

Table 1: Summary of Proposed Small Solar System Rules

Draft Rule Topic	Draft Rule	Notes/Explanations
Administrative Process	<p>MOU no longer needed</p> <p>Narrative required describing the proposed facility and measures planned for notifications, equipment height, health and safety, decommissioning, setbacks, lightning protection and procedures and vegetation management</p> <p>No more than 4 proposed adjacent Small Solar Systems of the same operator may be processed administratively at the same time</p>	<p>Provides a process similar to the new Oil &amp; Gas administrative process.</p> <p>Brings our rules into compliance with State Solar Garden rules for 5 MW size; State may increase to 10 MW in 2023</p>
State vs. County Authority	Stricter rule applies	
Zoning	Allowed in AE, A-1, I-1 and I-2 and where allowed by PUD.	Adding I-1 (light industrial) to potential zone districts
Emergency services	Will Serve letter required	
Notifications	<p>Notice of application sent to all residents and HOAs within a ¼ mile radius of boundary plus notifications to mineral owners</p> <p>Notification in an area newspaper</p> <p>Sign posted near project site</p>	<p>Mineral owners should be aware of solar projects at the beginning of the application process. Historically solar developers needed to make change to their design to accommodate oil &amp; gas pads and access roads</p>
Setbacks	<p>Minimums same as zone district</p> <p>2000 ft from Designated Outdoor Activity Areas</p> <p>Outside of floodplains</p> <p>500 ft from perennial surface water bodies and ordinary high water marks of any streams</p>	<p>Unless Open Spaces allows a lesser setback due to no view shed issues</p>
Health and Safety	<p>Maintain 24/7 contact information for operator</p> <p>Directional signage at or near the intersection of the public road and the access road. Replace sign if damaged within 14 days</p>	<p>Bennett-Watkins Fire Rescue (BWFR), S. Metro Fire Rescue</p>

	<p>Sign with Operator’s 24/7 contact information at the facility</p> <p>Fire Prevention: Arc mitigation or gravel under panels plus Vegetation Management Plan</p> <p>Brush-free area of 10- ft around the array equipment ?</p> <p>Locked gates in perimeter fence every 300’ that can be opened from the inside</p> <p>Gates equipped with KNOX access hardware; Approved by BWFR</p> <p>Additional gates may be required if the exit path is greater than 400 ft long</p> <p>Proper turnaround</p>	<p>(SMFR) and Building Division requirement BWFR and SMFR requirement</p> <p>Similar to International Building Code, IBC 306.2; modified by BWFR</p> <p>BWFR requirement</p>
<p>Fire Prevention and Procedures</p>	<p>Relevant fire district’s solar standards will apply unless in conflict with the LDC or Building Code.</p> <p>Maintain a 10 ft brush-free area around photovoltaic equipment</p> <p>Fire break acceptable to the fire district required to reduce or eliminate the interface risk from wildfire. May consist of dirt, gravel, road base, light rock or other materials approved by the fire district</p> <p>Locked perimeter gates every 300 ft on the inside of the perimeter fencing</p> <p>Vegetation Management Plan</p>	
<p>Incident Reporting</p>	<p>All emergencies requiring first responders must be reported to 911 immediately upon discovery, and as soon as reasonably possible to Office of Emergency Management</p>	

Lightning, Hail, Other Weather-Related or Other Emergency Response	If damage is sustained due to weather or an emergency response, shut down entire facility and inspect facility	
Glare Analysis	Submit a glare analysis in conformance with the US Federal Aviation Administration Policy.	Planning will forward the analysis to appropriate agencies, which may include the U.S. Department of Defense, the U.S. Space Force and Buckley Air Force Base, and other airports where the facility is proposed for an area within the airport influence area of the airport
Access Road Standards	<p>20 ft wide, 6 inches of road base; designed to support 80,000 pounds to accommodate emergency response vehicles.</p> <p>Proper turnaround required for access roads longer than 150 ft</p> <p>Operator must maintain access roads in good condition until the site is decommissioned.</p> <p>County staff or Fire District can conduct spot inspections of access roads</p> <p>Submit an inclement weather maintenance plan to authority providing fire and emergency services</p>	Both a BWFR and Building Division requirement.
Visual Mitigation	<p>Equipment height limit of 15 ft, excluding the interconnection</p> <p>Facilities within 500 feet of a property line of a property containing a residential occupied structure or a residential platted lot, shall be designed with some form of visual mitigation, to include but not be limited to, opaque fencing, berming, or landscaping.</p> <p>Landscaping or fencing around the perimeter of the land occupied by the</p>	<p>The interconnection is where the facility connects to the electrical grid</p> <p>Visual mitigation may be waived if existing screening is present between the proposed facility and the respective residence owner's property, or upon submittal to Arapahoe County of a waiver or informed consent signed by the residence owner agreeing to waive visual mitigation</p>

	facility shall be installed concurrently with the facility's completion.	Screening must be designed to minimize visual impacts from adjacent properties and the nearest streets
Fencing	<p>If Operator elects or is otherwise required by other codes (e.g. NEC) to install fencing, a fence permit must be obtained from Arapahoe County Zoning and fencing must comply with CPW stipulations</p> <p>Locks/Emergency Access Hardware: Operator must provide approved KNOX hardware for locked facility gates or access points. OEM and the Fire District will approve the hardware</p>	
Site Lighting	Motion-sensing for any security lights	Lighting not commonly used for small solar facilities
Wildlife, Wetlands, Riparian Areas and Stream Channels	<p>Required to implement CPW recommendations</p> <p>Avoid construction near CPW-mapped High Priority Habitats</p> <p>Fencing that bisects streams is prohibited</p> <p>Operator must inspect the facility interior at least once weekly to potentially free any trapped animals</p> <p>Operator must keep records of make an annual report to CPW to document wildlife species that became entrapped within the security fencing or collided with equipment.</p>	Worked with CPW for specific language
Decommissioning	<p>Operator must remove all above and below ground equipment if the facility is not operated for 9 months</p> <p>Any equipment that cannot be recycled shall be properly disposed in accordance with all State and Federal regulations.</p>	This has been a COA for utility-scale facilities. BoCC requested this for Small Scale Solar facilities as well.

	<p>Site must be revegetated in compliance with the property owner’s specifications or the GESC Plan</p> <p>Prior to putting the facility into operation, the owner/operator must provide a decommissioning bond in an amount approved by the Building Division and with a form of surety approved by the County. The bond must name the County as the beneficiary or obligee on the bond. The owner/operator shall maintain the bond at all times through the operation and closure of the facility and for the nine-month period provided above or until the facility is fully decommissioned and the property fully restored as required herein, whichever is the later date. Upon expiration of the nine-month period, the County may call on the surety to fund the cost of any remaining decommissioning requirements.</p>	
Insurance	<p>Prior to putting the facility into operation, the owner/operator must provide proof of general liability insurance with commercially reasonable amounts of coverage for facility. Facility owners/operators must maintain such insurance in place through all times the facility is in operation.</p>	
Compliance with Laws and Regulations	<p>The facility must be operated in compliance with all applicable federal, state, and local laws and regulations.</p>	
Refer to BoCC	<p>PWD Director can refer a case to the BoCC for decision</p>	
Appeal of Decision	<p>An application denial can be appealed to the BoCC</p>	
Administrative Amendment	<p>Amendment required for any changes to plans, such as type, size and layout of equipment</p>	

Transfer of Facilities to a New Operator	Provide a letter within one week of transfer or sale to another operator	This information will provide our staff with operator's contact information should there be an issue at a small solar facility or adjacent to a facility, such as a brush fire
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