



Zoning Permit Solar Energy Facility (ZPSF)

Department of Planning Services
1402 N. 17TH Avenue, P.O. Box 758, Greeley, CO 80632
www.weld.gov | (970) 400-6100 | Fax (970) 304-6498

Note: A Zoning Permit for a Solar Energy Facility on less than five (5) acres may be allowed in the Agricultural (A) and Industrial (I) zone districts. Only one five (5) acre SEF is allowed per 35 acres. No five (5) acre SEF may be located immediately adjacent to another SEF.

Application Submittal Requirements

- _____ Application form. (See attached).
- _____ Project Narrative, see attached instructions.
- _____ Sketch plan, see attached instructions.
- _____ Elevation drawings of the proposed facility showing all structures, fencing, equipment, and other improvements related to the facility, including specific materials, placement and colors.
- _____ Dust and Weed Mitigation Plan.
- _____ Utility Company Interconnection Agreement. If proposing to interconnect to a utility company, copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility company or cooperative.
- _____ Alternatives Statement. Reasonable alternatives to the proposed location shall be adequately assessed, and the proposed action shall be consistent with the best interests of the people of the County and shall represent a balanced use of resources in the affected area.
- _____ Statement of Transportation Construction Impacts, see attached instructions.
- _____ Surface Drainage Analysis, see attached instructions.
- _____ Decommissioning-Reclamation Plan, see attached instructions.
- _____ Landscaping Plan and/or Fencing Plan, if proposing encroachment into five hundred (500) residential setback for visual mitigation.
- _____ Floodplain Impact Statement, if applicable. If any FEMA designated Special Flood Hazard Areas (SFHA) exists on the property, detail potential, adverse impacts related to the associated floodplain. Documentation of the historical flooding activity should be included.
- _____ Authorization form, if applicable. (See attached).
- _____ Deed identifying the surface estate ownership interest in the property and relevant lease documents.
- _____ Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
- _____ Trustee documents if the owner is a Trust.
- _____ Buffer Report, signed, of the names, addresses and parcel numbers of the surrounding property owners within 500 feet of the property. The buffer report expires within 30 days of the Assessor date stamp.
- _____ Application fee. (\$1000) Note: Fees are non-refundable. Fees are set by the Board of County Commissioners. County Staff is not authorized to negotiate fees and cannot, under any circumstance, waive, reduce, or amend the fees set forth in the Weld County Planning Fee Schedule.
- _____ Investigation fee, if applicable. An additional fifty (50) percent of the final application fee shall be added to the cost of the application fee if the use is started prior to issuance of a permit.

Zoning Permit Solar Energy Facility (ZPSF) Application Instructions

Project Narrative

The project narrative shall include a description of the property and how it is currently being use, the project, and how it complies with the following development standards for Solar Energy Facilities:

1. Height limitation. Ground-mounted solar collectors shall not exceed twenty-five (25) feet in height, measured from the highest grade below each solar panel to the highest extent of the solar panel rotation.
2. Glare. Concentrated solar glare from solar collectors shall not be directed toward or onto nearby properties or roadways at any time of the day.
3. Setbacks. The improved area shall conform to the setback requirements of the underlying zone. Additionally, the improved area must be at least five hundred (500) feet from existing residential buildings and residential lots of a platted subdivision or planned unit development. The residential setback requirement may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to Weld County of a waiver or informed consent signed by the residence owner agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to and approved by the Department of Planning Services.
4. Dust mitigation. The operators of the 5 acre SEF shall continuously employ the practices for control of fugitive dust detailed in their dust mitigation plan submitted as required by Subsection B.2., above.
5. Underground cables. All electrical cables on the improved area shall be buried, except for direct current string wires that connect between solar collectors, direct current collection circuits between rows of solar arrays that are no more than four (4) feet above grade crossings, substations, switchyards, and circuit voltages greater than 34.5 kilovolts (where necessary).
6. Fencing. The 5 acre SEF shall be enclosed with a security fence as approved pursuant to a fencing plan submitted to the Department of Planning Services. Appropriate signage shall be placed upon such fencing that warns the public of the high voltage therein.
7. Stormwater management. The Operator of the 5 acre SEF shall submit a drainage report to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this Code. Ground-mounted solar collector systems shall be exempt from impervious surface calculations if the soil under the collectors is designated hydrologic A or B soil groups by the Natural Resources Conservation Service (NRCS).
8. Access permit. Prior to construction of the 5 acre SEF, the applicant shall apply for and obtain an approved Access Permit from the Weld County Department of Public Works, pursuant to the provisions of Article XIV of Chapter 8 of this Code.
9. Existing irrigation systems. The nature and location or expansion of the 5 acre SEF must not unreasonably interfere with any irrigation systems on or adjacent to the solar facility.

Zoning Permit Solar Energy Facility (ZPSF) Application Instructions, Continued

Sketch Plan

The sketch plan shall include the following:

1. Vicinity map showing adjacent properties, general land uses, zoning and streets/roads within five hundred (500) feet of the site.
2. Scaled drawing of the property (1"=50').
3. Outline of the perimeter of the subject parcel.
4. All existing and proposed structures and other improvements including buildings, the proposed location of the SEF, support structures, related improvements, and equipment. Include distances from the SEF to the property lot lines, above-ground power lines and other structures.
5. Distances to residential structures in the vicinity.
6. Access to the SEF (indicate whether it is existing or proposed).
7. Location and measurements of all on-site or adjacent easements and rights-of-way.
8. Location and design of any proposed stormwater management devices or structures.
9. Irrigation ditches on or adjacent to the property.
10. Areas of vegetation and landscaping to be added, retained, replaced or removed.
11. Location, amount, size and type of any proposed landscape material, including fencing, walls, berms or other screening.
12. Location of all hydrographic features including year-round and ephemeral streams, rivers, lakes, ponds and reservoirs and any FEMA designated Special Flood Hazard Areas (SFHA).

Statement of Transportation Construction Impacts

The statement shall be based on impacts to transportation during construction phase and include the following:

1. Haul route map showing a minimum of one (1) mile traveled road and must include a connection to a paved, publicly-maintained road.
2. Agreement to mitigate construction traffic impacts to the area surrounding the proposed SEF.
3. Describe what impacts construction of the project will have upon transportation patterns in the area intended to be served or affected by the proposal.
4. Describe the potential construction impact on roads within the County.
5. Identify improvements required to any roads within the County in order to serve the project adequately.

Surface Drainage Analysis.

A preliminary drainage report shall be provided for review pursuant to the requirements of Chapter 8, Article XI of this Code. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage runoff and build soil. Ground-mounted solar collector systems shall be exempt from impervious surface calculations if the soil under the collectors is designated hydrologic A or B soil groups by the Natural Resources Conservation Service (NRCS).

Zoning Permit Solar Energy Facility (ZPSF) Application Instructions, Continued

Decommissioning-Reclamation Plan

A Decommissioning-Reclamation Plan signed by the party responsible for decommissioning and the landowner (if different), addressing the following:

1. Decommissioning/reclamation shall commence within twelve (12) months after power production has permanently ceased and be completed within twelve (12) months from the start date of the decommissioning/reclamation work.
2. All non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three (3) feet below grade shall be removed.
3. All fences, graveled areas and access roads shall be removed unless landowner agreement to retain is presented, in writing, in which the property owner agrees for this to remain.
4. Property shall be restored to a condition reasonably similar to its condition prior to development of the 5 acre SEF.
5. The developer or owner of the 5 acre SEF is responsible for the decommissioning.
6. Decommissioning/reclamation cost estimates, which shall be updated every five (5) years from the establishment and submittal of the Security, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:
 - a) All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site;
 - b) All costs associated with full reclamation of the facility site, including removal of non-native soils, fences, and constructed access roads;
 - c) All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be materially similar to the condition it was before construction;
 - d) All decommissioning/reclamation activity management, site supervision, site safety costs;
 - e) Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site; and
 - f) The estimated date of submission of the Security to Weld County.
7. Access to decommissioning/reclamation fund. Weld County shall have the right to draw upon the irrevocable standby letter of credit, or other form of financial security, to pay for decommissioning in the event that the holder has not commenced decommissioning/reclamation activities within ninety (90) days of the Board of County Commissioners' order or resolution directing decommissioning/reclamation.

Zoning Permit Solar Energy Facility (ZPSF) Prior to Construction

Post-Approval, Prior to Construction Submittal Requirements

- _____ Building Permit application(s) to Department of Building Inspection.
- _____ Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado.
- _____ Grading Permit application to the Department of Public Works.
- _____ Access Permit application if accessing a Weld County road to the Department of Public Works.
- _____ Flood Hazard Development Permit (FHDP) if structures will be located in a SFHA to the Department of Planning Services.
- _____ Security.

Security

An irrevocable standby letter of credit, bond, or alternate form of Security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by the Weld County Code. Weld County, in its sole discretion, may approve alternative forms of Security such as, but not limited to: bonds, letters of credit, corporate guarantees from electric utilities serving the County, or other securities, if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning/reclamation that equals or exceeds that provided by the form required herein.

The Security shall:

1. Name the Board of County Commissioners of Weld County as the sole beneficiary of the letter of credit;
2. Be issued by an A-rated financial institution based upon a rating provided by S&P, Moody's, Fitch, AM Best, or other rating agency with similar credentials;
3. Include an automatic extension provision or "evergreen clause"; and
4. Be "bankruptcy remote," meaning the Security will be unaffected by the bankruptcy of the 5 ACRE SEF operator.

Zoning Permit Solar Energy Facility (ZPSF) Procedure

The application will be reviewed in accordance with Weld County Code Sec. 23-4-475

Processing Time: 60 Days

If the application qualifies for administrative approval. If 30% or more surrounding property owners express concern, approval or denial will be determined by the Board of County Commissioners at a public hearing.

Cost: \$1000

Solar Energy Facility (SEF)

A commercial facility whose primary purpose is to supply electricity and consists of one or more solar arrays and other accessory structures, equipment, including substations, switchyards, battery storage, electrical infrastructure, generators, transmission lines, communications infrastructure, and other appurtenant structures and/or facilities. A SEF of less than five (5) acres in size (5 ACRE SEF) is governed by the procedures set forth in Division 6 of this Chapter 23. A SEF in the Near/Urban Area as shown on Appendix 21-B being more than five (5) acres in size but less than one-hundred sixty (160) acres, or in the Ag/Rural Area as shown on Appendix 21-B being more than five (5) acres but less than three-hundred twenty (320) acres, is governed by the procedures set forth in Article II, Division 4 of this Code. A 1041 SEF is only allowed by permit, pursuant to Article VI of Chapter 21 of this Code, and shall have an Improved Area of more than one-hundred sixty (160) acres in the Near/Urban Area as shown on Appendix 21-B, or more than three-hundred twenty (320) acres in the Ag/Rural Area as shown on Appendix 21-B. This definition shall not include roof and/or ground mounted solar systems located on permitted principal and accessory buildings and designed to supply power to the principle USE(S) onsite.

The Board of County Commissioners delegates the authority to issue a zoning permit for a [5 ACRE Solar Energy Facility] which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:

- A. The applicant is in compliance with the criteria identified in [Weld County Code Sec. 23-4-1030] for the specific category of zoning permit for which application is being made.
- B. The Department of Planning Services has sent notice and has not received signed notification from at least thirty percent (30%) of surrounding property owners within five hundred (500) feet of the subject property in opposition to the location of the WIND GENERATOR or 5 ACRE SEF within twenty-eight (28) days.

(Weld County Code Sec. 23-4-470)

The submittal requirements and review procedures are stated in Chapter 23, Article IV, Divisions 6 and 15 of the County Code. The Weld County Code is available online at www.weld.gov (Useful Links > Weld County Code).

Zoning Permit Application for a Solar Energy Facility (ZPSF)

Planning Department Use: _____	Date Received: _____
Amount \$ _____	Case # Assigned: _____
Application Received By: _____	Planner Assigned: _____

Property Information *(Attach additional sheets if necessary.)*

Is the property currently in violation? ☐ No / ☐ Yes Violation Case Number: _____

Site Address: _____

Parcel Number: _____ - _____ - _____ - _____ - _____

Zoning District: _____ Within subdivision? ☐ No / ☐ Yes Townsite? ☐ No / ☐ Yes

If yes, subdivision or townsite name: _____

Property Acreage: _____ Facility Acreage: _____

Floodplain ☐ No / ☐ Yes Geological Hazard ☐ No / ☐ Yes

Airport Overlay ☐ No / ☐ Yes MS4 ☐ No / ☐ Yes

Property Owner(s) *(Attach additional sheets if necessary.)*

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

Applicant/Authorized Agent *(Authorization must be included if there is an Authorized Agent.)*

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. All fee owners of the property must sign this application, or if an Authorized Agent signs, an Authorization Form signed by all fee owners must be included with the application. If the fee owner is a corporation, evidence must be included indicating the signatory has the legal authority to sign for the corporation.

Signature	Date	Signature	Date
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Print		Print	
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Department of Planning
Building, Development Review
and Environmental Health
1402 North 17TH Avenue
P.O. Box 758
Greeley, CO 80632

Authorization Form

I, (We), _____, give permission to _____
(Owner – please print) (Authorized Agent/Applicant–please print)

to apply for any **Planning, Building, Access, Grading or OWTS** permits on our behalf, for the property located at (address or parcel number) below:

Legal Description: _____ of Section _____, Township _____ N, Range _____ W

Subdivision Name: _____ Lot _____ Block _____

Property Owners Information:

Address: _____

Phone: _____ E-mail: _____

Authorized Agent/Applicant Contact Information:

Address: _____

Phone: _____ E-Mail: _____

Correspondence to be sent to: Owner _____ Authorized Agent/Applicant _____ by: Mail _____ Email _____

Additional Info: _____

I (We) hereby certify, under penalty of perjury and after carefully reading the entire contents of this document, that the information stated above is true and correct to the best of my (our) knowledge.

Owner Signature Date _____

Owner Signature

Subscribed and sworn to before me this _____ day of _____, 20 _____ by

_____.

My commission expires _____

Notary Public

**Affidavit of Interest Owners
Surface Estate**

I, the undersigned, certify that the attached list is a true and accurate list of the names, addresses, and corresponding Parcel Identification Numbers assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the subject property(ies). This list was compiled from the records of the Weld County Assessor, or a person qualified to do the task, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Department of Planning Services.

Subject Property(ies): _____

Signature

Date