmiguelcountyco.gov
bocc@sanmiguelcountyco.gov

DATE: SEPTEMBER 10, 2024

FROM:
Parker and Cary Atkins
7534 County Road 44ZS
Norwood, CO 81423
atkinspe@gmail.com
210-483-3242

Dear County Commissioner:

As property owners in the greater Norwood area. I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

We do not support any commercialized solar or wind energy projects on Wright's Mesa or anywhere in San Miguel County as this is completely contrary to the historic agricultural based land use in the area. Commercial projects are those businesses that generate and sell electricity through the power grid, excluding small individually owned systems for residential, farm, or ranch use. We certainly do not object to the individual use of such small-scale solar and/or wind-powered renewable systems.

Commercial solar energy projects (and Wind energy projects) require large transmission towers, tranformers and transmission lines, which ruin the beautiful landscape that we all love in San Miguel County. Solar panels also blanket the landscape, rendering the land unusable for any other purpose. They are a huge eyesore and have no place in San Miguel County.

We are requesting that the Commissioners adopt solar regulations that prohibit the commercial generation of solar (and wind) energy where ONLY small-scale solar projects are allowed on Wright's Mesa and in San Miguel County.

Sincerely,

Parker Atkins, P.E.
President, Atkins Engineering & Project Management LLC

TO: San Miguel County BOCC

FROM: Mary Ann Gaston
1280 CR44Z N, Norwood, CO
P.O. Box 191, Norwood, CO 81423
mgaston10@gmail.com
970-708-0001

DATE: September 10, 2024

SUBJECT: Comment on Draft Solar Regulations - September 18, 2024 BOCC Meeting

The discussion since May 2023 when One Energy proposed a large utility solar installation on Wright's Mesa has consumed many hours of community participation to protect Wright's Mesa. The County has spent numerous hours listening to our concerns. There have been many developments during this time. The most recent development has been the BLM Western Solar Plan released on August 30, 2024.

The Wright's Mesa community has had one strong reaction to the 100 mw utility size proposed solar project 1 mile south of State Highway 145 - wrong place, wrong mesa. Many people, including myself, thought, if allowed, it should be located in the West End where State Highway 141 is located going south to Egnar. There are landowners in the West End that have had or are currently in discussion with solar developers. The West End is not Wright's Mesa.

The medium size, currently 30 acres, allowed for solar development in the Draft Solar Regulations is TOO LARGE. If Medium is included, it should be limited no larger than 5 acres to avoid impacting Wright's Mesa, a unique rural, agricultural area.
.
For these reasons, I want to encourage the County to create a Zone in the West End where commercial and utility size solar installations could be permitted. I would like to see the remainder of the County, including Wright's Mesa, to be Zoned for small scale, end user and micro grid or community solar installations.

The 48 page current Draft Solar Regulations need to be rewritten, edited, etc. and include an index. I had difficulty determining which section applied to large or medium. It should be clear where large and medium scale is permitted and where it is NOT permitted. Many of the terms are vague. I could spend hours making these technical points, but I'm not a professional that has the knowledge how to accomplish the goal of writing regulations that are not subjective.

Colorado State has recently passed legislation to assist small counties write regulations for renewable energy. I would recommend our County reach out for this assistance. Having well written regulations at the beginning will avoid future conflicts from applicants and landowners. Landowners property values and quality of life could be adversely affected by incompatible land use.

What is your concern with Solar Regulations

1. Zone Properly, Heavy Industrial Restricted Zone

2 Not considering local opinions, values not zoned for industrial.

3. Fire Fire Fire!

4. Cap of Large Solar Installation

5. NO SOLAR FARM IF IT DOESN'T PROVIDE POWER TO NORWOOD.

6. No Benefit to Community

7. To Much Visual Impact.

8. Take 30 acres off Wrights Mesa Go West!

What is your concern?

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:
Name CRAIG GREAGER
Physical address 1250 GRAND AVE.
Mailing address BOX 548
Email GREAGER22@GMAIL.COM
Phone/Text 970 728 2210

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

Landowners property values do appreciate with the installation of small end user systems. Our land values will depreciate if installation of commercial/utility size systems are permitted on Wright's Mesa. The Commercial/utility size installation does not reflect our quality of life we enjoy on Wright's Mesa; scenic, agriculture, dark sky, rural.

Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:
PUBLIC SERVANTS MUST BE TRUTHFUL

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:
Name William Teenker

Physical address 74 Rd Y 43

Mailing address PO Box 727 Norwood Co 81423

Email billteenker@yahoo.com

Phone/Text 970 729 1762

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

Go Kris!

Bill Teenker

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 4, 2024

FROM:
Name LAUREN HOLLEK

Physical address 1525 GRAND Ave.

Mailing address PO BOX 1314

Email laxchick116@gmail.com

Phone/Text 970-327-0212

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:

Name Sarah Fredrickson

Physical address _____

Mailing address PO Box 111, Norwood, CO

Email sk.fred.77@gmail.com

Phone/Text 719-761-7063

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Mike & Joan Griffin

Physical address 690 N. Avalon Dr

Mailing address P.O. Box 1334

Email joania53@yahoo.com

Phone/~~Text~~ 914-489-2859

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:
Name Sevick, Marilyn
Physical address 3100 Lone Cone
Mailing address Po Box 1324
Email sevick.marilyn@gmail
Phone/Text 860-670-2410

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

This will ruin the area

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:
Name PHILLIP SPENCER ROBINS
Physical address 1525 GRAND AVE. NORWOOD, CO 81423
Mailing address POBOX 1314 NORWOOD, CO 81423
Email HIGHCOUNTRYBICYCLES@GMAIL.COM
Phone/Text 970-327-0212

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

Phil S. Robins

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10th, 2024

FROM:

Name Milton + Marla Spor

Physical address 560 45X Rd - Norwood, CO 81423

Mailing address P.O. Box 902 - Norwood, CO 81423

Email laniakeas@gmail.com

Phone/Text 970-309-6210

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

We live 1/2 mile from this site, We pass by this beautiful wild life area everyday. We see Elk, deer, fox, coyote, eagles, hawks, sage grouse, rabbits, wild turkeys, livestock + 10 other small animal species in this plot constantly. Please do not take this beautiful natural wildlife preservative away to put an eye-sore in it's place - Can this project be placed in dry Creek Basin Area where there are no trees?

Thank-You Marla Milton Spor-

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 16, 2024

FROM:

Name Dylan Hay

Physical address 1415 Paradox St.

Mailing address PO. 1219, Norwood, CO 81423

Email haydylan11@gmail.com

Phone/Text 785-766-3080

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

Send it to Paradox

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 19, 2024

FROM:
Name Alexander S. Hartman

Physical address 1730 Grand Ave.

Mailing address PO Box 607

Email shartman60@yahoo.com

Phone/Text 970 708 2020

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:
Name Catherine Peterson
Physical address 547 42 ~~25~~ rd.
Mailing address PO Box 1177 Norwood Co 81423
Email catherinewhdeforce@gmail.com
Phone/Text 970-579-1955

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:
Help individuals get affordable solar where they own or rent.
preserve all open space & agricultural land & water rights
Make a decision for the future quality of life.

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, _____, 2024

FROM:

Name Paje Arruda

Physical address 385 County Road 438S

Mailing address General Delivery

Email pajearrudamx@gmail

Phone/Text 970 - 901 - 4737

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Steve Snyder

Physical address 38764 HWY 145

Mailing address PO Box 594 Norwood

Email

Phone/Text 970-708-8016

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

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Additional Comments:

West end would be better. And less wildlife interference

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Jackie Thompson

Physical address 1 Bolinger Drive

Mailing address Box 708

Email jltcountry1@gmail.com

Phone/Text 970-596-8449

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments: I would appreciate keeping solar as small as possible, owner solar powered panels on private residence only. Thank-you for backing up the 640 acre + moratorium and keeping our county free of massive solar panels.

Jackie Thompson

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Jason Holz

Physical address 35000 65 Rd Ophir, CO

Mailing address PO Box 67 Norwood CO

Email

Phone/Text 970 708 0541

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 11, 2024

FROM:

Name Brownyn Wells

Physical address 71 Juniper Dr.

Mailing address Po Box 726, Norwood

Email bbwells42@gmail.com

Phone/Text 970-729-3364

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments: I am concerned about impacts on wildlife habitat + visual impacts on our beautiful Mesa

Also impacts on emergency services already stretched thin

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impact on Alternative Energy Approaches

Dear San Miguel Board of County Commissioners,

I am writing regarding the proposed solar regulations for Wright's Mesa. While I support the transition to renewable energy, I believe that large-scale solar installations are not the right fit for our community. Instead, I urge you to consider alternative approaches that better align with our local needs and values.

Rather than focusing on utility-scale projects, we should prioritize distributed solar generation, such as rooftop solar on existing buildings and parking structures. This approach would reduce the impact on our open spaces and farmland while still contributing to renewable energy goals.

Additionally, I suggest exploring the potential for community microgrids. These smaller-scale systems could provide local energy resilience without the need for extensive land use or new transmission infrastructure.

Furthermore, I propose that any new building permits or renovations in the county should include requirements for a certain percentage of on-site renewable energy generation. This would gradually increase our renewable energy capacity without the need for large-scale projects that dramatically alter our landscape.

By focusing on these alternative approaches, we can meet our energy needs while preserving the character and resources of Wright's Mesa. I urge you to consider these options as you finalize the solar regulations for our area.

Sincerely,

485 44.5 LN Rd.
Norwood, CO 81423
P.O. Box 971

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impacts on Environmental and Fire Concerns

Dear San Miguel Board of County Commissioners,

Our recent experiences with wildfires, specifically the Bucktail fire and the fire near Valentine Farm, starkly highlight our area's vulnerability to such disasters. These events serve as a potent reminder of the ever-present fire risk in our region. In light of these recent occurrences, we must carefully consider the potential impact of large-scale solar installations on our community's fire safety.

Large-scale solar installations could potentially exacerbate our existing fire risks in several ways:

1. They may introduce new ignition sources through electrical equipment such as inverters, transformers, and extensive wiring.
2. The installations could create obstacles that hamper firefighting efforts, making it more challenging for our fire departments to access and combat blazes effectively.
3. The presence of live electrical systems in these installations may require specialized firefighting techniques and equipment, further complicating fire suppression efforts.

It's crucial to note that our local fire departments are already operating at capacity. The Bucktail fire and the Valentine Farm incident have stretched our resources thin, underscoring the limitations of our current firefighting capabilities. We simply cannot afford to increase the burden on these vital services without careful consideration and proper planning.

While we recognize the importance of renewable energy, we must balance this against the very real and immediate fire risks in our area. Any decisions regarding solar installations should prioritize the safety of our community and the ability of our fire services to respond effectively to emergencies.

We urge a thorough assessment of these risks and the development of comprehensive mitigation strategies before proceeding with any large-scale solar projects in our fire-prone region.

Respectfully,

485 44.5 2nd.
Norwood, CO.
81423

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Max Schiff

Physical address 1922 Naturita Ave

Mailing address P.O. Box # 146

Email mountainmaddmax@gmail.com

Phone/Text (970) 729-2043

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name KAREN LIDGEY

Physical address 1750 N. MARKET

Mailing address BOX 355

Email

Phone/Text 970-708-8893

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

HARMS WILD LIFE

GIANT EYESORE

Karen Lidgey

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:

Name Joanne Polka

Physical address 30156 3000 Rd

Mailing address P.O. Box 334

Email joannepolka@gmail.com

Phone/Text _____

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 5, 2024

FROM:

Name Naomi Peacock

Physical address 150 AA 42 Rd

Mailing address PO Box 1460, Norwood Co 81423

Email grateful gypsy 11@gmail

Phone/Text 970.729.0839

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

Keep it, way it is
that's what made me stay.

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name R Stuart Budge

Physical address 1261 V 44E

Mailing address Po Box 927 Norwood Co 81423

Email RStuart Budge G Mail. com

Phone/Text 970-729-3141

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

R Stuart Budge

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Karen Littlewood

Physical address 130 Summit St

Mailing address PO Box 957

Email Karen littlewood@yahoo.com

Phone/Text 3122467008

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Sol Tenorio

Physical address 250 CR 43 25

Mailing address P.O. Box 748

Email eagle feather jones@gmail.com

Phone/Text 970-964-8998

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

Housing, Wildlife.

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 9, 2024

FROM:

Name CarolynnYoung

Physical address 2583 43Rd

Mailing address Box 105 Norwood Co 8143

Email

Phone/Text 970-327-4645

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

Solar panels has not proven to be effecient or economic feasible. They are not recycleable. Plus we will not benefit from them and they are a eye sore.

Carolynn Young

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 11, 2024

FROM:
Name Robert Roth

Physical address 320 Spruce Drive

Mailing address PO BOX 152

Email oup78@yahoo.com

Phone/Text 970 729 8330

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

Please put the Solar in an industrial area

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 17, 2024

FROM:

Name Debra Pattishall

Physical address 264 Gurley dr.

Mailing address P.O. 247, Norwood. Co 81423

Email dWPattishall

Phone/Text 970-729-9488

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

Safty & protection of our wildlife on Wrights Mesa on the propose site!

Debra L Pattishall

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 7th, 2024

FROM:
Name ADRIAN BURGESS

Physical address 410 GURLEY DR.

Mailing address P.O. BOX 1134

Email

Phone/Text 970-327-0200

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

A. Burgess

SMALL IS GOOD

BIG IS BAD

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:
Name Kevin Cahalane
Physical address 4567 County Road Y43
Mailing address P.O. Box 1201 Norwood CO 81423
Email Kcophir@gmail.com
Phone/Text 970-708-9549

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

Hi,
There are numerous items to consider with this. - Ag land - Water resources
- Wildlife - Construction Impacts
- Wildfire Mitigation
- Vegetation Mgmt
Thank you, Kevin Cahalane

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:
Name KEVIN HAUZE

Physical address 684 V44 RD W,

Mailing address BOX 739 NORWOOD 81423

Email

Phone/Text 970 729 346

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

I support renewable energy projects that benefit our local communities. Only small scale solar arrays, grid tie and stand alone systems, should be permitted on Wright's Mesa. Large and medium size solar systems should not be allowed on Wright's Mesa. The Commercial/Utility size projects should be permitted in the San Miguel County West End Plan area.

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Additional Comments:

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 1X, 2024

FROM:

Name Lorna R Burgess

Physical address 410 Gurley Drive

Mailing address PO Box 1134 Norwood, Colo.

Email LornaRBurgess@gmail.com

Phone/Text 970-327-6200

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

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Additional Comments: Protect Wrights Mesa

Lorna R Burgess

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name Tim Toomey

Physical address 740 V44 W

Mailing address P.O. Box 796 Norwood

Email mizsintelluride@aol.com

Phone/Text 970 327 4500

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Please adopt the solar regulations where ONLY small scale solar projects are allowed on Wright's Mesa.

The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments:

We need to make Wrights Mesa safe from wildfires which will happen from any size solar development! Thank you

Timothy A Toomey

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:

Name CHARMAINE TOOMEY

Physical address 740 COUNTY RD V44

Mailing address 796 P.O. NORWOOD, CO

Email

Phone/Text 970-327-4500

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

No sense in destroy pastrine environments for large industrial projects. Let green energy work with natural environments

Charmaine Toomey

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 7, 2024

FROM:
Name Woodfin V Pattishall
Physical address 264 Gurley Dr Norwood CO 81423
Mailing address PO Box 247 Norwood CO 81423
Email woodfinpattishall@gmail.com
Phone/Text 970 708 4334

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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The 48 page Draft Solar Regulations are difficult to read. There is no index, many of the definitions are vague. They need to be more specific.

Additional Comments: I truely Believe that the proposed site is better left to all the animals that need it for Migrations. Please do not allow a large scale Solar development on Wrights mesa

Sincerely Woodfin Pattishall

TO: SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

DATE: SEPTEMBER, 10, 2024

FROM:
Name Michael Grubaugh

Physical address 740 County rd. V44 W

Mailing address PO Box 633

Email michael.grubaugh@gmail.com

Phone/Text (574) 849-1989

Dear County Commissioner:

I want to comment on the Draft San Miguel County Solar Regulations being considered for adoption at the BOCC meeting on September 18, 2024.

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Additional Comments:

Dear BOCC,

As a Grateful Resident of San Miguel County, specifically Wrights Mesa, I want to officially ask Medium-Scale Solar Energy Systems be taken off Wrights Mesa Light Industrial and Wrights Mesa Rural Agriculture Zone Districts.

I know almost all citizens of W. Mesa do not agree Medium Scale Solar Energy Systems are appropiate for the W. Mesa Land, Wildlife & Community.

Most citizens of Wright Mesa do agree small scale, microgrids are an appropiate size for Wrights Mesa unique topography, comicaies and community.

The reasons have been expressed in the many citizens activity protecting and writing their concerns, opinions to you in public comment. I agree with all expressed concerns, opinions and logical reasons,

for only small scale solar Energy projects on 2 Wrights Mesa.

Therfore, I also wish to make a strong regulation for all of San Miguel County future Solar Projects! I am submitting questions, concerns regarding current Solar LU Draft. Please excuse mistakes and untidy copy. Thank you!

On this September 11, Day of Remembrance I am most humbly proud to bring forth Wrights Mesa Citizens concern, Love of Community and Surrounding Lands opinions to you! This participation of letters to you for your serious, thoughtful, consideration is one of the most purest form of democracy we can perform together to protect our precious San Miguel County! Thank You,

Peggy Smith Day 485 44.5. 2N. Rd Norwood, CO.

Billy Boy

page 2 Mitigation Land Use Code Article 6
(Look Up) Why ~~de~~ retraction?

6-201 A. Define Disturbed Areas

page 3 6-201 D II Take Med off W. Mesa

page 4 6-201 F Boardocc detracted.

page 5 201 III Definitions - Cap on Large Scale Solar Energy Sty
page 6 Allowing on small scale, battery, inverters, transformers battery storage systems?
Increase risk to firefights primary residental.

page 7 6-202 D. Dangeroous Presedent, what would criteria, protocols

page 8 6-203 B I Define Disturbed Areas, No smaller ak, setbacks, why was residential taken off, ~~Mt. View~~

page 13 6203 J III during construction and operation 6-203 B IV
why retraclating

page 9 6 203 D II Where does this H2o come from in desert

page 14 6 203 L, Where is water coming from to relandscape

page 15 6 203 N IV. Why retract during construction + operation of the Lg. Solar D.

page 16 → 6203 P Lightening.
6-203 Q III Why detract contrustion and operation

page 17 6-203 R III Why Retreate. Would they need to be able to have temporary/trailor housing beat citizens cannot live in trailor temp.

pg. 18 6-203 U. I. Turning Lanes Included, Road / safety signs.

203 V water supply, chemical fire supplies specific to solar

why detract construction / operation.

☒ why detract construction / operation.

page 21 IV is required why retracted?

page 24 K2b, a b insects 6-204 J III what is ferns?

page 25 6-204 K why detract d.

page 27 6-204 Y Is this adequate in opinion of fire chief?

page 30 6-205 B d. why is residential detracted. Please no decrease in setbacks. Increase to 75 feet.

page 31 MA. Water 6 205-E III Do not impede Ir. water Flow

page 34 6-205 L III Details of size plants, trees. How will this be enforced - timeline.

page 36 6 205 Q Add turning Lane into Array Property / Aduquate safety road signs /.

205 S.

Prevention of Lightening Risk., Aduadute chem. fire Suppression Approval by Fire Chief Officials Added

pg 39 6 206 C II Setback 75 feet Do not allow to decrease

39 6-206 C IV Fencing will allow small aminals, birds move freely? Allow easy access to Emer. Personal

pg. 41 206 J C, d why small animals "in" detracted. Does this need to be added for turkeys etc See Enviromental Impact statement.

Page 44 Financial Security 206-L III

Why would we omit Health of Company

Long Lasting Impact to a Community,

Earth, WildLife.

Dear San Miguel County Board of Commissioners, 9/4/2024

Thank you for the opportunity to comment on the proposed Land Use Code amendment regarding solar energy development in San Miguel County. The County has made a lot of progress since the solar development moratorium was placed and for that I'm appreciative.

But more work needs to be done; further tweaking the changes proposed by the Planning Commission is required. I will try to keep my comments brief and to the point. As a starting point, however, it's important to note that Barclay and I are huge advocates of alternative energy, owning and operating for the past 12 years, one of the County's first 10kW solar systems to power the electrical needs of our farm.

I'm stating the following as background to point out that so-called renewable energy is actually chasing fossil fuel energy in what appears to be a fatal loop. That is, demand for electricity in this nation of ours is currently at record levels. So is production of both fossil fuel and alternative energies. I strongly advocate conservation as a first step toward reducing this vicious cycle, something the County should take more seriously thereby avoiding the need for more production of energy in whatever form is proposed. That would include permitting better energy-efficient homes, restricting home sizes, designing homes to take advantage of passive solar, imposing stiff impact fees on private jets that land at the quasi-public Telluride Airport, encouraging businesses to practice "green" programs, etc.

But I digress. The following are points specific to solar regulations in the proposed amended Land Use Code.

1) Medium-scale and large-scale solar projects should not be allowed on any "prime" irrigated farmland. This allowance percentage needs to be lowered to zero (0) percent. There are several valid reasons for this:
    a. Prime farmland soils are too valuable to be disturbed. From my own first-hand experience, once disturbed, these soils are extremely challenging to restore;
    b. Wrights Mesa acts as a "carbon sink" for all of San Miguel County. That is, the grasslands produced by irrigated farmlands are sequestering the carbon in the air more efficiently than any forest can replicate. This is proven science. Carbon sequestration is essential in countering the ill-effects of human-caused climate change;
    c. It's essential that San Miguel County protect its food-growing resources. By its nature, local food production decreases the carbon footprint required when importing food from thousands of miles away. Local food production keeps the economic vitality of the rural communities (i.e. Norwood, Egnar

and the West End) strong. Local food production adds to the long-term sustainability of the region;

d. "Agri-voltaics" envisioned by solar development on prime agricultural farmland as discussed in the Planning Commission's recommendations are overrated and not practical on a large-scale in our region. Our climate is best described as "brittle." That is, rainfall is sporadic, snowfall accumulation is inconsistent, temperature fluctuations are extreme. This makes maintaining healthy grasslands or growing food challenging at best. That — coupled with the shading and the shielding of natural sunlight and precipitation that characterizes the installation of solar panels — will result in dirt and weed strips underneath the solar panels in the long-run.
e. Repeated trips by vehicles, trucks and workers to install and maintain the solar panels will compact soils, create pathways, and generally irreparably disrupt the soil structure of the prime irrigated farmland.

2) Solar power production must be prioritized to meet local energy demands.
    a. Incentives must be created in the Land Use Code to make municipal micro-grids for county communities and subdivisions feasible. The LUC as proposed is currently too economically onerous. Micro-grids will make the region more sustainable in the long-run, more self-sufficient, and lower the cost of energy for homeowners.
    b. Solar projects should be constructed close to the energy demand centers, thereby reducing the need for new transmission and distribution lines.
    c. When considering medium- and large-scale solar development projects, especially if close to the demand centers, the energy produced by these projects should be distributed to the demand center directly, before it's distributed to the larger grid infrastructure. For instance, not one watt of energy produced by the proposed industrial-sized One Energy project would have directly benefited the energy demands on Wrights Mesa; all of the produced energy would have gone into the nation's energy grid.

3) The region has scarce water and human resources to fight fires within large solar developments. We learned this summer that the 80-acre fire on Oak Hill above Wrights Mesa spread to lands proposed by One Energy for their industrial-sized project. If solar panels had been constructed there as proposed, the fire would have been catastrophic. As it was, this relatively small fire exceeded the available local resources required to contain it at a reported cost of $400,000.

4) The LUC as written seems heavily weighted to apply only to Wrights Mesa and lands further west in the County's West End. As much as the proponents of the regulations as written would like us to believe, there is in actuality little or no mention of how the proposed solar development LUC applies to municipalities and subdivisions in the East End of the County (i.e. Telluride, Mountain Village, Ophir or the mesas). There are many suitable lands in these areas (which are the County's primary energy demand centers) for at least medium-scale and micro-grid solar development. It is my hope that this discussion over solar development not turn into a NIMBY situation.

5) When decommissioning solar projects, the LUC must require that the solar panels be recycled and not dumped in the regional landfill.

6) I'm not sure how the BLM's most recent amended land use considerations — the Utility-Scale Solar Energy Development PEIS/RMPA —fits into the County's proposed land use codes, but this needs close attention to make sure what BLM is proposing is suitable and to-scale with San Miguel County's plans. Does the County still have any jurisdiction over BLM projects within county boundaries?

Thank you again for the opportunity to comment on these proposed LUC regulations.

Sincerely,

Tony Daranyi
Indian Ridge Farm
Wrights Mesa, CO

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Young - SMC BOCC & PC Draft Solar Regulations Letter 09122024

ETW - Candy Meehan <candy@earthtechwest.com> Thu, Sep 12, 2024 at 11:30 AM
To: SMC Planning <planning@sanmiguelcountyco.gov>, "planningcommission@sanmiguelcountyco.gov" <planningcommission@sanmiguelcountyco.gov>, "carmenw@sanmiguelcountyco.gov" <carmenw@sanmiguelcountyco.gov>
Cc: ETW - Candy Meehan <candy@earthtechwest.com>

I have been asked to forward this to you from Norwood residents Jim and Alice Fae Young:

Jim Young and Alice Fae Young ask to be noticed.

We are long time residents of San Miguel County Co. Jim grew up in Dry Creek Basin, was born in the Telluride Hospital, which is now the museum. We are not opposed to good clean energy producing facilities. These facilities however need to be located where thef have the least impact on the residents who live in the country. Not on the Valley Floor, and not on Wrights Mesa. There are thousands of acres in the west end of our county that are much better suited for these facilities. Commissioners, if you are not familiar with the area in the west end, we would be happy to accompany you on a field trip. We are as much opposed to any large scale development on Wrights Mesa, as the residents of Telluride are to using the valley floor to facilitate such a project.

Thanks Jim and Alice Young

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Fwd: Proposed Solar Regulations

Carmen Warfield <carmenw@sanmiguelcountyco.gov> Fri, Sep 13, 2024 at 8:53 AM
To: SMC Planning <planning@sanmiguelcountyco.gov>

Carmen L. Warfield

Chief Deputy Clerk - BOCC

San Miguel County

333 W. Colorado Ave, 3rd Floor

PO Box 1170

Telluride, CO 81435

970-369-5429

970-708-8399 cell

E:carmenw@sanmiguelcountyco.gov

W:www.sanmiguelcountyco.gov

---------- Forwarded message ---------
From: **Sepp Seitz** <sepp_12@msn.com>
Date: Wed, Sep 11, 2024 at 10:25 PM
Subject: Proposed Solar Regulations
To: carmenw@sanmiguelcountyco.gov <carmenw@sanmiguelcountyco.gov>

Dear Carmen Warfield

I want to add my voice to the chorus of county residents urging you to extend the moratorium on industrial solar development. We have dutifully attended a number of meeting with Planning & Zoning and requested an extension so that due diligence may prevail. This did not happen. Much cogent documentation has been submitted as to the unsuitability of this area for solar development, but to no avail.

There seems to be a great reluctance to challenge the soundness of solar installations as an efficient way to reduce carbon emissions. This reluctance exists at all levels of government, county, state and national. MarketWatch calculates the efficiency of solar panels at 15-20% (https://www.marketwatch.com/guides/solar/solar-panel-efficiency/#:~:text=Most%20commercially%20available%20solar%20panels,industry%20with%2022.8%25%20efficient%20panels.)

Energybot pegs nuclear energy at above 92% (https://www.energybot.com/blog/how-efficient-is-nuclear-energy.html#:~:text=Nuclear%20energy%20is%20extremely%20efficient,has%20a%2092.5%25%20energy%20factor.&text=The%20energy%20density%20of%20uranium,than%20any%20other%20fuel%20source.)

The question must be asked: Why Solar? It is certainly not its efficiency. Could it be more efficient use of land? From energy.gov we learn: *A typical 1,000-megawatt nuclear facility in the United States needs a little more than 1 square mile to operate. NEI says wind farms require 360 times more land area to produce the same amount of electricity and solar photovoltaic plants require 75 times more space*. Not a good recommendation for solar.

If our goal is to reduce our carbon footprint solar also does not fare well. Manufacturing solar panels produces between 40-100 gramms of CO2 per kilowatt hour. Nuclear Energy produces no CO emissions.

It should be noted that this is not advocacy for Nuclear Power, but rather a comparison.

Recycling of solar materials does not exist. Currently there is 1 plant in Ohio. Transport of materials to be recycled is more costly than any recoverable value. Other communities are now struggling with industrial solar facilities destroyed by hail storms or fires in the necessary battery storage units. Damaged or end of life panels end up in landfills.

Energy consumption will continue to expand and solar energy production is the least indicated to meet that need. Old growth forests will not regrown or valuable agricultural will also not be reclaimed after decades of abuse by solar installations. Whole ecosystems will disappear.

You, as commissioners, are steward of this land an guardians of the future of our children and grandchildren. I urge you to take the time to understand what will make a difference in our energy future

It is time to stop turning a blind eye to the opportunists grasping for subsidies and tax advantages. It is time to know and truly understand what the issues are and stop greenwashing greed, lies and inefficiency.

Extend the moratorium to give yourselves the time to understand,

Thank you,

Sepp Seitz – Norwood, CO

September 11, 2024

Board of County Commissioners

CC: CARMEN WARFIELD

From: Protect Wrights Mesa Community Coalition.

12 pages
3 w/signatures.

Thank You ALL.

KAREN GAUVEY
970 765 4305

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impact on Alternative Energy Approaches

Dear San Miguel Board of County Commissioners,

I am writing regarding the proposed solar regulations for Wright's Mesa. While I support the transition to renewable energy, I believe that large-scale solar installations are not the right fit for our community. Instead, I urge you to consider alternative approaches that better align with our local needs and values.

Rather than focusing on utility-scale projects, we should prioritize distributed solar generation, such as rooftop solar on existing buildings and parking structures. This approach would reduce the impact on our open spaces and farmland while still contributing to renewable energy goals.

Additionally, I suggest exploring the potential for community microgrids. These smaller-scale systems could provide local energy resilience without the need for extensive land use or new transmission infrastructure.

Furthermore, I propose that any new building permits or renovations in the county should include requirements for a certain percentage of on-site renewable energy generation. This would gradually increase our renewable energy capacity without the need for large-scale projects that dramatically alter our landscape.

By focusing on these alternative approaches, we can meet our energy needs while preserving the character and resources of Wright's Mesa. I urge you to consider these options as you finalize the solar regulations for our area.

Sincerely,

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

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Sincerely,

K Pattwood

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impacts on Environmental and Fire Concerns

Dear San Miguel Board of County Commissioners,

Our recent experiences with wildfires, specifically the Bucktail fire and the fire near Valentine Farm, starkly highlight our area's vulnerability to such disasters. These events serve as a potent reminder of the ever-present fire risk in our region. In light of these recent occurrences, we must carefully consider the potential impact of large-scale solar installations on our community's fire safety.

Large-scale solar installations could potentially exacerbate our existing fire risks in several ways:

1. They may introduce new ignition sources through electrical equipment such as inverters, transformers, and extensive wiring.
2. The installations could create obstacles that hamper firefighting efforts, making it more challenging for our fire departments to access and combat blazes effectively.
3. The presence of live electrical systems in these installations may require specialized firefighting techniques and equipment, further complicating fire suppression efforts.

It's crucial to note that our local fire departments are already operating at capacity. The Bucktail fire and the Valentine Farm incident have stretched our resources thin, underscoring the limitations of our current firefighting capabilities. We simply cannot afford to increase the burden on these vital services without careful consideration and proper planning.

While we recognize the importance of renewable energy, we must balance this against the very real and immediate fire risks in our area. Any decisions regarding solar installations should prioritize the safety of our community and the ability of our fire services to respond effectively to emergencies.

We urge a thorough assessment of these risks and the development of comprehensive mitigation strategies before proceeding with any large-scale solar projects in our fire-prone region.

Respectfully,

R Stuart Budge
1261 CR 44E
Norwood Co 81423

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

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Respectfully, Diane Bender

1261 County Rd. V44 East
Norwood Co. 81423

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impacts on Farmland, Fire, and Water Concerns

Dear San Miguel Board of County Commissioners,

I am writing to express my deep concerns about the proposed large-scale solar development regulations for Wright's Mesa. As a resident, I urge you to carefully consider three critical issues: the preservation of our prime farmland, fire safety, and water resource management.

The proposal to allow up to 30% of prime farmland for solar development is alarming. Our farmland is irreplaceable, vital for local food security and our economy. Once developed, it may never return to agricultural use. I strongly urge you to reduce this percentage to 0%. Preserving our agricultural lands maintains our food production capabilities and the rural character that defines Wright's Mesa. Please amend the regulations to fully protect our prime farmland from solar development.

Recent wildfire events have highlighted our area's vulnerability. Large-scale solar installations could increase this risk by introducing new ignition sources and hindering firefighting efforts. Our volunteer fire departments are already stretched thin. We cannot afford to increase these risks or further burden our emergency services. Please require comprehensive fire risk assessments for all proposed solar projects and ensure our fire departments have the necessary resources and training.

Water scarcity is another critical concern. Using 5 acre-feet of potable water annually per solar project is unsustainable in our drought-prone region, potentially jeopardizing both agricultural operations and municipal water supplies. We need stricter water use regulations for energy development projects, including the use of non-potable water for panel cleaning and limits on consumption based on local availability.

Instead of large-scale installations, I encourage you to explore alternatives that better suit our local needs, such as distributed solar generation on existing structures, community microgrids, and renewable energy requirements in new building permits and renovations. These could meet our energy needs without compromising farmland, increasing fire risks, or straining water resources.

In conclusion, please prioritize protecting our farmland, community safety, and water resources over large-scale energy projects that primarily benefit distant urban areas. Vote against any regulations allowing such development on Wright's Mesa without addressing these crucial concerns.

Thank you for your consideration of these vital community issues.

Respectfully,

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

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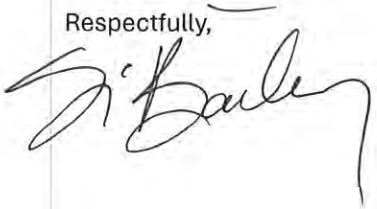

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impact on Farmland, Fire, and Water Issues

Dear San Miguel Board of County Commissioners,

As a resident of Wright's Mesa, I am deeply concerned about the proposed solar regulations and their potential impact on our community. I am writing to urge you to take specific actions to protect our farmland, mitigate fire risks, and preserve our water resources.

1. Farmland Preservation: Please amend the proposed regulations to reduce the allowable percentage of prime farmland for solar installations from 30% to 0%. Our agricultural heritage and food security depend on preserving every acre of our limited prime farmland. Instead, consider incentivizing rooftop solar on existing structures to meet renewable energy goals without sacrificing our irreplaceable agricultural resources.

2. Fire Safety: Considering the recent Bucktail Fire, it's clear that our area faces significant fire risks. Large-scale solar installations could exacerbate these dangers. I urge you to require comprehensive fire risk assessments for any proposed solar projects and to ensure that our local fire departments have the resources and training to handle potential incidents. Additionally, consider implementing strict regulations on vegetation management around solar installations to create effective firebreaks.

3. Water Conservation: The proposed use of 5 acre-feet of potable water annually for solar projects is unsustainable in our drought-prone region. Please implement stringent water use regulations for any energy development projects. This could include requiring the use of non-potable water for panel cleaning, mandating water-efficient cleaning technologies, or setting strict limits on water consumption based on our local water availability.

Furthermore, I suggest exploring alternative energy approaches that align better with our local resources and needs, such as community microgrids or distributed solar generation on existing structures. These solutions could help meet our energy needs without compromising our farmland, increasing fire risks, or straining our water resources.

I ask that you carefully consider these points and take action to protect the long-term sustainability and safety of our community. Please prioritize the needs of Wright's Mesa residents over large-scale energy developments that primarily serve outside interests.

Respectfully,

Karen Thompson

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

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Telluride, CO 814351

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Respectfully,

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impacts on Prime Farmland Preservation

Dear San Miguel Board of County Commissioners,

I am writing to express my deep concern about the proposed solar regulations for Wright's Mesa, particularly regarding the use of prime farmland for solar installations. The current proposal to allow up to 30% of prime farmland for solar development is alarming and threatens our agricultural heritage and food security.

I strongly urge you to reduce this percentage to 0%. Our farmland is a precious, finite resource that, once developed, may never return to agricultural use. We must prioritize sustainable farming practices and food production over large-scale energy projects that primarily benefit urban areas far from our community.

Furthermore, the preservation of our agricultural lands is crucial for maintaining the rural character of Wright's Mesa and supporting our local economy. Please consider the long-term implications of sacrificing our prime farmland and vote to protect it from solar development.

Sincerely,

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

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Sincerely,

Edward J. Faeth
Norwood 81423
PO Box 219

San Miguel Board of County Commissioners
333 W Colorado Avenue
P.O. Box 1170
Telluride, CO 814351

Re: Solar Impacts on Water Resources and Drought Concerns

Dear San Miguel Board of County Commissioners,

I am writing to express my serious concerns about the impact of proposed large-scale solar developments on our precious water resources in Wright's Mesa. Our area is prone to drought, and we must carefully manage our limited water supply.

Large-scale solar installations require significant amounts of water for cleaning and maintenance. The proposal to use 5 acre-feet of potable water annually for these projects is alarming, especially given our historical drought patterns and the increasing effects of climate change.

Our community has worked hard to conserve water, and we understand its vital importance. Allocating our scarce water resources to solar projects could jeopardize our agricultural operations and strain our municipal water supplies.

I urge you to prioritize water conservation and drought resilience in any decisions about energy development. Please consider requiring more stringent water use regulations for solar projects or exploring alternative energy solutions that do not place such a heavy burden on our water resources.

Respectfully,