

**ARAPAHOE COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
SEPTEMBER 6, 2022  
6:30 PM**

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**Case No. LDC22-001 Arapahoe County Land Development Code Amendment to Update the Administrative Solar Regulations**

**Diane Kocis, Energy Specialist**

**August 30, 2022**

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**PURPOSE AND REQUEST**

This is a county-initiated application to amend the Land Development Code (LDC) to update the administrative process and requirements for small solar systems, also known as community solar gardens. The new regulations will replace the existing Memorandum of Understanding (MOU) provisions for administrative approval with the regulations and the administrative process set forth therein.

Staff recommends revision of the LDC sections 5-3.5.A and B (Use by Special Review for Energy Facilities) as proposed. Please see Attachment A, the revised draft Administrative Small Solar System regulations.

**BACKGROUND**

Arapahoe County's Land Development Code provides a process for utility-scale solar and for community solar gardens. Utility-scale solar requires a Use by Special Review with components of a 1041/Areas and Activities of State Interest review, including public hearings at both Planning Commission and the Board of County Commissioners. Community solar gardens, which are much smaller in scale and impact, are reviewed administratively. The typical community solar garden is less than 40 acres in area. In comparison, Titan Solar is a utility-scale project near Deer Trail which is approximately 430 acres in area (one square mile is 640 acres).

This proposal addresses community solar gardens. The photo below provides an example of two small solar systems in Unincorporated Arapahoe County on East Quincy Avenue, taken from the edge of the road.



Tebo 1 Solar (center and left of center) and Quincy Solar (right of center) on E. Quincy Avenue

In 2016, in response to state legislation, Arapahoe County adopted an administrative process for solar gardens of up to 2 megawatts (MW) and less than 20 acres in area. The process allowed for administrative review and approval of a solar garden meeting the size restrictions and involved the execution of an MOU to address local site impacts.

CRS 40-2-127(1)(b) recognizes that “[i]t is in the public interest that broader participation in solar electric generation by Colorado residents and commercial entities be encouraged by the development and deployment of distributed solar electric generating facilities, known as community solar gardens...” In 2019, the state amended this section by the adoption of HB19-1003, the Colorado Community Solar Gardens Modernization Act. The Act increased the maximum size of a community solar garden from 2 megawatts (MW) to 5 (MW) and requires all photovoltaic electrical work on a facility greater than 2 MW to be supervised by a licensed master electrician, licensed journeyman electrician or a licensed residential wireman, in order to comply with all applicable electrical codes and standards. The act also provided for increasing the allowed size of solar gardens to 10 MW in 2023, if approved by the Public Utilities Commission.

Community solar gardens allow Colorado residents to participate in renewable energy programs by signing up with a solar developer, who acquires land for a panel array of 5 to 10 MW. Those who sign up get an electricity credit on their electric bill, and low-income residents can get a full subsidy paid for by a renewable energy fund charged to each utility bill in Colorado.

The Board of County Commissioners directed staff to proceed with a LDC amendment to update the administrative rules pertaining to small solar systems in April of this year. The update would bring the County’s small solar system rules more into alignment with the current State definition for community solar gardens, replace the MOU process with specific regulations for siting approval and operations, and address historic small solar facility issues discussed below.

Staff conducted a review of solar garden and small solar system regulations in other Colorado jurisdictions on the Front Range and the Western Slope and in doing so gained a broader understanding of related issues during the incorporation and modification of other jurisdictions’ rules into the two drafts

released for stakeholder input; however, many of the draft rules were developed based on staff's experience with applications and operation of historic solar gardens in unincorporated areas of the County. Public Works & Development received its first solar garden application in 2014. Unincorporated Arapahoe County currently has six operating solar gardens or small solar systems.

A map of solar facilities in Unincorporated Arapahoe County is included as Attachment B. The map includes both existing and potential small solar systems and utility-scale facilities. Potential new facilities that have not formally submitted a land use application but have expressed interest in developing in the County are designated as "Tentative". Applications that are approved but not yet built are designated as "In Process" and facilities that are already constructed are designated as "Approved".

The County's draft administrative small solar system rules have provisions for:

- Detailed application material requirements;
- Application public noticing;
- Compliance with County Building and Engineering Standards;
- Setbacks Conforming with the Zone District;
- Setbacks from Designated Outside Activity Areas and from Surface Water and Riparian Areas;
- Floodplain Restriction;
- Health and Safety (including the requirement for emergency service providers "Will Serve" letter, 24-hour contact information, directional signage and incident reporting);
- Compliance with the Relevant Fire District's Solar Development Standards;
- Fire Prevention procedures;
- Locked perimeter gates;
- Vegetation Management Plan;
- Incident Reporting;
- Weather-Related Emergency Responses;
- Glare Analysis;
- Access Roads;
- Visual Mitigation;
- Fencing;
- Perimeter Fence Locks;
- Decommissioning;
- Insurance; and
- Transfer or Sale of Facilities to a New Operator.

Additional requirements are provided for wildlife, such as avoidance of High Priority Habitat, a prohibition on fencing that bisects streams and an annual report to document wildlife species and numbers that became entrapped or injured.

### **OUTREACH AND PUBLIC COMMENT**

Staff referred the draft administrative small solar system rules to outside agencies and other stakeholders on June 17, 2022. The following agencies commented: Bennett-Watkins Fire Rescue, South Metro Fire District, Byers Fire District, Strasburg Fire District, Arapahoe County Building Division, Arapahoe County Engineering Services Division, Colorado Parks and Wildlife, Buckley Space Force, Denver International Airport, Xcel Energy, CORE Electric Cooperative (formerly IREA), Tri-County Health Department, and U.S. Solar. Attachment C is a compilation of the referral comments from the first stakeholder outreach and includes Table 1, a summary of the initial stakeholder referral comments.

Significant areas of concern were the addition of provisions for severe weather events, access road standards, requirements for operator contact information, vegetation management plans, facility fire break perimeters, locked perimeter gates every 300 feet, glare analysis, application notifications, restriction of facilities in floodplains and the distance requirement for visual mitigation. Table 1 also summarizes the staff responses to the referral comments. As an example, the initial draft included an application notification radius of ½ mile from the project boundaries; however an industry stakeholder considered that radius to be burdensome. In response to that comment staff decreased the notification radius to ¼ mile.

After incorporating new rules following staff discussion or adjusting the existing rules based on stakeholder input, the revised draft rules were sent out again for stakeholder comments on July 21, 2022. Comments were received from the following stakeholders after the second review: Colorado Parks and Wildlife, U.S. Solar, an Arapahoe County realtor, an East Arapahoe County Advisory Committee member and two area residents. Attachment D is a compilation of the referral comments received during the second stakeholder outreach and includes Table 2, a summary of the referral comments and the staff responses. Staff did acknowledge receipt of all comments.

Comments were also solicited through the Planning Division’s Major Planning Cases website on August 3, 2022, which directed members of the public how to comment on the proposed code amendment. An announcement was made on social media (NextDoor, Facebook and Twitter) on August 5, 2022. Two comments were received from members of the public as a result of the social media postings. One person commented that local parks should be used for solar projects and another person complimented the Planning Division for making the application process simpler for solar companies.

Notice of the Planning Commission public hearing was published in the I-70 Scout, Centennial Citizen, Englewood Herald and Littleton Independent newspapers at least 19 days prior to this hearing. At the time packets were published for this meeting, staff had not received any phone calls from any member of the public regarding the newspaper public hearing notices.

## **DISCUSSION AND FINDINGS**

The proposed rules eliminate the need for a Solar MOU, bring the application process into alignment with the County’s rules for other energy projects (namely proposed Oil and Gas facilities), will increase the size of allowed small solar systems from 2 MW to 5 MW in accordance with the new state definition and will encourage such facilities as is in the state interest as stated in CRS 40-2-127(1)(b).

The proposed Land Development Code amendment provides a streamlined and simple approval process for small solar facilities and provides requirements for application noticing, compliance with the County’s Engineering and Building Division standards, health and safety, incident reporting, fire prevention, vegetation management, weather-related emergency responses, access roads, restriction of development in flood plains, setbacks that are in addition to the zone setbacks, wildlife protection, protection of surface water and riparian areas, glare analysis, visual mitigation, fencing, perimeter fence locks, decommissioning, insurance, and transfer or sale of facilities to a new operator.

Staff efforts for this LDC amendment include a comparison of the draft rules to applicable policies and goals outlined in the Comprehensive Plan as well as response to referral agency comments. The proposed amendment to the Land Development Code for Small Solar Systems is consistent with implementing the identified goals and strategies in the Comprehensive Plan and incorporates most of the stakeholder referral comments, after review and careful consideration.

## 1. Comprehensive Plan

### **Strategy PFS 6.1(c) – Provide Alternative Energy Access**

*The County will ensure that new development and redevelopment provides for access to solar, wind, and other alternative energy sources. Development will be required to take advantage of topography and solar orientation so that good building sites are provided and utilities can be provided most economically.*

Small solar system developers construct relatively short access roads from the County roads to their facilities. They use parcels that are relatively topographically flat and therefore have minimal impact on topographical impacts, such as drainage. The panels move throughout the day to follow the sun. They face east in the morning, west in the afternoon and are horizontal at midday.

### **Policy PFS 12.2 - Consider Utility Needs to Support Growth and Development of the Region**

*Arapahoe County will consider the need for utility facilities to be located throughout the County on a case-by-case basis. Utilities include, but are not limited to, the following facilities operated or owned by either a public utility or private company: water storage and treatment facilities, water distribution and supply lines, wastewater treatment plants and lines, stormwater drainage facilities, solar and wind farms, electric transmission lines, oil and natural gas transmission pipelines, and wireless communication towers and antennas, including small cell towers and small cell networks. Some areas of the County are not appropriate for these types of uses, including sensitive development areas, floodplains and riparian areas, wildlife habitat, geologic hazard areas, areas of visual significance, and sites within ½ mile of cultural resources and conservation easements.*

These revised draft rules provide an approval process and requirements for small-scale solar facilities with less than 5 MW in capacity for the protection of neighboring residents and wildlife, a restriction for development in flood plains and setbacks from streams and riparian areas.

### **Policy PFS 12.3 - Require Land Use Compatibility when Siting Local and Regional Utility Facilities**

*Arapahoe County will require regional utilities, operated or owned by either a public utility or private company, to build in locations and in a manner that is safe and compatible with surrounding land uses, while considering customer needs and safety. Regional utilities include: water storage and treatment facilities, water distribution and supply lines, wastewater treatment plants and lines, stormwater drainage facilities, solar and wind farms, electric transmission lines, oil and natural gas transmission pipelines, wireless communication towers and antennas, and landfills and waste disposal facilities. Local utilities will be encouraged where compatible with surrounding land uses and where negative visual impacts are minimized.*

The draft small solar system rules only allow development in agricultural or industrial zones. The fire districts, Sherriff's Office and Office of Emergency Management review the applications for safety considerations. The draft rules also have a requirement for visual impact mitigation.

### **Strategy PFS 12.3(a) - Develop Standards for Regional Utility Facilities**

*The County will develop standards that address the location of regional utilities. Standards to consider include: a. Location near similar uses; b. Visibility, noise, glare and other environmental impacts are minimized; c. Existing fire and EMS providers can provide an adequate level of fire and EMS protection; d. The use is compatible with the surrounding environment, land uses and existing distribution/collection systems; e. The location avoids sensitive development areas, riparian areas and*

*floodplains, wildlife habitats, and areas of visual significance, conservation easements, and areas with geologic hazards; f. Sites should not be located within 1/2 mile of cultural resources; g. Provide buffers or screening of these uses.*

Small solar system applications to date, have been generally located in the same part of the County. It is expected that most of the proposed future locations will be generally located in the same areas, near the DADS landfill and immediately east of E470. Although Community Solar Gardens are not considered to be “regional utility facilities,” the draft regulations address some of the issues described in Strategy PFS 12.3(a), including visibility, glare, compatibility (only allowed in agricultural or industrial zones), wildlife and wildlife habitat and setbacks for buffering and screening.

**Policy NCR 4.1 - Improve Air Quality Arapahoe County**

*While it has limited authority in air quality control, should undertake efforts to improve air quality in the region by reducing growth in total vehicle-miles of travel, encouraging non-polluting industries to locate in the County, and supporting air quality technological and educational programs.*

Small solar systems do not generate air emissions once constructed. Unlike oil and gas land uses, only occasional pickup truck site visits are necessary after construction. During construction most deliveries are accomplished with pickup trucks. Diesel emissions are generally not associated with solar facilities, outside of the mining of the raw materials, which occurs in other regions around the world.

**Policy NCR 6.2 – Encourage the Development and Use of Alternative Energy Sources**

*The County will encourage alternative energy companies to develop facilities and generate energy from alternative sources. The County will encourage the use of energy from alternative sources by residents, businesses and utility companies.*

Staff expects additional small solar system applications in the near future, based on recent pre-submittal meetings with solar developers. Arapahoe County residents are largely supportive of these facilities. Additionally, staff has provided solar companies with updates on the expected adoption date of the small solar system regulations.

The proposed Land Development Code amendment encourages renewable energy endeavors through an administrative process that is streamlined and simple, provided the applicant meets all of the mitigation conditions in the Code.

**Strategy NCR 6.2(a) – Encourage the Development of Solar Energy Facilities**

*The County provides an Administrative Use by Special Review procedure for solar facilities generating less than two megawatts and less than 20 acres in size. The County will continue to use this administrative process to encourage solar facilities in the County. Facilities larger than 20 acres and generating more than two megawatts require review at a public hearing.*

The proposed Land Development Code regulations increase the allowable MW for administrative review to 5 MW but does not change specify the maximum amount of acreage. Staff will work on an update to the Comprehensive Plan language to align with these new code standards. The County will continue to use the administrative process for small solar facilities that are 5 MW or smaller in size.

**GOAL RA GM 1 – Preserve the Rural Character of the Rural Area**

*The predominant land uses in Tiers 1 and 2 are agricultural and very large lot residential uses. Maintaining the existing zoning will perpetuate these land uses and preserve the rural character.*

*Development activities in Tiers 1 and 2 (not including the Urban Reserve) will be carefully considered in order to maintain this rural character and minimize the County's cost of providing services. Tier 3 land uses consist of very large lot residential and agricultural uses, with agricultural uses predominant east of Behrens Road. Development activities in Tier 3 will be minimized to maintain the open and rural character, conserve agricultural activities and minimize the County's cost of providing services.*

Small solar systems preserve the character of rural areas because they have minimal visual impact. Additionally, they provide opportunities for farmers to lease their land to solar developers for a certain amount of time, in order to have a guaranteed income. At the end of the lease period, the land can be returned to its original condition and use. Depending on the site characteristics and the property owners' wishes, it is possible to continue farming or grazing within solar installations.

**Policy RA EH 1.1 – Restrict Development that is Not Directly Related to or Dependent upon Agriculture.**

*The County will preserve the agricultural suitability and character of the rural portions of the County by limiting commercial and industrial development that will negatively impact existing uses and character.*

Small solar systems will only be allowed in agricultural and industrial zoning and will comply with this policy, in that at the expiration of a lease with a solar developer, the land can be returned to agricultural uses. It is common for the land adjacent to small solar systems to be in active agricultural use, such as grazing.

**GOAL T3 GM 1 – Preserve the Rural, Agricultural Character of Tier 3**

*Tier 3 land uses are predominantly agricultural, with residential uses associated with agricultural operations. With limited infrastructure and water availability, Tier 3 is intended to remain agricultural.*

The rural and agricultural character of Tier 3 will be preserved in properties adjacent to small solar systems. Agricultural uses can continue adjacent to small solar systems.

**2. Referral Comments**

Please see Table 1 and Table 2 for summaries of the referral comments and staff responses.

**STAFF FINDINGS**

Based upon review of applicable policies and goals in the Comprehensive Plan and analysis of referral comments, Staff submits that the proposed amendments:

1. Are consistent with the General Purpose of the Land Development Code as set forth in Section 1-3 of said Code and facilitate the goals set forth in that section.
2. Are consistent with implementing the identified goals and strategies of the Comprehensive Plan.

**FISCAL IMPACT**

Fiscal impact is expected to be relatively minor and will entail a longer application review period for staff review of additional application requirements.

**STAFF RECOMMENDATION**

Considering the findings and other information provided in this report and its attachments, Staff recommends approval of case number LDC22-001, Land Development Code Amendment for Small Solar System Regulations, subject to the stipulation that:

1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney as necessary to incorporating the approved amendment into the text of Land Development Code.

*(Suggested Draft Motions are provided on the next page)*

**CONCURRENCE:**

The Public Works and Development Planning and Engineering Services Division, as well as the County Attorney's office, have reviewed the revised draft small solar system regulations and the Arapahoe County Public Works and Development Department is recommending approval of this case.

**DRAFT MOTIONS – LDC22-001, Land Development Code Amendment for Small Solar System Regulations**

**APPROVAL AS PROPOSED**

In the case of LDC22-001, Arapahoe County Land Development Code Amendment, I have reviewed the staff report, including all exhibits and attachments and have listened to the staff presentation and any public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following stipulation:

1. Staff is authorized to make minor corrections or revisions to the proposed language, with approval of the County Attorney, if necessary to incorporate the approved amendment into the text of Land Development Code.

**DENY**

In the case of LDC22-001, Arapahoe County LDC Amendment for Small Solar System Regulations, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant’s presentation and the public comment as presented at the hearing and hereby move to recommend denial of this application for the following reasons:

Reasons:

*[State reasons for recommendation of “Denial” as part of the motion.]*

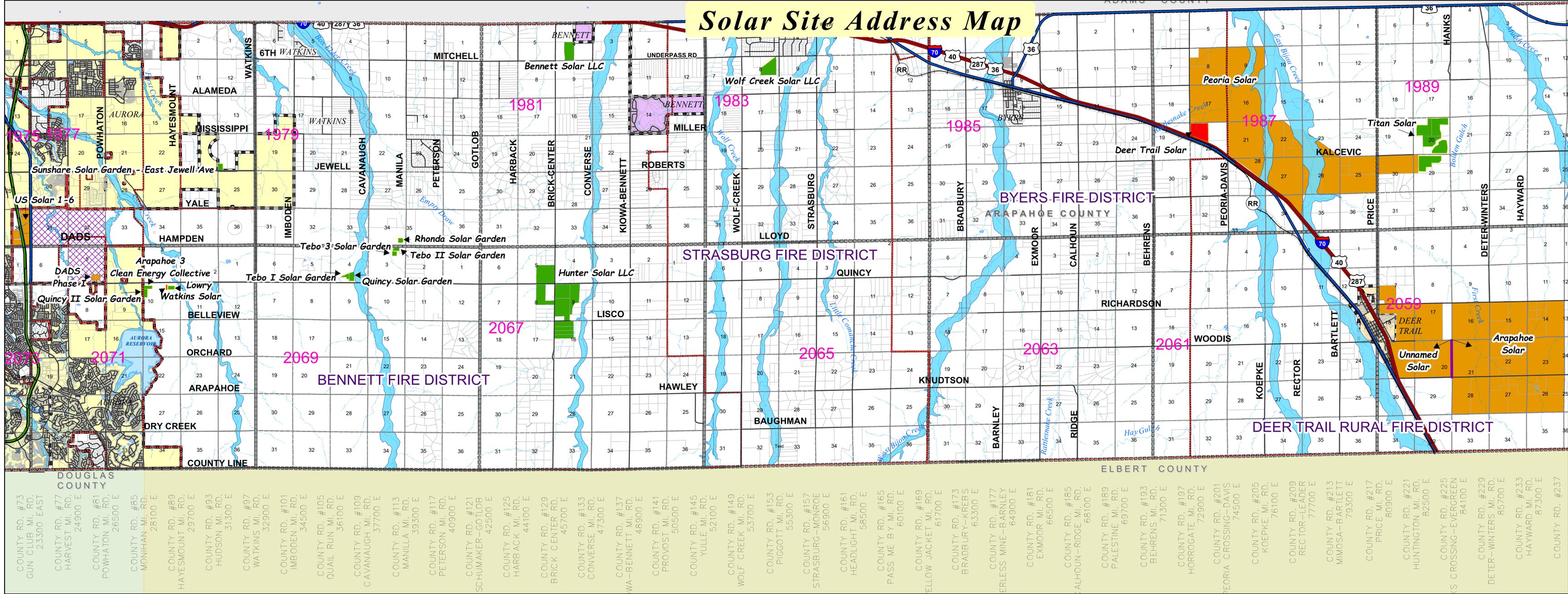
**CONTINUE**

In the case of LDC22-001, Arapahoe County LDC Amendment for Small Solar System Regulations, I move to continue the decision on this request to [DATE], 2022, date certain, at 6:30 p.m., in the Arapahoe Room at 6954 S Lima Street, Centennial, Colorado to further consider information presented during the hearing.

**ATTACHMENTS**

- Attachment A: Revised Draft Administrative Small Solar Systems regulations
- Attachment B: Unincorporated Arapahoe County Solar Facilities Map
- Attachment C: Compiled Stakeholder Referral Comments from First Round of Stakeholder Outreach and Table 1, Summary of Small Solar System Draft Rules Referrals from First Stakeholder Outreach
- Attachment D: Compiled Stakeholder Comments from Second Round of Stakeholder Outreach and Table 2. Summary of Referral Comments from the Second Round of Stakeholder Outreach

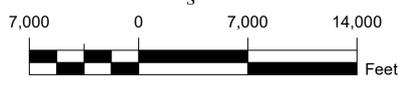
# Solar Site Address Map



**Solar Site Status**

- Tentative
- Approved
- In Progress

Denver Arapahoe Disposal Site



Energy Facilities Code Effective November 15, 2016  
 Solar Garden = People Can Join  
 Solar Facility = Utility Company Owns

Number	Name	Case	Acres	Engineer	Solar Company	Land Owner	Address	Location	Date of App/Complete	Parcels	
1	Sunshare Solar Garden - East Jewell Avenue	U14-003	14	Enertia	Sunshare	Adams and Arapahoe Schools	31481 E Jewell Ave/Co Rd 18	T4S, R65W, SEC 24, SW 1/4	9/16/2014	Yes	1977-00-0-00-383
2	Quincy Solar Garden	U15-001	20	Enertia	Sunshare	Tebo	37055 E County Rd 30	T5S, R64W, SEC 4, S1/2	3/29/2018	Yes	2069-00-0-00-141
3	Quincy II Solar Garden	U16-002	16	Enertia	Sunshare	State	28102 B E Quincy Ave / Co Rd 30	T5S, R65W, SEC 10, NW1/4	7/25/2017	Yes	2071-00-0-00-096
4	Arapahoe 3 - Clean Energy Collective	U16-001	12	Enertia	Clean Energy Collective	State	28102 A E Quincy Ave	T5S, R65W, SEC 10, NW1/4	7/19/2016	Yes	2071-00-0-00-096
5	Bennett Solar LLC	U17-001	81	OST Energy	Cypress Creek	Vankay	46465 E Co Rd 6	T4S, R63W, SEC 4, SW 1/4	8/22/2017	Yes	1981-00-0-00-568
6	Wolf Creek Solar LLC	U17-003	93	OST Energy	Cypress Creek	Strasburg Sanitation & Sewer	261 N Co Rd 153	T4S, R62W, SEC 8 N 1/2 OF NW 1/4	10/17/2017	Yes	1983-00-0-00-376
7	Tebo II Solar Garden	OG17-008	12	Westwood	Oakleaf	Tebo	39299 E Quincy Ave/ E Co Rd 30	T5S, R64W, SEC 3	5/30/2018	Yes	2069-00-0-00-146
8	Hunter Solar LLC	U17-005	742	Rina	Cypress Creek	John B, Toft H, Hyatt J, MBM Property, Moore M	45285, 44910, 45854 E Co Rd 30&4988, 5122 S Co Rd 129	T5S, R65W, NW QTR OF TOWNSHIP	2/6/2018	Yes	2067-00-0-00-322, 356, 296, 289, 299, 238, 239, 240, 241
9	Lowry	OG17-006	11	Westwood	Oakleaf	State	29100 B E Quincy Ave/ Co Rd 30	T5S, R65W, SEC 10, NE1/4	12/12/2018	Yes	2071-00-0-00-096
10	Tebo I Solar Garden	OG17-007	11	Westwood	Oakleaf	Tebo	36585 B E Quincy Ave/ Co Rd 30	T5S, R64W, SEC 4, SW 1/4	5/30/2018	Yes	2069-00-0-00-141, 142
11	Watkins Solar CSG LLC	OG17-009	3	Centerpoint Integreated Solutions	Community Energy	State	29100 A E Quincy Ave/ Co Rd 30	T5S, R65W, SEC 10, NE 1/4	No	No	2071-00-0-00-096
12	Deer Trail Solar LLC	U17-008	128	Rina Consulting	Cypress Creek	Linnebur Edward L	1356 S Co Rd 197/S Horregate Rd	T4S, R60W, SEC 20, W 1/2	1987-00-0-00-237	No	1987-00-0-00-237
13	Tebo 3 Solar Garden	AE19-002	10	Westwood	Oak Leaf Solar 36 LLC	Tebo	39299-B E Co Rd 30	T5S, R64W, SEC 3, NE 1/4	7/15/2019	Yes	2069-00-0-00-147
14	Rhonda Solar Garden	AE19-001	10	Westwood	Oak Leaf Solar 36 LLC	Webber	39299-C E Co Rd 30	T4S, R64W, SEC 34, SW 1/4	7/15/2019	Yes	1979-00-0-00-406
15	Peoria	6,469	SEDA	Invenery Renewables LLC	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, SE 1/4	Tentative	SEVERAL		
16	US Solar 1	Q22-029	25	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, SE 1/4	Tentative	1975-36-1-00-008		
17	US Solar 2	Q22-029	27	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, SE 1/4	Tentative	1975-36-1-00-008		
18	US Solar 3	Q22-029	29	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, SE 1/4	Tentative	1975-36-1-00-006		
19	US Solar 4	Q22-029	32	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, SE1/4 & NE 1/4	Tentative	1975-36-1-00-006		
20	US Solar 5	Q22-029	26	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, NE 1/4	Tentative	1975-36-1-00-006		
21	US Solar 6	Q22-029	29	SEDA	US Great Plains Solar LLC	Lowry Environmental Protection Cleanup Trust Fund	T4S, R66W, SEC 36, NE 1/4	Tentative	1975-36-1-00-006		
22	Titan Solar	U17-006	431	Core	Titan Solar	Kalcevic	82933 E Jewell Ave/Co Rd 18 & 82600 E Co Rd 18	T4S, R59W, PT OF SEC 20 AND 29	3/20/2018	Yes	1989-00-0-00-023, 022, 164, 166
23	DADS Phase I Community Solar	Q20-047	22		Grid Alternatives	City & County of Denver		T5S, R65W, SEC 5	Tentative		2071-00-0-00-302
24	Arapahoe Solar	5,751			Geronomo energy	Erma Holliday et. al.		T5S, R59W, SEC 16, N1/2 SEC 21	Tentative		2059-00-0-00-046, 027
25	Unnamed	1,987							Tentative		

- Railroad
- Interstate
- Toll Road
- US/State Highway
- Road
- Minor Road
- Rivers
- Fire Districts
- Township Lines
- Section Lines
- Parcels
- Lakes
- Floodplains
- AURORA
- BENNETT
- DEER TRAIL

General Disclaimer:  
 Arapahoe County Makes No Representation Or Warranty As To The Accuracy Of This Base Map, And Assumes No Liability Or Liability To Any User. This Base Map is Not A Legal Document. It is Intended To Serve As An Aid In Graphic Representation Only.

Produced By:  
 Arapahoe County Mapping Division  
 6924 S. Lima St  
 Centennial, CO 80112  
 720-874-6686

**Table 1. Summary of Small Solar System Draft Rules Referrals  
First Stakeholder Outreach: June 11 – July 7, 2022**

Agency/Company/Department	Comment	Staff Responses or Actions
<p>Bennett-Watkins Fire Rescue (Caleb Connor)</p>	<p>BWFR has existing adopted solar development standards which are based upon current fire code requirements within our jurisdiction. A copy of this standards is being attached for reference.</p> <p>... our regulations apply (for provisions which are stricter or not addressed by the Land Development Code Amendment).</p> <p>We strongly recommend a requirement for each facility to submit contact information to the applicable emergency service providers (OEM, Sherriff and Fire) without a request requirement. This should be mandatory ....</p> <p>Section E(5)(d): We are suggesting that Arapahoe County incorporate BWFR’s solar development standards. Particularly important are the vegetation management plans and Facility Fire Break Perimeters.</p> <p>Re damage from lightning: This is important, however BWFR has experienced 3 incidents at solar garden facilities which resulted in wildland fires due to damage from hail. We recommend Arapahoe County include an additional section to impose the same damage response due to hail as lightning.</p> <p>Re sale of facilities to new operators: It has been the experience of BWFR that these facilities are sold quickly after construction.... Contact information on the facility signs is often not updated and the applicable emergency services providers are never notified of such sales. This has been extremely problematic when responding to emergencies ... when the current owner/operator cannot be identified or contacted for a response. This led to delays in shutting down equipment for firefighting activities. We strongly suggest that Arapahoe County include standards which require notification to the applicable emergency service providers (OEM, Sherriff and Fire) any time a facility is sold or transferred to a new operator/owner. In addition there needs to be a requirement to ensure all facility plans, documents and signs are updated with the</p>	<p>Incorporated.</p> <p>Agreed.</p> <p>Incorporated.</p> <p>Incorporated.</p> <p>Severe weather provisions incorporated.</p> <p>Incorporated.</p>

	currently owner/operator information to facilitate emergency response.	
Bennett-Watkins Fire Rescue further comment for clarification (Caleb Connor)	<p>Facility Fire Break Perimeter – The adoption of the International Fire Code was amended in 2019 to include the following changes:</p> <p>1204.4 Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet shall be required and maintained around the array equipment for ground-mounted photovoltaic arrays. A fire break or other facility perimeter design acceptable to the fire code official shall be required to reduce or eliminate the interface risk from wildfire.</p> <p>BWFR recognizes a 20-30-foot fire break perimeter design that is maintained vegetation-free as an effective means of reducing or eliminating wildfire interface risk that is associated with ground mounted solar arrays. This design requirement is applied to all solar projects within BWFR’s jurisdiction. This design is based on a common sense approach and integration of other nationally recognized wildfire defensible space designs that reduce fuels within ignition zones around buildings or facilities.</p>	<p>Incorporated.</p> <p>Incorporated.</p>
South Metro Fire District (Jeff Sceili)	<p>Our requirements for small solar facilities would be as follows:</p> <ol style="list-style-type: none"> <li>a. A minimum 20’ (wide) access road capable of sustaining the fire districts heaviest apparatus with turnaround provided in accordance with IFC 2021 (or locally adopted edition) Appendix D or proven with an Autoturn Analysis as an alternative.</li> <li>b. Access roads shall be capable of supporting 80,000 lbs. and an inclement weather and drive aisle maintenance plan shall be provided by the applicant and approved by the fire district.</li> <li>c. Access gates shall be provided with Know Box rapid access.</li> <li>d. A Vegetation Maintenance Plan shall be developed by the applicant and approved by the fire district.</li> </ol>	The requirements were incorporated into the revised draft rules.

	e. Emergency contact information shall be provided at the front gate in the terms of a permanent sign.	
South Metro Fire District Continued	We have no objection to locked gates being located every 300'. My only concern with these gates is that they have the means of egress without use of a key or special knowledge.	Staff incorporated.
Byers Fire District (Mike Disher)	Regarding the South Metro Fire suggested requirement for locked gates: Byers is good with 300 foot spacing.	Staff incorporated.
Strasburg Fire District (Patrick Conroy)	Regarding the South Metro Fire suggested requirement for locked gates: The 300 foot spacing would be acceptable to Strasburg Fire.	Staff incorporated.
Arapahoe County Building Division (Mitch Maulik)	300-foot spacing for egress gates  Access road turnarounds shall not exceed every 200 feet.	Incorporated  Incorporated, Disagreements on whether gates should be operated with a key or an entry key pad.
Arapahoe County Assistant Attorney (Bob Hill) and Engineering Services Division (Joseph Boateng, Robert Victor)	Regarding Waivers and Variances: Engineer noticed that the wording about waivers and variances was no longer in the draft rules.  Bob Hill responded that if an engineering waiver or variance is appropriate for a particular application, a waiver could be obtained through the TRC process set forth in the IDC Standards.	Acknowledged and explained.
Colorado Parks and Wildlife (Brandon Marette)	Does the County's definition of "environment" include "wildlife resources"? COGCC lists them separately.  Define PWD.  "Highwater" should be 2 words.  Should there be a similar (to lightning) provision for hailstorms, hail damage, tornados, heavy snow?  Could you add "streams" and other tributaries with a high water mark?	Yes.  Completed.  Acknowledged.  Added all weather-related events.  Acknowledged and completed.
Buckley Space Force (Robert "Porter" Ingram)	Application will require submission to Military Aviation and Installation Assurance Siting Clearinghouse and a glare/glint analysis.	Acknowledged. This will be part of the referral process for all small solar system facilities within an area of airport influence.
Buckley Space Force (Scott Wilson)	Maybe adding a short statement regarding siting on or near contaminated property ensuring the solar	Acknowledged. Shared with team. Won't add to

	arrays are installed and maintained in a way that is consistent with any land use controls where there might be an Environmental Covenant on the proposed land parcel for future solar arrays. ... will not discourage potential siting on contaminated properties as long as worker health is protected and there is no hindrance for the monitoring and cleanup of the property. Solar arrays may be a really good (and even preferred way) to utilize contaminated land while the properties are being “restored for beneficial use”.	regulations because this type of location will be rare.
Denver International Airport (Lisa Nguyen)	Any solar panel project adjacent to DIA may have possible hazardous glare issues for the FAA Control Tower or pilots. DIA typically requires solar developers to model the visual impacts using ForgeSolar and that criteria be met: <ul style="list-style-type: none"> <li>- No yellow glare for any flight path from threshold to 2 miles</li> <li>- No glare of any kind for Air Traffic Control Towers at cab height</li> <li>- Analysis time interval and eye characteristics used are acceptable.</li> </ul> This would only impact projects immediately adjacent to DEN and would not apply to all projects in Arapahoe County.	Acknowledged and will include as COAs on approvals for projects adjacent to DIA.
Xcel Energy (Donna George)	Public Service Company has no objection to this proposal, contingent upon PSCo’s ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.	Acknowledged. PSCo will be a referral agency for all small solar system applications.
CORE Electric Cooperative Formerly IREA (Brooks Kaufman)	The facilities CORE is likely to contract will go through the 1041 process rather than the expedited version outlined in the proposed rules.	Acknowledged.
Tri-County Health Department (Kathy Boyer)	Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends Arapahoe County for encouraging the development of renewable energy projects by offering an Administrative Approval Process for Small Solar System facilities up to 5 megawatts capacity.	Acknowledged.
US Solar (Michelle Simms)	RE general liability insurance: Policies become effective after the project has received its construction approvals. Could this be addressed through a standard condition in the Administrative approval?	Changed draft wording to require proof of liability insurance at the start of construction.

	<p>RE requirement for notice to all property owners, residences and registered HOAs within one mile: Residences nearly 1 mile away will have no potential impact to their homes. We have also seen ¼ mile as a common notice distance which would be a sufficient notification distance that would consider both the County’s needs and ensure the relevant community members are properly engaged.</p> <p>RE The applicant shall determine whether a residence is occupied by someone other than the current owner: ... is an overly burdensome requirement and there is not tangible or procedural way to determine this .....</p> <p>Consider striking “Outside of a 100-year floodplain”. Suggested allowing facilities in the floodplain through USR permitting or through an Administrative Use by Special Review with approval of a Floodplain Permit.</p> <p>We proposed adding the word “equipment” after interconnection to clarify what aspect of the interconnection can exceed 15 feet.</p> <p>RE Visual Mitigation: Screening between residences and solar equipment is understandable, but a 1,000’ threshold seems large – households located close to that 1,000-foot threshold should not experience any visual impact.</p> <p>Proposed changing the word “development” to “construction: because the industry refers to the full development process, starting with the signing of a lease.</p>	<p>Team discussed and changed to ¼ mile.</p> <p>Removed this requirement.</p> <p>The Stormwater Manual does not allow structures in a floodplain due to the potential for material, equipment or facilities to become dislodged or displaced and deposited downstream causing culvert or bridge blockage, channel degradation or damages to other properties.</p> <p>Added.</p> <p>Team discussed and changed to 500 feet.</p> <p>Staff will retain the word “development” because the Planning Division processes development applications.</p>
Road and Bridge Division (Doug Stern)	No comments.	Acknowledged.

Arapahoe County Sherriff's Office (Glenn Thompson)	No comment.	Acknowledged.
Arapahoe County Office of Emergency Management (Nate Fogg)	No comment but stated that an Emergency Action Plan would not be necessary for these facilities due to very few hazards.	Acknowledged.



# Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401

355 4<sup>th</sup> Street, Bennett, CO 80102

Email: LifeSafety@BennettFireRescue.org

*"Striving to Preserve Life and Property"*

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June 16<sup>th</sup>, 2022

Diane Kocis  
Arapahoe County Public Works & Development  
6924 S. Lima Street  
Centennial, CO 80112

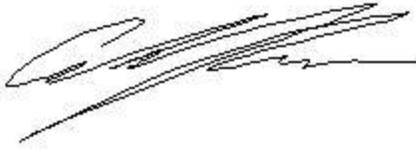
Re: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations

Energy Specialist Kocis,

In regards to case LDC22-001/Land Development Code Amendment for Administrative Solar Regulations, Bennett Fire Protection District (BWFR) has the following comments and considerations:

- BWFR has existing adopted solar development standards which are based upon current fire code requirement within our jurisdiction. These standards will be applied to any application for solar development within BWFR's jurisdiction. A copy of these standards is being attached with these comments for reference. It is BWFR's interpretation of Section B that if BWFR's solar development standards include provisions which are stricter or not addressed by the Land Development Code Amendment for Administrative Solar Regulations, our regulations shall apply.
- Section E (5)(a) requires facility contact information to be supplied to the County upon request. We strongly recommend a requirement for each facility to submit contact information to the applicable emergency service providers (OEM, Sherriff, and Fire) without a request requirement. This should be mandatory with any proposed facility.
- In section E (5)(d), we are suggesting Arapahoe County incorporate BWFR's solar development standards in this section of the document. Particularly important are the components for vegetation management plans (BWFR Section 4) and Facility Fire Break Perimeters (BWFR Section 5).
- Section E (6) addresses damage from lightning. This is important, however BWFR has experienced three (3) incidents at solar garden facilities which resulted in wildland fires due to damage from hail. We strongly recommend Arapahoe County include an additional section to impose the same damage response due to hail as lightning.
- Section H addresses the sale of facilities to new operators. It has been the experience of BWFR that these facilities are sold quickly after construction and often. Contact information on facility signs is often not updated and the applicable emergency services providers are never notified of such sales. This has been extremely problematic when responding to emergencies at these sites when the current owner/operator cannot be identified or contacted for a response. This led to delays in shutting down equipment for firefighting activities during several incidents within our jurisdiction. We strongly suggest that Arapahoe County include standards which require notification to the applicable emergency service providers (OEM, Sherriff, and Fire) any time a facility is sold or transferred to a new operator/owner. In addition there needs to be a requirement to ensure all facility plans, documents, and signs are updated with the current owner/operators information to facilitate emergency response.

Thank You

A handwritten signature in black ink, appearing to read 'Caleb J. Connor', with a stylized flourish at the end.

Caleb J. Connor  
Fire Marshal  
Life Safety Division  
Bennett Fire Protection District  
303-644-3572 - Headquarters / 720-893-7672 - Direct  
[www.BennettFireRescue.org](http://www.BennettFireRescue.org)



# Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401

355 4<sup>th</sup> Street, Bennett, CO 80102

Email: LifeSafety@BennettFireRescue.org

*"Striving to Preserve Life and Property"*

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## Bennett-Watkins Fire Rescue – Solar Development Requirements

### Overview:

This document pertains to the Fire District requirements for all ground mounted solar arrays installed within the Bennett-Watkins Fire Rescue (BWFR) jurisdiction. These requirements are applied District wide and are based on a number of factors including fire code requirements, wildland firefighting considerations, and other governmental agency input.

### Requirements:

1. **Facility Signage / Address** – All solar facilities shall be issued a physical address by the County or Town. The facility address must be posted on a permanent sign at the entrance of the facility along the main access road. The address shall comply with the requirements outlined in IFC 505.1. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
2. **Roadway / Fire Apparatus Access** – All roads that serve a ground mounted solar array site must meet the Fire District minimum standards for fire apparatus access roads. These standards are outlined in the adopted International Fire Code in both Chapter 5 and Appendix D. All roads must be a minimum of 6 inches of class 6 road base, or better, measured at 80 percent compaction. Additionally, no road shall be less than 20 feet wide. All roads in excess of 150' in length shall be provided with an approved turn around meeting the specifications demonstrated in IFC Appendix D.
3. **KNOX Fire Department Access Hardware** – All facility gates and other access points shall be equipped with approved KNOX brand fire department access hardware. All proposed or required hardware shall be approved by BWFR prior to installation. Individual locations for required access hardware will be identified by BWFR during the facility plan review process.
4. **Vegetation Management Plans** – All solar facilities shall be required to submit and receive approval of a facility vegetation management plan. This plan shall outline the operator's planned activities to keep vegetation inside the facility perimeter maintained to a minimum level. This may include treatment, mowing, and/or other methods of fuel reduction. This plan shall also clearly indicate and require the operator to meet all requirements of the International Fire Code throughout the life of the facility. Failure to adhere to the approved vegetation management plan may result in the issuance of fire code violations or a code summons.
5. **Facility Fire Break Perimeter** – The adoption of the International Fire Code was amended in 2019 to include the following changes to section 1204.4:

*"1204.4 Ground-mounted photovoltaic panel systems. Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet (3048 mm) shall be required and maintained around the array equipment for ground-mounted photovoltaic arrays. A fire break or other facility perimeter design acceptable to the fire code official shall be required to reduce or*

*eliminate the interface risk from wildfire.”*

BWFR recognizes a 20-30-foot fire break perimeter design that is maintained vegetation free as an effective means of reducing or eliminating wildfire interface risk that is associated with ground mounted solar arrays. This design requirement is applied to all solar projects within BWFR’s jurisdiction. This design is based on a common sense approach and integration of other nationally recognized wildfire defensible space designs that reduce fuels within ignition zones around buildings or facilities.

6. **Submittal for Plan Review** – All solar sites need to be submitted to the District for plan review. The plan review process will consist of evaluating the project for adherence to the design requirements outlined above. Plan review comments and a permit will be issued for each solar site project.
7. **Out of District Locations** – All locations for ground mounted solar arrays that reside in locations outside the Fire District’s legal jurisdiction boundaries will require a site specific Out of District Service Contract. BWFR will not provide “will serve” letters or other guarantees of service for sites located outside of the District without a service contract. If your proposed site needs an Out of District Service Contract, please contact the District Administrative Office at 303-644-3572.

### **Questions and Additional Information:**

All solar facility questions shall be directed to the District Life Safety Division at 303-644-3572 or [LifeSafety@BennettFireRescue.org](mailto:LifeSafety@BennettFireRescue.org)

## Diane Kocis

---

**From:** Caleb J. Connor <CalebConnor@BennettFireRescue.org>  
**Sent:** Thursday, July 7, 2022 2:12 PM  
**To:** Diane Kocis  
**Subject:** RE: distinction between a brush-free area of 10 feet and a 20-30 ft fire break that is maintained vegetation free?

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Diane,

Here is some clarification on the two requirements. They both apply at the same time and are different from one another.

1. A clear, brush-free area of 10 feet (3048 mm) shall be required and maintained around the array equipment for ground-mounted photovoltaic arrays. "Brush" is defined generally as "scrub vegetation" containing woody branches and exceeding 3' in height. This requirement applies to 10 feet around actual equipment within the site. This includes panels, boxes, etc. Native low growth vegetation is allowed here, but "brush" is not.
2. A fire break or other facility perimeter design acceptable to the fire code official shall be required to reduce or eliminate the interface risk from wildfire." BWFR recognizes a 20-30-foot fire break perimeter design that is maintained vegetation free as an effective means of reducing or eliminating wildfire interface risk that is associated with ground mounted solar arrays. This requirement is for a complexly vegetation free perimeter buffer area around the site. This area cannot have any vegetation and could be dirt, gravel, roadbase, light rock, etc. This perimeter is designed to serve as a fire break to prevent exterior fires from coming into the facility and internal fires from going out. This area is typically aligned along the perimeter fencing.

Hopefully that helps clarify the two requirements. Let me know if you have any other questions.

- Caleb

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Wednesday, July 6, 2022 10:13 PM  
**To:** Capt. Caleb Conner <CALEBCONNOR@BENNETTFIRERESCUE.ORG>  
**Subject:** Re: distinction between a brush-free area of 10 feet and a 20-30 ft fire break that is maintained vegetation free?

OK Caleb. I'll look forward to learning about both.

Get [Outlook for iOS](#)

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**From:** [calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org) <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>  
**Sent:** Wednesday, July 6, 2022 8:37:46 PM  
**To:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>  
**Subject:** Re: distinction between a brush-free area of 10 feet and a 20-30 ft fire break that is maintained vegetation free?

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Diane I've been out on vacation. I'll be back in the office tomorrow and can provide clarification on this. They are two different requirements.

Caleb J. Connor  
Battalion Chief - Fire Marshal  
Bennett-Watkins Fire Rescue  
Message Sent from my iPhone

---

**From:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>

**Sent:** Wednesday, July 6, 2022 6:32 PM

**To:** Capt. Caleb Conner <[CALEBCONNOR@BENNETTFIRERESCUE.ORG](mailto:CALEBCONNOR@BENNETTFIRERESCUE.ORG)>

**Subject:** distinction between a brush-free area of 10 feet and a 20-30 ft fire break that is maintained vegetation free?

Hi Caleb,

Planning and our attorney are meeting Thursday at noon to discuss changes to the draft administrative rules now that the referral period is over. I want to make sure that I understand your Solar Development Requirements.

Does the part I clipped and pasted below have first, a requirement for a 10-ft brush free area and then a recommended 20-30 ft vegetation fire break? Or is 20-30 required regardless?

5. **Facility Fire Break Perimeter** – The adoption of the International Fire Code was amended in 2019 to include the following changes to section 1204.4:

*“1204.4 Ground-mounted photovoltaic panel systems. Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet (3048 mm) shall be required and maintained around the array equipment for ground-mounted photovoltaic arrays. A fire break or other facility perimeter design acceptable to the fire code official shall be required to reduce or*

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*eliminate the interface risk from wildfire.”*

BWFR recognizes a 20-30-foot fire break perimeter design that is maintained vegetation free as an effective means of reducing or eliminating wildfire interface risk that is associated with ground mounted solar arrays. This design requirement is applied to all solar projects within BWFR's jurisdiction. This design is based on a common sense approach and integration of other nationally recognized wildfire defensible space designs that reduce fuels within ignition zones around buildings or facilities.

I am working a hybrid schedule with in-office days and remote work days. Email is the best way to reach me but you can also reach me on my County cell phone at 720-425-0422.

## Diane Kocis

---

**From:** Jeff Sceili <jeff.sceili@southmetro.org>  
**Sent:** Wednesday, July 6, 2022 1:48 PM  
**To:** Diane Kocis  
**Cc:** Jason Reynolds; Land Use Submittals  
**Subject:** RE: Arapahoe County's draft administrative solar rules for solar gardens (ask community solar gardens or small solar systems)

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Diane,

Our requirements for small solar facilities would be as follows

- a. Access. A minimum 20' access road capable of sustaining the fire districts heaviest apparatus with turnarounds provided in accordance with IFC 2021 (or locally adopted edition) Appendix D or proven with an Autoturn Analysis as an alternative.
- b. Access roads shall be capable of supporting 80,000 lbs. and an inclement weather and drive aisle maintenance plan shall be provided by the applicant and approved by the fire district.
- c. Access gates shall be provided with Knox Box rapid access.
- d. A vegetation maintenance plan shall be developed by the applicant and approved by the fire district.
- e. Emergency contact information shall be provided at the front gate in the terms of a permanent sign.

Diane, I hope this helps provide some direction. Should you have mor questions please let me know.

Thanks,



**SOUTH METRO FIRE RESCUE**  
Fire Marshal's Office

**Jeff Sceili**  
Plan Reviewer  
T 720.989.2244  
C 303.548.0233  
E [jeff.sceili@southmetro.org](mailto:jeff.sceili@southmetro.org)



**9195 East Mineral Avenue, Centennial, Colorado 80112**

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Thursday, June 16, 2022 1:18 PM  
**To:** Diane Kocis <DKocis@arapahoegov.com>  
**Cc:** Jason Reynolds <JReynolds@arapahoegov.com>; Land Use Submittals <LandUseSubmittals@arapahoegov.com>  
**Subject:** Arapahoe County's draft administrative solar rules for solar gardens (ask community solar gardens or small solar systems)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## Diane Kocis

---

**From:** Jeff Sceili <jeff.sceili@southmetro.org>  
**Sent:** Wednesday, July 6, 2022 1:45 PM  
**To:** Diane Kocis; Mitch Maulik  
**Cc:** Capt. Caleb Conner; Mike Disher; LHINES@SVFD8.ORG; Rich Loveless  
**Subject:** RE: requirement for locked gates every 300 feet for small solar facilities

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Diane,

We have no objection to locked gates being located every 300'. My only concern with these gates is that they have the means of egress without use of a key or special knowledge.

Thanks,



**SOUTH METRO FIRE RESCUE**  
Fire Marshal's Office

**Jeff Sceili**  
Plan Reviewer  
T 720.989.2244  
C 303.548.0233  
E [jeff.sceili@southmetro.org](mailto:jeff.sceili@southmetro.org)



**9195 East Mineral Avenue, Centennial, Colorado 80112**

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Wednesday, July 6, 2022 1:20 PM  
**To:** Mitch Maulik <MMaulik@arapahoegov.com>  
**Cc:** Jeff Sceili <jeff.sceili@southmetro.org>; Capt. Caleb Conner <CALEBCONNOR@BENNETTFIRERESCUE.ORG>; Mike Disher <mdisher@byersfire.org>; LHINES@SVFD8.ORG; Rich Loveless <rloveless.dtfire@gmail.com>  
**Subject:** RE: requirement for locked gates every 300 feet for small solar facilities

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mitch,

Did you ever hear back from Jeff Sceili about the requirement for locked gates every 300 feet for solar gardens (~40 acres in size)? We are trying to finalize the draft administrative solar rules for small solar systems.

I will share your email below at a meeting tomorrow to discuss revisions to the draft solar rules but it would be good to get fire district agreement or disagreement so I am also copying BWFR, Strasburg Fire, Byers Fire and Deer Trail Fire, in addition to Jeff Sceili at South Metro.

Thanks everyone.

## Diane Kocis

---

**From:** Mike Disher <mdisher@byersfire.org>  
**Sent:** Wednesday, July 6, 2022 2:43 PM  
**To:** Patrick Conroy  
**Cc:** Diane Kocis; Capt. Caleb Conner; Frank Fields; jeff.sceili@southmetro.org  
**Subject:** Re: requirement for locked gates every 300 feet for small solar facilities

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Byers is good with 300 feet spacing

On Wed, Jul 6, 2022 at 2:19 PM Patrick Conroy <[pconroy@svfd8.org](mailto:pconroy@svfd8.org)> wrote:  
The 300 feet spacing would be acceptable to Strasburg Fire.

Patrick Conroy, EMT-P, CFEI  
ICC Certified Building Official  
ICC Certified Fire Marshal  
Colorado Fire Plans Examiner  
Division Chief - Fire Prevention and Life Safety  
Strasburg Fire Protection District  
Station: 303-622-4444  
Cell: 720-775-8515

On Wed, Jul 6, 2022 at 1:22 PM Liz Hines <[lhines@svfd8.org](mailto:lhines@svfd8.org)> wrote:

***Thank You,***  
**Liz Hines**  
**District Clerk,**  
**Strasburg Fire Protection District #8**  
**P.O. Box 911**  
**56281 E. Colfax Ave.**  
**Strasburg, Co 80136-0911**  
**303-622-4444 Option 1**  
**[lhines@svfd8.org](mailto:lhines@svfd8.org)**

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From: **Diane Kocis** <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>  
Date: Wed, Jul 6, 2022 at 1:20 PM  
Subject: RE: requirement for locked gates every 300 feet for small solar facilities  
To: Mitch Maulik <[MMaulik@arapahoegov.com](mailto:MMaulik@arapahoegov.com)>

## Diane Kocis

---

**From:** Patrick Conroy <pconroy@svfd8.org>  
**Sent:** Wednesday, July 6, 2022 2:19 PM  
**To:** Diane Kocis  
**Cc:** Capt. Caleb Conner; Mike Disher; Frank Fields; jeff.sceili@southmetro.org  
**Subject:** Re: requirement for locked gates every 300 feet for small solar facilities

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The 300 feet spacing would be acceptable to Strasburg Fire.

Patrick Conroy, EMT-P, CFEI  
ICC Certified Building Official  
ICC Certified Fire Marshal  
Colorado Fire Plans Examiner  
Division Chief - Fire Prevention and Life Safety  
Strasburg Fire Protection District  
Station: 303-622-4444  
Cell: 720-775-8515

On Wed, Jul 6, 2022 at 1:22 PM Liz Hines <[lhines@svfd8.org](mailto:lhines@svfd8.org)> wrote:

***Thank You,***

**Liz Hines**  
**District Clerk,**  
**Strasburg Fire Protection District #8**  
**P.O. Box 911**  
**56281 E. Colfax Ave.**  
**Strasburg, Co 80136-0911**  
**303-622-4444 Option 1**  
[lhines@svfd8.org](mailto:lhines@svfd8.org)

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**From:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>  
**Date:** Wed, Jul 6, 2022 at 1:20 PM  
**Subject:** RE: requirement for locked gates every 300 feet for small solar facilities  
**To:** Mitch Maulik <[MMaulik@arapahoegov.com](mailto:MMaulik@arapahoegov.com)>  
**Cc:** Jeff Sceili <[jeff.sceili@southmetro.org](mailto:jeff.sceili@southmetro.org)>, Capt. Caleb Conner <[CALEBCONNOR@bennettfirerescue.org](mailto:CALEBCONNOR@bennettfirerescue.org)>, Mike Disher <[mdisher@byersfire.org](mailto:mdisher@byersfire.org)>, [LHINES@SVFD8.ORG](mailto:LHINES@SVFD8.ORG) <[LHINES@svfd8.org](mailto:LHINES@svfd8.org)>, Rich Loveless <[rloveless.dtfire@gmail.com](mailto:rloveless.dtfire@gmail.com)>

## Diane Kocis

---

**From:** Mitch Maulik  
**Sent:** Monday, April 11, 2022 3:46 PM  
**To:** Diane Kocis; Jason Reynolds  
**Subject:** RE: quick question about requirement for locked gates every 300 feet for small solar facilities

Diane,

I have reached out to South Metro Fire Department to be certain that they are acceptable to the 300 ft spacing of the gates.

We have done the 300 foot spacing with Bennett Fire out East and I assumed that South Metro would accept that as well, but now that I think about it, I am not certain.

Jeff at SMFD is very good at responding, so I anticipate we will have an answer shortly.

The code section used is IBC 306.2 to determine that this is an F-1 occupancy type as this is considered an electric generation plant.

Based on the exit access travel distance from IBC Table 1017.2, the maximum distance to travel shall not exceed 200 feet.

We negotiated with Bennett Fire that since this was outdoors, and the fences can be quite long, a 300 foot gate spacing seems logical.

As soon as I hear back from SMFD I will let you know if that is also acceptable to them, or if they will require the 200 foot distance as shown in the IBC.

Thank you,

Mitch Maulik

Lead Senior Plans Examiner

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Monday, April 11, 2022 2:09 PM  
**To:** Mitch Maulik <MMaulik@arapahoegov.com>  
**Subject:** quick question about requirement for locked gates every 300 feet for small solar facilities  
**Importance:** High

Hi Mitch,

I'm trying to finalize some materials to upload for a BoCC study session and Jason asked if the requirement you mentioned at the Presubmittal meeting for those 6 community solar gardens on March 21st has a citation in the Building Code. You stated that Building would require locked gates in the fence every 300 feet around the perimeter (from the inside).

If it's easier and faster to call me, please call my County cell phone: **720-425-0422**. Or if I could ask Kristi or someone else in Building, please let me know.

I am working a hybrid schedule with in-office days and remote work days. Email is the best way to reach me but you can also reach me on my County cell phone at 720-425-0422.

*Diane Kocis*

Energy Specialist  
Arapahoe County Planning Division  
[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

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**From:** Mitch Maulik <[MMaulik@arapahoegov.com](mailto:MMaulik@arapahoegov.com)>  
**Sent:** Monday, April 11, 2022 3:46 PM  
**To:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>; Jason Reynolds <[JReynolds@arapahoegov.com](mailto:JReynolds@arapahoegov.com)>  
**Subject:** RE: quick question about requirement for locked gates every 300 feet for small solar facilities

Diane,

I have reached out to South Metro Fire Department to be certain that they are acceptable to the 300 ft spacing of the gates.

We have done the 300 foot spacing with Bennett Fire out East and I assumed that South Metro would accept that as well, but now that I think about it, I am not certain.

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The code section used is IBC 306.2 to determine that this is an F-1 occupancy type as this is considered an electric generation plant.

Based on the exit access travel distance from IBC Table 1017.2, the maximum distance to travel shall not exceed 200 feet.

We negotiated with Bennett Fire that since this was outdoors, and the fences can be quite long, a 300 foot gate spacing seems logical.

As soon as I hear back from SMFD I will let you know if that is also acceptable to them, or if they will require the 200 foot distance as shown in the IBC.

Thank you,

Mitch Maulik

Lead Senior Plans Examiner

---

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**Sent:** Monday, April 11, 2022 2:09 PM  
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Cc: Jeff Sceili <[jeff.sceili@southmetro.org](mailto:jeff.sceili@southmetro.org)>, Capt. Caleb Conner <[CALEBCONNOR@bennettfirerescue.org](mailto:CALEBCONNOR@bennettfirerescue.org)>, Mike Disher <[mdisher@byersfire.org](mailto:mdisher@byersfire.org)>, [LHINES@SVFD8.ORG](mailto:LHINES@SVFD8.ORG) <[LHINES@svfd8.org](mailto:LHINES@svfd8.org)>, Rich Loveless <[rloveless.dtfire@gmail.com](mailto:rloveless.dtfire@gmail.com)>

Hi Mitch,

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I will share your email below at a meeting tomorrow to discuss revisions to the draft solar rules but it would be good to get fire district agreement or disagreement so I am also copying BWFR, Strasburg Fire, Byers Fire and Deer Trail Fire, in addition to Jeff Scelli at South Metro.

Thanks everyone.

I am working a hybrid schedule with in-office days and remote work days. Email is the best way to reach me but you can also reach me on my County cell phone at 720-425-0422.

*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

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Lead Senior Plans Examiner

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*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

--

--

*Chief Mike Disher  
Byers Fire Rescue  
303-475-6505*

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Energy Specialist

Arapahoe County Planning Division

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*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoe.gov](mailto:dkocis@arapahoe.gov)

--

## Diane Kocis

---

**From:** Robert Hill  
**Sent:** Wednesday, June 29, 2022 12:00 PM  
**To:** Joseph Boateng  
**Cc:** Robert Victor; Diane Kocis  
**Subject:** RE: BSR and Table 2 uploaded to Legistar for the 6-6-22 study session on the small solar system rules topics

Joseph and Robert,

My thinking is that if an engineering waiver or variance is necessary and appropriate for any particular development application that waiver/variance could be obtained through the existing TRC process for variances and waivers as set forth in the IDCStandards. I think it would be confusing to include a separate waiver/variance process in the Solar regs.

In this regard, so long as the Solar regs state that the application proposal must comply with applicable engineering standards, that process is necessarily included in the Solar regs. If a waiver/variance is granted by the TRC for a solar application, then that application will be “in compliance” with the referenced engineering standard.

Not including a specific waiver/variance process for engineering standards in the draft solar regs will not preclude the applicant from asking the TRC for a waiver/variance.

However, the draft regs could be more specific in the compliance with applicable laws section to more specifically call out the IDCS and any other applicable engineering standards.

Adding Diane.

Hope that clears it up, but happy to discuss further.

Thanks,

Bob

---

**From:** Joseph Boateng <JBoateng@arapahoegov.com>  
**Sent:** Wednesday, June 29, 2022 9:38 AM  
**To:** Robert Hill <RHill@arapahoegov.com>  
**Cc:** Robert Victor <RVictor@arapahoegov.com>  
**Subject:** FW: BSR and Table 2 uploaded to Legistar for the 6-6-22 study session on the small solar system rules topics

Bob,  
I am to review the solar regulation again and I realized the waivers and variances are not in the draft. Robert and I were of the view that it should be included in the draft. I have heard your response from Diane but I want to know why it is best not to include it in the draft.

Sincerely,  
Joseph  
fyi  
**Joseph Boateng, PE**  
**Engineering I**  
**Arapahoe County Public Works & Development**

**From:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>  
**Sent:** Friday, May 27, 2022 1:13 PM  
**To:** Joseph Boateng <[JBoateng@arapahoegov.com](mailto:JBoateng@arapahoegov.com)>  
**Cc:** Robert Victor <[RVictor@arapahoegov.com](mailto:RVictor@arapahoegov.com)>  
**Subject:** RE: BSR and Table 2 uploaded to Legistar for the 6-6-22 study session on the small solar system rules topics

Hi Joseph,

I met with Jason and Bob Hill this morning about the draft small solar system rules and I brought the topic of ESD waivers for water quality and detention. They both said that the application requirements, including the ESD requirements, would be determined upfront - during or shortly after the pre-sub.

They suggested: *ESD shall determine if water quality protection or detention is necessary for a proposal.*

Please let me know what you think. You'll also have the opportunity to provide referral comments. We're hoping the BoCC lets us go straight to the referral process after the study session on 6-6-22, rather than having an additional study session to refine the rules topics further.

I am working a hybrid schedule with in-office days and remote work days. Email is the best way to reach me but you can also reach me on my County cell phone at 720-425-0422.

*Diane Kocis*

Energy Specialist  
Arapahoe County Planning Division  
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---

**From:** Joseph Boateng <[JBoateng@arapahoegov.com](mailto:JBoateng@arapahoegov.com)>  
**Sent:** Friday, May 27, 2022 12:25 PM  
**To:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>  
**Cc:** Robert Victor <[RVictor@arapahoegov.com](mailto:RVictor@arapahoegov.com)>  
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Diane,

I mentioned in the draft that some solar systems may trigger detention and water quality requirements but can be waived. I want it to be reworded as this:

#### *WAIVERS / VARIANCES*

Any waiver and/or variance requests from the County's Infrastructure Design and Construction Standards or Stormwater Management Manual must be reviewed by the Technical Review Committee (TRC).

- The applicant must submit adequate justification to Engineering Staff for TRC recommendation. The requests shall be in accordance with the IDCS Section 3.2.

Thank you and please let me know if you have any questions.

**Joseph Boateng, PE**  
**Engineering I**  
**Arapahoe County Public Works & Development**  
6924 S Lima St, Centennial, CO 80112-3853  
Direct: 7208746575 | Main: 720-874-6500

**From:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>

**Sent:** Monday, May 23, 2022 4:46 PM

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Hi Robert and Joseph,

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Please let me know if you have any questions.

Jason, Bob and I are meeting Friday morning to discuss additions and subtractions to our last draft rules document. If there are any topics you see in the table that you'd like to discuss with the group on Friday morning at 9 am, we could cover your questions and comments first thing at the beginning of the meeting.

The engineering items in the draft rules are limited to no installations in floodplains (although access roads would be allowed to cross floodplains) and access roads have to meet the latest fire district requirements for 20 feet wide, 6 inches of road base and designed to support a load of 80,000 pounds. When we get stakeholder input we will probably also require some kind of turnaround on the access road, like a hammerhead. Also, decommissioning would include revegetation in compliance with the GESC or surface owner's specifications.

ESD permits are listed as:

Permits Required Prior to Commencement of Operations

- a.** If applicable under the Land Development Code or other Arapahoe County code or regulation, an Access Permit issued under the Infrastructure Design and Construction Standards and a GESC Permit, shall be required prior to the development of a Small Solar System Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit will be required prior to construction of structures or the erection of equipment within the Facility in accordance with the Arapahoe County Building Code.

Please let me know if you have any questions, want anything added to the draft rules and if you want to join us Friday morning at 9 am to discuss revisions to the attached version of the rules.

Thank you,

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*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

## Diane Kocis

---

**From:** Marette - DNR, Brandon <brandon.marette@state.co.us>  
**Sent:** Friday, July 8, 2022 4:42 PM  
**To:** Diane Kocis  
**Cc:** Travis Harris  
**Subject:** Re: Arapahoe County's draft administrative solar rules for solar gardens (ask community solar gardens or small solar systems)

Good afternoon Diane,

My apologies for my delayed response.

Overall it reads well.

Here are some minor comments:

- Should the 5MW threshold be included in the A series? The last paragraph on page 6 is perfect, but why is it last? shouldn't it be first?
- A.1, 5th line - does the county's definition of "environment" include "wildlife resources"? COGCC lists them separately. Same question with D4.
- E.1.d - is it obvious what a "PWD" is? I don't know what it means? Public Works Director? It should be introduced first time use.
- E.4.a.ii - "highwater" should be two words.
- E.6. - should there be a similar provision for hailstorms & hail damage? tornadoes? heavy snows?
- E.10.c - could you add after "streams" "and other tributaries with an ordinary high water mark"?

Regards,

**Brandon B. Marette, CWB®**  
Northeast Region Energy Liaison and Land Use Coordinator



Direct [\(303\) 291-7327](tel:3032917327)

[6060 Broadway, Denver, CO 80216](https://www.state.co.us/cpw/energy)

[brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)

[CPW's Energy Webpage](#)

[CPW's Wildlife Movements Webpage](#)



**THINK SAFETY FIRST!**



(\*Out of the Office July 15-22)

On Thu, Jun 16, 2022 at 1:20 PM Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)> wrote:

Hello Stakeholders,

## Diane Kocis

---

**From:** INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN  
<robert.ingrum@spaceforce.mil>  
**Sent:** Friday, June 24, 2022 4:03 PM  
**To:** Diane Kocis; WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM  
**Subject:** RE: Arapahoe County's draft small solar system (aka solar gardens) regulations

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Diane,

When we receive a potential solar project(on or off-base) we require them to submit their application to the Military Aviation and Installation Assurance Siting Clearinghouse for review. The "Clearinghouse" is an office within the DOD and they will often require a glare/glint analysis. It's an office within the DOD. Here is some suggested language below.

"All solar project applications will be referred to Buckley Space Force Base for review and comment. The installation may request the applicant submit application materials, including a glare/glint analysis, to the DOD Military Aviation and Installation Assurance Siting Clearinghouse for review to determine if the application will impact the installation."

I put "may" because some projects may be distant from the base and won't require an evaluation from the Clearinghouse. Hope this helps.

v/r

Porter

Robert "Porter" Ingrum, AICP  
Community Planner  
Buckley SFB, CO 80011  
720-847-6295/DSN:847-6295  
Cell: 303-668-2510

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Friday, June 24, 2022 11:24 AM  
**To:** INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN <robert.ingrum@spaceforce.mil>; WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM <scott.wilson.7@spaceforce.mil>

**Subject:** [URL Verdict: Unknown][Non-DoD Source] RE: Arapahoe County's draft small solar system (aka solar gardens) regulations

Hello again Porter,

Just so you know, there is nothing in the draft solar regulations about glare or interference with airports.

We left out a mention of glare in the draft regulations because all of our recent applicants have assured us that their panels are designed to absorb light rather than reflect it and some have provided reflectivity studies. Until a recent applicant (no application yet though) informed me about getting a referral response from you, it didn't occur to me to send referrals to you and Scott. I apologize for that.

It would be great if you or Scott could provide a sentence or two about glare and/or reflectivity studies that we could incorporate into our upcoming revision, when we'll incorporate referral responses.

Thank you for your time,

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*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

---

**From:** INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN <[robert.ingrum@spaceforce.mil](mailto:robert.ingrum@spaceforce.mil)>

**Sent:** Friday, June 24, 2022 7:24 AM

**To:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>; WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM <[scott.wilson.7@spaceforce.mil](mailto:scott.wilson.7@spaceforce.mil)>

**Subject:** RE: Arapahoe County's draft small solar system (aka solar gardens) regulations

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Diane, we will review the draft regulations.

v/r

Porter

Robert "Porter" Ingram, AICP

Community Planner

Buckley SFB, CO 80011

720-847-6295/DSN:847-6295

Cell: 303-668-2510

## Diane Kocis

---

**From:** WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM <scott.wilson.7@spaceforce.mil>  
**Sent:** Monday, June 27, 2022 1:32 PM  
**To:** Diane Kocis; INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN  
**Cc:** Pivonka - CDPHE, Lee (lee.pivonka@state.co.us)  
**Subject:** RE: Arapahoe County's draft small solar system (aka solar gardens) regulations

Hi Diane,

I appreciate you giving us an opportunity to review the proposed solar system regulations for Arapahoe County. I don't have any substantive comments but I would like to discuss this with Mr Lee Pivonka with the Colorado Department of Public Health and Environment (CDPHE). Maybe adding a short statement regarding siting on or near contaminated property ensuring the solar arrays are installed and maintained in a way that is consistent with any land use controls (LUCs) where there might be an Environmental Covenant (EC) on the proposed land parcel for future solar arrays. I don't want to bog down the process but I'll speak with Lee to if we can come up with some concise wording that isn't cumbersome and will not discourage potential siting on contaminated properties as long as worker health is protected and there is no hinderance for the monitoring and cleanup of the property. Solar arrays may be a really good (and even preferred way) to utilize contaminated land while the properties are being "restored for beneficial use". We'll be back in touch very quickly.

Thanks again for giving us the opportunity to weigh in!  
-Scott

Scott Wilson  
AFCEC/CZOM  
Environmental Restoration Program Manager  
660 S. Aspen St. Mail Stop 86  
Buckley Space Force Base, Colorado 80011  
720-847-7159  
Mobile 303-513-4095

---

**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Tuesday, June 21, 2022 4:58 PM  
**To:** INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN <robert.ingrum@spaceforce.mil>; WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM <scott.wilson.7@spaceforce.mil>  
**Subject:** [Non-DoD Source] Arapahoe County's draft small solar system (aka solar gardens) regulations

Hello Porter and Scott,

It came to my attention that you both might want to review Arapahoe County's draft Small Solar System (aka community solar gardens) regulations. Please see the attached draft regulations for your review and comments.

The Planning Division is seeking your comments in order to prepare our draft administrative small solar system rules for public hearings with the Planning Commission and the Board of County Commissioners. We expect the Planning Commission hearing to occur in October. You will be notified of those hearing times and dates, as well as how to participate in person or remotely when the dates are set.

---

**From:** Diane Kocis <[DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)>

**Sent:** Tuesday, June 21, 2022 4:58 PM

**To:** INGRUM, ROBERT P III GS-12 USSF SPOC 460 CES/CEN <[robert.ingrum@spaceforce.mil](mailto:robert.ingrum@spaceforce.mil)>; WILSON, SCOTT T GS-12 USSF SPOC 460 CES/CZOM <[scott.wilson.7@spaceforce.mil](mailto:scott.wilson.7@spaceforce.mil)>

**Subject:** [Non-DoD Source] Arapahoe County's draft small solar system (aka solar gardens) regulations

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As you undoubtedly know, solar facilities are now designed with anti-glare/anti-reflectivity protection but you might still wish to comment.

The administrative application process will be applicable for projects up to 5 MW in capacity, with no public hearings. (Larger projects would be processed through a Use by Special Review application with 1041 requirements, as well as hearings with the Planning Commission and the Board of County Commissioners).

The attached referral form is provided for your response, but you can also respond in the body of an email and/or make comments in the body of the Word document. Please note that referral comments are due back to me by July 7<sup>th</sup>, 2022. However, if you need additional time for your review, please let me know.

Thank you for your time and please let me know if you have any questions.

I am working a hybrid schedule with in-office days and remote work days. Email is the best way to reach me but you can also reach me on my County cell phone at 720-425-0422.

*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

As you undoubtedly know, solar facilities are now designed with anti-glare/anti-reflectivity protection but you might still wish to comment.

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*Diane Kocis*

Energy Specialist

Arapahoe County Planning Division

[dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)



**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division**

*Referral Routing*

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations  
 Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)  
 Engineer: Joseph Boateng [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)  
 Date sent: June 16, 2022  
**Date to be returned: July 7, 2022**

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	I Have the following comments to make related to the case:	 <p><b>Lisa Nguyen, PE</b>          Senior Airport Transportation Planner  <b>Denver International Airport</b>          Planning + Design          Airport Office Building   7<sup>th</sup> Floor          8500 Peña Boulevard   Denver, CO 80249-6340          (303) 342-4105   Cell (970) 260-1460          Visit DEN on social media! <a href="#">Click here</a>  <a href="mailto:Lisa.Nguyen@flydenver.com">Lisa.Nguyen@flydenver.com</a></p>

**Comments:** (responding by email, letter, or an email attachment is optional)

Any solar panel project adjacent to Denver International Airport (DEN) may have possible hazardous glare issues for the FAA Control Tower or pilots.

DEN typically requires solar developers to model the visual impacts using ForgeSolar and that the following criteria be met:

- No "yellow" glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) ("ATCT") at cab height.
- Analysis time interval and eye characteristics used are acceptable

This would only impact projects immediately adjacent to DEN, and this requirement would not apply to all of the projects in Arapahoe County.



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
[donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)

July 5, 2022

Arapahoe County Public Works and Development  
6924 South Lima Street  
Centennial, CO 80112

Attn: Diane Kocis

**Re: Administrative Solar Rules for Solar Gardens, Case # LDC22-001**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the **Administrative Solar Rules for Solar Gardens**. Please be advised that PSCo has existing natural gas and electric *distribution* and *transmission* facilities throughout the County. Public Service Company has no objection to this proposal, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)

## Diane Kocis

---

**From:** Brooks Kaufman <BKaufman@core.coop>  
**Sent:** Thursday, July 7, 2022 8:45 AM  
**To:** Diane Kocis  
**Cc:** Jason Reynolds; Land Use Submittals  
**Subject:** RE: Arapahoe County's draft administrative solar rules for solar gardens (ask community solar gardens or small solar systems)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kocis;

There's not a major impact to our interests – the facilities with which CORE likely to contract will almost certainly be required to go through the 1041 process rather than the expedited version outlined in the proposed rules.

Respectfully

**Brooks Kaufman**  
Lands and Rights of Way Manager

800.332.9540 MAIN  
720.733.5493 DIRECT  
303.912.0765 MOBILE

[www.core.coop](http://www.core.coop).



**The Energy to Thrive™**



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**From:** Diane Kocis <DKocis@arapahoegov.com>  
**Sent:** Thursday, June 16, 2022 1:18 PM  
**To:** Diane Kocis <DKocis@arapahoegov.com>  
**Cc:** Jason Reynolds <JReynolds@arapahoegov.com>; Land Use Submittals <LandUseSubmittals@arapahoegov.com>  
**Subject:** Arapahoe County's draft administrative solar rules for solar gardens (ask community solar gardens or small solar systems)

**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



**Public Works and Development**

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**Planning Division**

*Referral Routing*

Case Number/Name:	LDC22-001/Land Development Code Amendment for Administrative Solar Regulations
Planner:	Diane Kocis <a href="mailto:dkocis@arapahoegov.com">dkocis@arapahoegov.com</a>
Engineer:	Joseph Boateng <a href="mailto:jboateng@arapahoegov.com">jboateng@arapahoegov.com</a>
Date sent:	June 16, 2022
<b>Date to be returned:</b>	<b>July 7, 2022</b>

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	I Have the following comments to make related to the case:	US Solar – Michelle Simms, Project Developer <a href="mailto:michelle.simms@us-solar.com">michelle.simms@us-solar.com</a> 612-299-1213

**Comments: Please see attached Memo.**



# Memo

**To:** Arapahoe County Public Works and Development  
Diane Kocis, [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)  
Joseph Boateng, [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)

**From:** Michelle Simms, US Solar

**Subject:** LDC22-001/Land Development Code Amendment for Administrative Solar Regulations

**Date:** July 7, 2022

## Comments

US Solar is a nationwide leader in community solar with extensive experience helping permitting authorities draft and revise solar ordinances to fit their unique needs. We are pleased to provide comments on the provided draft Land Development Code Amendment for Administrative Solar Rules.

### **5-3.5(E). Administrative Process.**

**1(C).** Generally, general liability insurance policies become effective after the Project has received its construction approvals, around the time we issue Notice to Proceed. Rather than requiring proof of general liability insurance at the time of Use Permit Application, could this be addressed through including a standard condition in the Administrative Approval that states that proof of general liability insurance must be provided to the County prior to starting construction?

### **2(A).**

- Requiring notice for all property owners, residences, and registered homeowners' associations within one (1) mile of the boundary of the proposed Small Solar System Facility is a significantly larger notice buffer area than is typical, necessary, or productive for Small Solar System Facilities. Residences nearly 1 mile away from a Solar System will have no potential impact whatsoever to their homes. This may result in significantly more work for County Staff to review comments that are not necessary or beneficial for the projects. In other jurisdictions, such as Weld County, notice must be provided to all properties within 500' of the property where the project is sited. We have also seen ¼ mile as a common notice distance, which would be a

sufficient notification distance that would both consider the County's needs and ensure the relevant community members are properly engaged and involved.

- The last sentence ("The applicant shall determine whether a residence is occupied by someone other than the owner and shall be responsible for such occupants") is an overly burdensome requirement, and there is no tangible or procedural way to determine this outside of seeking information from secondary sources. Even during a census, the federal government has a great deal of difficulty making this determination. It would place an unnecessary burden on the applicant (especially if the notice distance remains at 1 mile, in which some applicants may need to notify hundreds of residences *and* determine if the residence is occupied by someone else) and is not grounded in any common procedure. We would propose striking this sentence and following standard notice procedure to send letters to all residences within a specified distance.

**4(A)III.** Consider striking "Outside of a 100-year floodplain" as explained further below in 11(A).

**8(A).** We propose adding the word "equipment" after *interconnection* to clarify what aspect of the interconnection can exceed 15 feet.

**8(B).** Screening between residences and solar equipment is understandable, but a 1,000' threshold seems large in distance – households located close to that 1,000-foot threshold should not experience any visual impact. Further, residences may already be naturally screened by existing landscaping, topography, buildings, fences, etc. Many permitting authorities draft an ordinance that allows the Board or staff to require screening if the residence(s) within a certain buffer (e.g., 500 feet) do not already have adequate screening or unless the residence(s) waive the screening requirement. This prevents developers from being forced to install screening in cases where it would provide no value or be perceived as undesirable by the affected neighbors.

**11(A).** Disallowing Small Solar System Facilities from being located in a floodplain is a bit restrictive and could be re-worked to include additional protections/requirements without fully disallowing all facilities. For example, our company has developed projects in floodplains before and it does increase build-cost and safety measures but has resulted in beneficial projects that are safely constructed without harming the local environment. Other jurisdictions such as Weld County allow for Solar Facilities to be constructed in a floodplain (including 100-year floodplain) through obtaining a USR Permit as well as a Flood Hazard Development Permit. If both permits are obtained, the Solar Facilities can then be constructed.

Here are a few ideas for how to allow development in a floodplain while ensuring the project and community are safe:

- Allow Small Solar System Facilities in the floodplain through the USR permitting process (rather than Administrative USR).
- Allow Small Solar System Facilities to proceed through the Administrative Use by Special Review Process and obtain a Flood Hazard Development Permit or similar deliverable that addresses floodplain development.



United States Solar Corporation  
100 N 6th St., Suite 410B  
Minneapolis, MN 55403

**5-3.5(F). APPROVAL/DENIAL/CONDITIONS OF APPROVAL OF ADMINISTRATIVE USE BY SPECIAL REVIEW/APPEAL.**

**3(A)** – We proposed changing the word “development” to “construction”. In the industry, “development” refers to the full development process starting with signing a lease through all applications, etc. I believe that this specific clause is implying that an Access Permit and GESC Permit shall be required prior to starting construction (the point when tangible work begins onsite).

**Small Solar System Definition** - We propose clarifying that the systems have a maximum capacity of 5 Megawatts **alternating current (MWac)**. Alternating current is used as the most common measure of Solar Project capacity amongst utilities, subscribers, and permitting authorities.

Thank you for your time in including us as a stakeholder and for your consideration of our comments. We look forward to continuing to collaborate with Arapahoe County.

Sincerely,

A handwritten signature in black ink that reads "Michelle Simms".

**Michelle Simms – Project Developer**

**United States Solar Corporation**  
100 N 6<sup>th</sup> St, Suite 410B, Minneapolis, MN 55403  
O: 612.299.1213 M: 612.619.9474



July 6, 2022

Diane Kocis  
Arapahoe County Public Works and Development  
6924 S. Lima Street  
Centennial, CO 80112

RE: Draft Arapahoe County Administrative Solar Regulations, LCD22-001  
TCHD Case No. 7758

Dear Ms. Kocis,

Thank you for the opportunity to review and comment on the Land Development Code Amendment for administrative regulations for small solar systems, or solar gardens. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

**Renewable Energy**

Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends Arapahoe County for encouraging the development of renewable energy projects by offering an Administrative Approval Process for Small Solar System facilities up to 5 megawatts (MW) capacity.

Please feel free to contact me at 720-200-1575 or [kboyer@tchd.org](mailto:kboyer@tchd.org) if you have any questions about TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "K Boyer", with a horizontal line extending to the right.

Kathy Boyer, REHS  
Land Use and Built Environment Specialist III

cc: Laura DeGolier, Dylan Garrison, TCHD



**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division**

***Referral Routing***

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations

Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

Engineer: Joseph Boateng [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)

Date sent: June 16, 2022

**Date to be returned: July 7, 2022**

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Douglas Stern – Road and Bridge</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)



**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division**

***Referral Routing***

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations

Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

Engineer: Joseph Boateng [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)

Date sent: June 16, 2022

**Date to be returned: July 7, 2022**

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)



**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division**

*Referral Routing*

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations  
Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)  
Engineer: Joseph Boateng [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)  
Date sent: July 21, 2022  
**Date to be returned: August 12, 2022**

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Nathan Fogg, Arapahoe County OEM</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

**Table 2. Summary of Small Solar System Revised Draft Rules External and Internal Referrals  
Second Stakeholder Outreach: July 21 – August 12, 2022**

Agency/Company/Department	Comment	Response or Action
Fire Districts	No comments received for second stakeholder outreach	
Arapahoe County Building Division	No comments received for second stakeholder outreach	
Colorado Parks and Wildlife (Brandon Marette and Travis Harris)	<p>Since standard solar fencing is essentially wildlife-exclusion fencing, minimize linear feet to the extent possible.</p> <p>Contractors could leave gates open while doing work; therefore, we recommend pneumatic gates to open/close automatically and quickly to prevent deer from becoming entrapped inside the solar footprint, as deer are tough to direct out of the fenced facility.</p> <p>CPW recommends that the solar facility is checked weekly (or escape structures are installed inside the fenced area) to allow deer to escape if one becomes trapped within the facility.</p> <p>CPW further requests at least an annual summary of wildlife species that become trapped within the security fencing and/or collide with the panels or wires and become injured or worse, which will help shape our future solar facility fencing recommendations.</p> <p>RE revegetation: After construction is complete, (reseeding in compliance with GESC plan) ideally CPW's species-specific seed mix (with landowner/operator approval).</p> <p>RE Habitats: CPW will focus first on avoidance of High Priority</p>	<p>Will incorporate as a Condition of Approval.</p> <p>Added to revised draft rules.</p> <p>Added.</p> <p>Added.</p> <p>Under consideration by Engineering Services Division. Coordinate response with ESD.</p> <p>Acknowledged.</p>

	<p>Habitats, then minimization (e.g., construct outside of nesting season), and then possibly mitigation.</p> <p>CPW would also like to have an annual meeting with County planning to see the latest solar facilities in the county to ensure the cumulative effect of playing “Tetris” while still protecting mule deer movement and winter corridors throughout the county.</p>	<p>Planning can arrange an annual meeting with CPW.</p>
Buckley Space Force	No comments received for second stakeholder outreach	
Denver International Airport (Lisa Nguyen)	No additional comments at this time.	Acknowledged.
Xcel Energy	No comments received for second stakeholder outreach	
CORE Electric Cooperative Formerly IREA	No comments received for second stakeholder outreach	
Tri-County Health Department (Kathy Boyer)	No further comments.	Acknowledged.
U.S. Solar (Michelle Simms)	<p>Provided an edited draft with the following comments:  Added “If the Small Solar System Facility is located within the airport influence area, the...”. This follows the last part of item 9 that states that the results will be shared with the appropriate agencies for an area within the airport influence area of the airport. I believe that was what was intended in this clause.</p> <p>A glare analysis is not needed for proposed Small Solar System Facilities outside of the airport influence area as they create minimal glare and no risk is created to the population.</p> <p>11(b): Performing a visual rendering for each home considering screening can be timely and get pretty expensive</p>	<p>Agreed.</p> <p>Acknowledged and agreed.</p> <p>Staff did not intend to require a visual simulation for each residence. Rather, our rule (which could be edited) is intended to</p>

<p>U.S. Solar continued</p>	<p>for the developer to perform. Also, some residents may not need or ask for a visual rendering of what their view will look like. I've suggested adding language that states that the applicant shall provide "information on the facility's appearance, specifications, and any other visual information that would be helpful to the residence in waiving the visual mitigation requirement."</p> <p>13: If developers fence their facility properly with a wildlife exclusion fence, they should have no issues of animals entering the facility. In our experience, we have never had animals enter the site with the animal exclusion fencing. Checking weekly places an undue burden on the developer because the fences are wildlife exclusionary and should fulfill this need. I have suggested an alternative language option that states "If wildlife exclusion fencing is not installed around the Facility Perimeter..." then the facility shall be checked weekly as there is no barrier to prevent animals from entering the site.</p> <p>Also provided comments on fencing:  ... most solar companies will be fencing the facilities regardless. In working with CPW on one ... applications in Mesa County, they sent over the <a href="#">Fencing with Wildlife In Mind</a> document and I believe that our standard, farm field style fence met the requirements for wildlife exclusion fencing.</p>	<p>require a visual simulation from the County road nearest the facility.</p> <p>CPW weighed in on this and in addition to the wording already in the draft rules, Planning would like an annual inventory of facility animal mortalities.</p> <p>Acknowledged and thanked them for the helpful information.</p>
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<p>Colorado Land Realty (Frank Linnebur)</p>	<p>Hoping you have done away with the cedar fence privacy requirements as they degrade quickly, look like trash and to keep looking good require a lot of follow up maintenance.</p> <p>County needs to come out and make sure these sites are maintained. The county is good at setting construction requirements but little follow-up as weeds, fences, landscape, if any, etc. is not maintained.</p>	<p>Informed Mr. Linnebur that his comments would be shared with the team, the Planning Commissioners and Weed Control.</p> <p>This comment was shared with Zoning. Inspections are complaint-based and these facilities cannot be scheduled for periodic inspections.</p>
<p>East Arapahoe County Advisory Committee (Shellie Miller)</p>	<p>Honestly, it seems to me that there is quite a lot of solar farms out here already. So to streamline the process to add more, is not preferable in my opinion. The public hearings, while likely not always well attended, are an opportunity for the closest neighbors and the public in general to make comments and to receive information about what is being planned near and around their properties. And, it keeps the companies and the county accountable to the people for what they plan.</p> <p>Specific changes I would suggest: Section 2.a. The quarter mile notification should be increased to no less than 2 miles.</p> <p>Section 13.d. Is water provided for the animals for the week that they may be trapped? I make this comment somewhat tongue-in-cheek, but honestly, if we are worried about animals getting trapped, should we be putting in facilities that trap them?</p>	<p>Acknowledged and explained that administrative cases do not go to hearings, except if the PWD director elevates the case to the BoCC when there are safety, environmental or wildlife concerns.</p>
<p>Citizen 1 comments (Kathleen Brennan)</p>	<p>I'm not an expert on solar gardens but am very encouraged that the county is</p>	<p>Acknowledged.</p>

	improving the regulations on solar gardens. Anything that we can do as a community to increase access to non-fossil fuel energy sources is a great thing.	
Citizen 2 (Joel Klein)	I am not sure where exactly these solar gardens would be placed. I live in the lower portion of Fox Hill and could foresee a solar panel area placed in Fox Hill Park where currently there is a large area of open space with just vegetation. If placement in an area similar to that I would be in favor of such a move. Also there is ample space along Country Club Road between Hampton and Southlands where solar arrays could be placed.	Acknowledged and explained that small solar facilities would only be allowed in agricultural and industrial zones; would need to be on relatively flat land owned by someone willing to lease for 40 years; would need 20-40 acres minimum; and would need to be near an Xcel Energy interconnection.
Arapahoe County Capital Improvements Projects (Cathy Valencia)	No comments.	Acknowledged.
Arapahoe County Office of Emergency Management (Nate Fogg)	No comments.	Acknowledged.

## **Colorado Parks & Wildlife**

Numerous emails and phone calls  
(Brandon Marette and Travis Harris)

Acreage Restriction: Do we want an acreage restriction, say 35 acres?

Annual Meeting: CPW would also like to have an annual meeting with County planning to see the latest solar facilities in the county to ensure the cumulative effect of playing “Tetris” while still protecting mule deer movement and winter corridors throughout the county.

### Fencing:

- Since standard solar fencing is essentially wildlife-exclusion fencing, minimize linear feet to the extent possible.
- Contractors could leave gates open while doing work; therefore, we recommend pneumatic gates to open/close automatically and quickly to prevent deer from becoming entrapped inside the solar footprint, as deer are tough to direct out of the fenced facility.
- CPW recommends that the solar facility is checked weekly (or escape structures are installed inside the fenced area) to allow deer to escape if one becomes trapped within the facility.
- CPW further requests at least an annual summary of wildlife species that become trapped within the security fencing and/or collide with the panels or wires and become injured or worse, which will help shape our future solar facility fencing recommendations.

Lighting: Nighttime lighting should be motion sensor lighting.

Reseeding: Ideally CPW’s species-specific seed mix (with landowner/operator approval)

Mon 8/22/2022 12:47 PM

Marette - DNR, Brandon [brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)

Re: FW: CPW provided comments on our draft administrative solar rules for revegetation seed mixes

To: Diane Kocis <DKocis@arapahoegov.com>

Cc: Travis Harris <TRAVIS.HARRIS@STATE.CO.US>



CPW\_NE

recommended mitig



CPW-NE

recommended mitig



CPW-NE

recommended mitig



CPW-NE

recommended mitig



CPW-NE

recommended mitig

**From:** Marette - DNR, Brandon <brandon.marette@state.co.us>

**Sent:** Monday, August 22, 2022 12:47 PM

**To:** Diane Kocis <DKocis@arapahoegov.com>

**Cc:** Travis Harris <TRAVIS.HARRIS@STATE.CO.US>

**Subject:** Re: FW: CPW provided comments on our draft administrative solar rules for revegetation seed mixes

Good afternoon Diane,

Attached are the various seed mixes based on which species' HPH is being impacted + what type of soil is out there.

Let me know how your GESC engineer responds to them?

Regards,

**Brandon B. Marette, CWB<sup>®</sup>**

**Northeast Region Energy Liaison and Land Use Coordinator**

Direct [\(303\) 291-7327](tel:3032917327)

[6060 Broadway, Denver, CO 80216](https://www.state.co.us/energy/6060-Broadway-Denver-CO-80216)

[brandon.marette@state.co.us](mailto:brandon.marette@state.co.us)

[CPW's Energy Webpage](#)

[CPW's Wildlife Movements Webpage](#)



**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division**

*Referral Routing*

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations  
Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)  
Engineer: Joseph Boateng [jboateng@arapahoegov.com](mailto:jboateng@arapahoegov.com)  
Date sent: July 21, 2022  
**Date to be returned: August 12, 2022**

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced material and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Lisa Nguyen, Senior Transportation Planner</u> <u>Denver International Airport</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

DEN Planning + Design have no additional comments at this time, outside of comments previously provided. Thank you for the continued opportunity to review and provide comments.



August 3, 2022

Diane Kocis  
Arapahoe County Public Works and Development  
6924 S. Lima Street  
Centennial, CO 80112

RE: Draft Arapahoe County Administrative Solar Regulations, LCD22-001  
TCHD Case No. 7801

Dear Ms. Kocis,

Thank you for the opportunity to review and comment on the second submittal of the Land Development Code Amendment for administrative regulations for small solar systems, or solar gardens. Tri-County Health Department (TCHD) staff previously reviewed the proposal and, in a letter dated July 6, 2022 responded with the comment included below. TCHD has no further comments.

**Renewable Energy**

Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends Arapahoe County for encouraging the development of renewable energy projects by offering an Administrative Approval Process for Small Solar System facilities up to 5 megawatts (MW) capacity.

Please feel free to contact me at 720-200-1575 or [kboyer@tchd.org](mailto:kboyer@tchd.org) if you have any questions about TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "K Boyer", with a horizontal line extending to the right.

Kathy Boyer, REHS  
Land Use and Built Environment Specialist III



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*Referral Routing*

Case Number/Name: LDC22-001/Land Development Code Amendment for Administrative Solar Regulations  
 Planner: Diane Kocis [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)  
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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	I Have the following comments to make related to the case:	US Solar – Michelle Simms ( <a href="mailto:michelle.simms@us-solar.com">michelle.simms@us-solar.com</a> )

**Comments:** (responding by email, letter, or an email attachment is optional)

Arapahoe County Public Works & Development,

Once again, US Solar appreciates the opportunity to comment on Arapahoe County’s proposed Land Development Code Amendment for Administrative Solar Regulations. Below are a few comments for your consideration on the second round of Stakeholder Feedback. We appreciate your time and diligence in preparing this draft Amendment and for including us in your review process.

**2(c):** Added “d” at the end of “designate” to complete the word “designated”.

**9:** Added “If the Small Solar System Facility is located within the airport influence area, the...”. This follows the last part of item 9 that states that the results will be shared with the appropriate agencies for an area within the airport influence area of the airport. I believe that was what was intended in this clause. A glare analysis is not needed for proposed Small Solar System Facilities outside of the airport influence area as they create minimal glare and no risk is created to the population.

**11(b):** Performing a visual rendering for each home considering screening can be timely and get pretty expensive for the developer to perform. Also, some residents may not need or ask for a visual rendering of what their view will look like. I’ve suggested adding language that states that the applicant shall provide “information on the facility’s appearance, specifications, and any other visual information that would be helpful to the residence in waiving the visual mitigation requirement.”

**13:** If developers fence their facility properly with a wildlife exclusion fence, they should have no issues of animals entering the facility. In our experience, we have never had animals enter the site with the animal exclusion fencing. Checking weekly places an undue burden on the developer because the fences are wildlife exclusionary and should fulfill this need. I have suggested an alternative language option that states “If wildlife exclusion fencing is not installed around the Facility Perimeter...” then the facility shall be checked weekly as there is no barrier to prevent animals from entering the site.

**Definitions:** I struck “or MW capacity whichever is greater” in the Small Solar System Facilities definition because the definition of 5 MW alternating current is equal to capacity, so adding on the MW capacity wording isn’t needed.

Thank you again for your time and consideration! We look forward to continuing to work with the County.

Sincerely,

A handwritten signature in black ink that reads "Michelle Simms". The signature is written in a cursive, flowing style.

**Michelle Simms – Project Developer**

**United States Solar Corporation**

100 N 6<sup>th</sup> St, Suite 410B, Minneapolis, MN 55403

O: 612.299.1213 M: 612.619.9474

Sun 7/24/2022 7:25 PM

Frank Linnebur [7487028@gmail.com](mailto:7487028@gmail.com)

Re: Arapahoe County's REVISED Draft Administrative Small Solar System Regulations

To: Diane Kocis [DKocis@arapahoegov.com](mailto:DKocis@arapahoegov.com)

Dianne,

Per our conversation.

Suggestions:

1. Hoping you have done away with the cedar fence privacy requirements as they degrade quickly, look like trash and to keep looking good require a lot of follow up maintenance.
2. County needs to come out and make sure these sites are maintained. The county is good at setting construction requirements but little followup as weeds, fences, landscape, if any, etc is not maintained.

Thanks, Frank Linnebur, Broker  
Colorado Land Realty  
800 US Hwy 36, Byers CO 80103  
[www.ColoradoLandRealty.com](http://www.ColoradoLandRealty.com)  
Direct line: 303-748-7028

Thu 7/28/2022 8:05 PM

shellie tetrasourcellc.com [shellie@tetrasourcellc.com](mailto:shellie@tetrasourcellc.com)

**RE: Arapahoe County's REVISED Draft Administrative Small Solar System Regulations**

To: Diane Kocis <DKocis@arapahoegov.com>

Cc: Jason Reynolds <JReynolds@arapahoegov.com>; Ava Pecherzewski <APecherzewski@arapahoegov.com>

Hi Diane,

My comments:

Honestly, it seems to me that there is quite a lot of solar farms out here already. So to streamline the process to add more, is not preferable in my opinion. The public hearings, while likely not always well attended, are an opportunity for the closest neighbors and the public in general to make comments and to receive information about what is being planned near and around their properties. And, it keeps the companies and the county accountable to the people for what they plan.

Specific changes I would suggest:

Section 2.a. The quarter mile notification should be increased to no less than 2 miles.

Section 13.d. Is water provided for the animals for the week that they may be trapped? I make this comment somewhat tongue-in-cheek, but honestly, if we are worried about animals getting trapped, should we be putting in facilities that trap them?

Have a nice weekend!

Shellie Miller

East Arapahoe County Advisory Cmte.

303-564-3823

[shellie@tetrasourcellc.com](mailto:shellie@tetrasourcellc.com)

Fri 8/5/2022 11:14 AM

Kathleen Brennan <pakorah@hotmail.com>

**New solar garden regulations**

To: Diane Kocis <DKocis@arapahoegov.com>

Hi,

I'm not an expert on solar gardens but am very encouraged that the county is improving the regulations on solar gardens. Anything that we can do as a community to increase access to non-fossil fuel energy sources is a great thing.

Thank you.

Kathleen Brennan  
2098 S. Pitkin Street  
Aurora, CO 80013

Fri 8/5/2022 10:14 AM

To: Diane Kocis <DKocis@arapahoegov.com>

From: Joel Klein [Yussel1@outlook.com](mailto:Yussel1@outlook.com)

Solar Gardens

**Subject:** Solar Gardens

Hi: Of course this is a good idea. I am not sure where exactly these solar gardens would be placed. I live in the lower portion of Fox Hill and could foresee a solar panel area placed in Fox Hill Park where currently there is a large area of open space with just vegetation. If placement in an area similar to that I would be in favor of such a move. Also there their is ample space along Country Club Road between Hampton and Southlands where solar arrays could be placed.



Wed 7/27/2022 9:09 AM

Cathleen Valencia <CValencia@arapahoegov.com>

**RE: Arapahoe County's REVISED Draft Administrative Small Solar System Regulations**

To: Diane Kocis <DKocis@arapahoegov.com>

Hi Diane,

I don't have any comments. Thank you for the referral. 😊

Cathy



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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Nathan Fogg, Arapahoe County OEM</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)



# Land Development Code Amendment



case LDC22-001

## Small Solar System Rules

September 6<sup>th</sup> 2022

Planning Commission Hearing

*Arapahoe County Public Works*





# State and County History and Future of Solar Rules



- **2016 Solar MOU adopted by County:** administrative process - solar facilities of 2MW or less & 20 acres or less. Aligned with State rules.
- **2019 State adopted HB19-1003:** allows up to 5 MW in capacity for community solar gardens.
- **2024 PUC option for up to 10 MW allowed in July.**





# Background



- **Staff worked to amend the LDC with new Administrative Solar regulations to replace the Solar MOU, bring the County's rules into alignment with state rules (increase allowed megawatts from 2MW to 5MW) and provide more protections to nearby properties, residents, and wildlife.**
- **Additionally, we wanted a parallel administrative energy process to our newly adopted Oil & Gas regulations.**
- **Staff examined solar regulations in Eagle, Weld, Larimer, Boulder, El Paso, Washington, Pueblo, Summit, Adams, Garfield, Jefferson and Routt Counties. Led to consideration of some elements we didn't consider.**



# Background continued



ARAPAHOE COUNTY  
COLORADO'S FIRST

- **Stakeholder input was sought and considered in June and July through 2 mass emails to 96 stakeholders, the Planning Division Major Planning Cases webpage and Social Media.**
- **A total of 19 comments were received by agencies and companies (Fire Districts, CPW, Buckley Space Force, CORE Electric Coop, Xcel Energy, DIA, Tri-County Health Department and U.S. Solar) and Arapahoe County departments and divisions) during the first stakeholder outreach (June 11 to July 7, 2022).**
- **A total of 6 comments were received by agencies, companies and citizens of adjoining jurisdictions during the second stakeholder outreach (July 21 to August 12, 2022).**



# Background continued



ARAPAHOE COUNTY  
COLORADO'S FIRST

**Draft rules for an Administrative Process to establish:**

- **Allowed Zoning**
- **Setbacks**
- **Application Notifications**
- **Application Narrative**
- **Compliance with Building and Engineering Standards**
- **Height of Equipment**
- **Fire Protection**
- **Weather-Related Emergency Responses**
- **Incident Reporting**
- **Access Roads**
- **Contact Info for Emergency Responders**
- **Vegetation Management**
- **Glare Analysis**
- **Restriction of Development in Floodplains**
- **Fencing**
- **Locked Perimeter Gates**
- **Decommissioning**
- **Insurance**
- **Transfer or Sale of Facilities to a New Operator**
- **Mitigation of Visual Impacts to Nearby Residents**
- **Wildlife, Surface Water and Riparian Areas Protections.**



# Specific Rules



## Allowed Zoning

Allowed in AE, A-1, I-1 and I-2.

## Notifications/Meetings

Provide written notification by U.S. Mail to property owners and all registered homeowners' associations within ¼ mile of the boundary

## Application Narrative

Provide Application Narrative with application.



# Specific Rules



## Compliance with Engineering Services and Building Division Standards

### Height of Equipment

15 ft, not including the height of the interconnection to the electric substation.

### Glare Analysis

For projects proposed in the airport area of influence.





# Specific Rules



## Setbacks

- **Setbacks of zone district.**
- **Zero setback allowed for equipment crossing adjacent parcels** where both affected parcels are under common ownership or a surface use agreement between the applicant and each of the affected parcel owners.
- **2,000 feet from the property line of a Designated Outside Activity Area**
- **Outside of a 100-year floodplain and at least 500 feet from the edge of any perennial surface water body, the ordinary high water mark of any perennial or intermittent stream or the edge of any riparian area, *whichever is the greater distance.***





# Specific Rules



ARAPAHOE COUNTY  
COLORADO'S FIRST

## Visual Mitigation

Facilities designed with some form of visual mitigation if within 500' of a property line.

## Insurance

General Liability, Auto and Worker's Comp insurance required.

## Fencing and Locked Perimeter Gates

## Mitigation of Visual Impacts

If within 500 ft of a property line



# Specific Rules



## **Decommissioning**

- Within 9 months of ceasing operations, the operator shall complete decommissioning.
- Includes removal of all aboveground & belowground equipment + reclamation per the GESC Plan.
- Decommissioning bond amount determined by the Building Division.

## **Insurance**

- Provide proof of general liability insurance prior to construction and maintain it.



# Specific Rules



## Fire and Emergency Safety

- Maintain facility signage and update emergency contacts as appropriate.
- Will Serve letter required.
- Bennett Fire and South Metro Fire access road standards.
- Inclement weather drive aisle maintenance.
- Clear, brush-free area of 10 feet maintained around the facility
- Fire break acceptable to the fire district, for interface wildfire risk reduction
- Locks and emergency access hardware
- Incident reporting
- Vegetation Management Plan



# Specific Rules



## Wildlife/Surface Water/Riparian Areas Protections

- Implement CPW recommendations.
- Avoid High Priority Habitat.
- Fencing that bisects streams is prohibited.
- Facilities not allowed in floodplains but access roads may cross
- 500' setback from surface water and edges of riparian areas.
- Inspection of facilities once a week to free/report trapped animals
- Record and report annually: wildlife species that became entrapped





# Specific Rules



## Adjacent Small Solar Facilities of the Same Operator:

No more than 4 proposed adjacent Small Solar Systems of the same operator may be processed administratively at the same time, with a separate application and fee for each facility.



# Questions?

