DRAFT REGULATIONS FOR SOLAR ENERGY SYSTEMS

Section 101  General Provisions

101 A. Purpose

The purpose of these Regulations is to facilitate the development of Solar Energy Systems in appropriate locations while balancing the County’s sustainability-related goals and policies with its scenic, agricultural, environmental and recreational, and cultural values.

101 B. Authority

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

101 C. Applicability

I. These Regulations apply to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County.

II. If any provisions of these Regulations conflict with the San Miguel County Land Use Code (“County Land Use Code” or “LUC”), these Regulations shall control.

101 D. Permit Required

A permit issued pursuant to these Regulations is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel County.

101 E. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems may be permitted only in certain zone districts as follows:

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

II. Medium-Scale Solar Energy Systems
   a. Forestry, Agriculture and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
III. Microgrid Medium-Scale Solar Energy Systems. Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts in addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 101.E.II.:

a. High Density
b. Medium Density
c. Low Density
d. Affordable Housing Planned Unit Development
e. Low Density Residential
f. Mixed Use Development
g. Community Housing

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

101 F. Permit Review Procedures

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

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

II. Medium-Scale Solar Energy Systems.

a. Medium-Scale Solar Energy Systems in Community Housing Zone are subject to Two-Step Review (Planning Commission and BOCC review) as set forth in Section 3-6 of Article 3 of the County Land Use Code.

b. All other Medium-Scale Solar Energy systems are subject to One-Step Review (Planning Commission review) as set forth in Section 3-5 of Article 3 of the County Land Use Code.

III.II. Small-Scale Solar Energy Systems are subject to Administrative Review procedures as set forth in Section 3-4 of Article 3 of the County Land Use Code.
III. Amendments to permit applications are subject to review as set forth in Article 3 of the County Land Use Code.

101.G. Term of Permit and Commencement of Project

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

II. If construction of a permitted Project has not been initiated within 3 years of permit issuance, or if construction of a permitted Project is delayed for more than 3 years from the schedule approved in the permit, the permit shall be void and of no force and effect. The Board of County Commissioners may grant extension(s) of the approval for good cause shown.

101.H. Transfer of Permits

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

a. The proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these Regulations;

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

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

II. Permits for Small-Scale Solar Energy Systems may be transferred to another property owner at any time. Upon transfer or sale, any conditions of the permit shall transfer to the new owner.

101 GI. Definitions

**Adverse**
Unfavorable, harmful, or negative.

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

**Interconnection**
The technical and practical link between the Solar Energy System and the power grid.

**Large-Scale Solar Energy System**
A Solar Energy System consisting of ground-mounted solar arrays occupying 20 ten (10) acres or more of land.

**Medium-Scale Solar Energy System**

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or ground-mounted solar arrays occupying more than one-half (1/2) acre and less than 20 ten (10) acres of land.

**Microgrid**

A Solar Energy System within clearly defined electrical boundaries that acts as a single controllable system with respect to the grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or “island-mode,” where the system is transmitting and distributing energy within the defined electrical boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that operates in islanded conditions.

**Significant**

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

**Small-Scale Solar Energy System**

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or ground-mounted solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses.

**Solar Energy System**

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, which may include an energy storage facility and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, and other elements of the system.

**Wetlands**

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.
Section 102  Permit Requirements for All Solar Energy Systems

102 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board of County Commissioner Resolution for Fee Schedule. Pursuant to C.R.S. § 24-48.5-113, application fees will be no more than the actual costs of issuing the permit. Fees shall be as set by the Board of County Commissioners pursuant to Section 3-1410 of the County Land Use Code and as set forth in the adopted fee schedule.

102 B. Consultants and Referral Agency Costs

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

102 C. Use of Materials from Other Permit Applications

If an applicant has prepared or submitted materials for a federal, state, or local permit that are substantially the same as required herein, a copy of those materials may be submitted to satisfy the corresponding application requirements herein.

102 D. Consolidated Applications

The Planning Director may determine whether the applicant may consolidate multiple requisite permits including the application for development of a Solar Energy System.

102 E. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application.

Section 103  Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System (“Large-Scale Solar Development”) to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section of these Regulations. All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer (“P.E.”) or as otherwise approved by the Planning Director. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.
103 A. Information Describing the Applicant

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

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

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

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

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

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

103 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 104, including without limitation:

I. Location and extent of disturbed areas.

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

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

IV. Setbacks from roads and adjacent residential properties.

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

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

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

VIII. Other proposed uses for property, if any.

IX. Proposed end use of the property following decommissioning.
103 C. Technical and Financial Feasibility of the Large-Scale Solar Development

A description of the technical and financial feasibility of the Large-Scale Solar Development, including:

I. The estimated construction costs and period of construction for each phase of the Large-Scale Solar Development.

II. Estimated cost of proposed mitigation measures.

III. Revenues and operating expenses.

IV. The amount of any proposed debt and the method and estimated cost of debt service.

103 D. Property Rights, Permits, and Approvals

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

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

   b. Copies of approved permits and approvals.

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

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

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

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

VI. Copies of agreements to interconnect, if applicable. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility.

103 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development including surrounding topographic and cultural features and federal and state-owned lands, including ownership and specific designations, shown in a form acceptable to the Planning Director.

103 F. Alternative Analysis

Map and description of the alternative locations and configurations that could serve
the same purposes as the proposed project that the applicant considered and rejected for the Large-Scale Solar Development, including without limitation, the advantages and disadvantages of each alternative and how the proposed Large-Scale Solar Development is the least detrimental practicable alternative. Alternatives must be technically and economically feasible (“practicable”) and similar in purpose, design, and effects as the proposed location and configuration.

103 G. Water Quality Conditions Impact Assessment

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

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

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

IV. Description of proposed techniques that will be used to mitigate impacts to water quality.

103 H. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:
   a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.
   b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.
   c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.
   d. Transition from wetland to upland species.
   e. Aerial extent, function, and channel connectivity of floodplains.
   f. Alteration in hydrology that would allow succession to upland species.

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

III. Describe proposed techniques that will be used to mitigate impacts to
floodplains, wetlands, riparian areas, and fens.

103 I. Stormwater Management Plan

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

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

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

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

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

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

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

103 J. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife (“CPW”) in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section.

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

a. Wildlife including the status and relative importance of game and non-game wildlife and other animals.

b. Animal, bird, and insect species listed as threatened or endangered under the Endangered Species Act or listed by CPW as Species of Special Concern or Species of Greatest Conservation Need.

c. Critical wildlife habitat including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management (“BLM”), and U.S. Fish and Wildlife Service (“USFWS”) maps.
II. Description of the impacts that the construction and operation of the Large-Scale Solar Development will have on wildlife and wildlife habitat including without limitation:

a. Changes to wildlife species composition or density.

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

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

d. How the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels and continued access to forage and habitat.

e. The potential to attract waterfowl and other bird species to the Large-Scale Solar Development.

f. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, such as the BLM Gunnison Sage-Grouse Resource Management Plan (“RMP”) and RMP Amendment(s), the USFWS Recovery Implementation Strategy for the Gunnison Sage-Grouse and the CPW Gunnison Sage-Grouse Rangewide Conservation Plan as these plans may be amended in the future.

III. Description of proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat during construction and operation of the Large-Scale Solar Development, including plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities, specifically including occupied and unoccupied Gunnison Sage-Grouse Habitat, and wildlife-friendly fencing in accordance with the best management practices in Section 104 L. of this Article.

103 K. Terrestrial Plants Impact Assessment and Mitigation

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

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

b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.
II. Assessment of adverse impacts of the Project to terrestrial plant life that includes without limitation:
   a. Changes to habitat of threatened or endangered plant species or species of concern.
   b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
   c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life during construction and operation of the Large-Scale Solar Development.

103 L. Grading, Erosion, and Sediment Control Plan

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

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

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

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

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

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

VI. Copies of any required CDPHE or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

103 M. Revegetation and Weed Management Plan

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

I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.
II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas that have a clear difference in soil type, drainage, or plant growth will be avoided for sample collection.

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

IV. Plan for revegetation and weed management that provides for:
   a. Removal of existing vegetation no more than 30 calendar days prior to commencement of initial site grading.
   b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.
   c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.
   d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.
   e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.
   f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

103 N. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

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

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

103 O. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.
II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in Section 5-710 of the County Land Use Code.

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

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

103 P. Visual Quality Impact Assessment

I. Map and describe the existing scenic rural landscape within one-half (1/2) mile of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. Provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Describe the impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one-half (1/2) mile of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one-half (1/2) mile of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

103 Q. Natural Hazards Impact Assessment

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

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

   b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.
II. Description of the impacts of the Large-Scale Solar Development on natural hazards, and the impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.

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

103 R. Local Government Services Impact Assessment

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

II. Description of the impacts of the Large-Scale Solar Development on the capacity of the districts and infrastructure for delivering services.

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

103 S. Housing Impact Assessment

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

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

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

103 T. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar Development, including a letter of approval from the Office of the State Engineer.
documenting that the any proposed well water used for the supply is adequate to serve the proposed use.

103 U. Construction Traffic Route Plan

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

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

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

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

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

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

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

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

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

103 V. Road and Rights-of-Way Improvements and Maintenance Plan

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

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.
II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.

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

103 W. Emergency Preparedness and Response Plan

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

103 X. Hazardous Materials Management Plan

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

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

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

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

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

V. The County Emergency Manager, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the applicant fails to comply with its obligations under the Hazardous Materials Management Plan. Applicant will pay all costs incurred by the County for any such measures.

103 Y. Agricultural Resources Impact Assessment

I. Map and description of existing agricultural resources, including livestock and lands in the area affected by the Large-Scale Solar Development.
II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service/NRCS classifications.

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

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

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

103 Z. Recreational Resources Impact Assessment

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

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

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

103 AA. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

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

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

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

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

   d. Confidential information may be redacted in consultation with the County Attorney.

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

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

103 BB. Decommissioning and Restoration Plan

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

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

II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline and process for decommissioning the Large-Scale Solar Development and reclaiming the site.

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

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

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

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

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.
c. Restoration must include soil tests after the system ceases production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection must avoid areas that have a clear difference in soil type, drainage, or plant growth.

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

VII. Cost of Decommissioning and Restoration. Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 109, including the following costs:

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

b. Restoration.

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

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

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

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

Section 104 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. These review criteria replace the review criteria in Article 5 of the County Land Use Code except where Article 5 is explicitly referenced herein.

104 A. Applicant Expertise

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

104 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a “letter of intent to interconnect” or interconnection agreement with the applicant. The County may defer making a final decision on the Application until a “letter of intent to interconnect” or interconnection agreement are obtained or may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

104 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts.

II. Setbacks. Solar panels, equipment, and structures shall be set back a minimum of fifty (50) feet from all property lines.

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

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

104 D. Signage

All signage must comply with Section 5-704 of the County Land Use Code. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

104 E. Technical and Financial Feasibility

The Large-Scale Solar Development is technically and financially feasible. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation, the following considerations:

I. Amount of debt associated with the Large-Scale Solar Development.

II. Debt retirement schedule and sources of funding to retire the debt.

III. Estimated construction costs and construction schedule.

IV. Estimated annual operation, maintenance, mitigation, and monitoring costs.

V. Market conditions.

104 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project.
104 G. Necessary Property Rights, Permits, and Approvals

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

104 H. Best Alternative

The location and configuration of the Large-Scale Solar Development is the least detrimental practicable alternative.

104 I. Water Quality

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

104 J. Drainage/Stormwater Runoff

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

104 K. Floodplains, Wetlands, Riparian Areas, and Fens

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

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

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

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

IV. Replacement of wetland species with upland species.

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

104 L. Wildlife and Wildlife Habitat

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

a. Changes in species composition, density, or diversity.
b. Changes to the number of and habitat of animal, bird, and insect species.
c. Changes to on-site activity that may disturb wildlife or habitats at critical times or locations.
d. The potential for the Large-Scale Solar Development to attract waterfowl and other bird species.
e. Changes to wildlife habitat, including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

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

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

a. Minimize the footprint of the fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.
b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly and install temporary structures to allow animals to escape if necessary.
c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.
d. Construct the fence with at least 7 inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.
e. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side.
f. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW’s “Fencing with Wildlife in Mind” guidance, or as updated in the future, consistent with Section 5-407(A)(IX) of the County Land Use Code.
104 M. Terrestrial Plants

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

104 N. Erosion and Sediment Control

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

104 O. Revegetation and Weed Management

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

104 P. Noise, Dust, Fumes, Vibration, and Odor

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

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

104 Q. Glare and Glint

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

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

104 R. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and will comply with Section 5-710 of the County Land Use Code.

104 S. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one-half (1/2) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.
104 T. Risk from Natural Hazards

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

104 U. Impact to Local Government Services

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

104 V. Housing

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

104 W. Water Services Availability

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

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

II. Be non-consumptive in total water use.

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

IV. Comply with state standards.

104 X. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions.

104 Y. Road and Rights-of-Way Improvements and Maintenance

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

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

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

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

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

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

104 Z. Emergency Preparedness and Response
The construction and operation of the Large-Scale Solar Development will be in compliance with the Emergency Preparedness and Response Plan, which shall be approved by the local fire district, County Sheriff, and Emergency Manager.

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

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

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

104 DD. Areas of Paleontological, Historical, or Archaeological Importance
The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

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

104 FF. Compliance with Required Plans/Studies/Reports
The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/reclaimed in compliance with all plans and reports required under Section 103 of these Regulations and as approved by the Board of County Commissioners.

Section 105 Application Materials for Medium-Scale Solar Energy Systems
The applicant shall submit an application for the development of a Medium-Scale
Solar Energy Systems ("Medium-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section of these Regulations. All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

105 A. Information Describing the Applicant

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

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

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

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

V. Documentation of the applicant’s financial and technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant’s experience with similar solar energy systems.

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

105 B. Information Describing the Medium-Scale Solar Development

I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 106, including:
   a. Location and extent of disturbed areas.
   b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.
   c. Structures, fencing, equipment, and other improvements related to the facility.
   d. Setbacks from roads and adjacent residential properties.
   e. Method, design, and necessary upgrades to accommodate interconnection.
f. Security measures to prevent uninvited access to or trespass upon any of the facilities.

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

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

i. Expected end use of the property following decommissioning.

II. Vicinity map showing the location of the Medium-Scale Solar Development on a USGS quadrangle map.

105 C. Technical and Financial Feasibility of the Medium-Scale Solar Development

Description of the technical and financial feasibility of the Medium-Scale Solar Development, including the estimated construction costs, period of construction, revenues, operating expenses, and estimated cost of proposed mitigation measures.

105 D. Property Rights, Permits, and Approvals

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

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

III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility.

105 E. Water Resource Impact Assessment

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

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

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

105 F. Stormwater Management Plan

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

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

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

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

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

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

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

105 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

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

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management (“BLM”), and U.S. Fish and Wildlife Service (“USFWS”) maps.

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

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

a. Changes to wildlife and plant species composition or density.
b. Changes in the number of and habitat of threatened or endangered species.

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

d. How the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels and continued access to forage and habitat.

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

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, such as the BLM Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s), the USFWS Recovery Implementation Strategy for the Gunnison Sage-Grouse and the CPW Gunnison Sage-Grouse Rangewide Conservation Plan as these plans may be amended in the future.

V. Description of the proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat, including wildlife-friendly fencing and plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities.

105 H. Grading, Erosion, and Sediment Control Plan

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

105 I. Revegetation and Weed Management Plan

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

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

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

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

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.
V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

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

105 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the noise, dust, fumes, vibration, and odor caused by the construction or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 105 K.)

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

105 K. Glare, Glint, and Lighting Impact Assessment

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

II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in Section 5-710 of the County Land Use Code.

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

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

105 L. Visual Quality Impact Assessment

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

II. Description of the impacts of the Medium-Scale Solar Development to the visual quality of the adjacent roads and properties.

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

105 M. Natural Hazards Impact Assessment

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

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

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

105 N. Local Government Services Impact Assessment

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

II. Description of the impacts of the Medium-Scale Solar Development on the capacity of the districts and infrastructure for delivering services and systems.

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

105 O. Water Services Availability

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

105 P. Construction Traffic Route Plan

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

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

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

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

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

105 Q. Road and Rights-of-Way Improvements and Maintenance Plan

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

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

105 R. Emergency Preparedness and Response Plan

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

105 S. Hazardous Materials Management Plan

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

The County Emergency Manager, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the applicant fails to comply with its obligations under the Hazardous Materials Management Plan. The applicant will pay all costs incurred by the County for any such measures.
105 T. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

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

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

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

105 U. Decommissioning and Restoration Plan

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

I. The projected lifespan of the Medium-Scale Solar Development and a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site.

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

III. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site.

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

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

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

V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 109, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 106 Review Criteria for Medium-Scale Solar Energy Systems
The following review criteria apply to the review of a permit application for Medium-Scale Solar Development. These review criteria replace the review criteria in Article 5 of the County Land Use Code except where Article 5 is explicitly referenced herein.

106 A. Applicant Expertise

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

106 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a “letter of intent to interconnect” or interconnection agreement with the applicant.

106 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Medium-Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts.

II. Setbacks. Solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines. Setbacks for Medium-Scale Solar Development do not include landscaping and berming.

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

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

106 D. Signage

All signage must comply with Section 5-704 of the County Land Use Code. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

106 E. Technical and Financial Feasibility

The Medium-Scale Solar Development must be technically and financially feasible.

106 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition.

106 G. Necessary Property Rights, Permits, and Approvals

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

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

106 I. Drainage/Stormwater Runoff

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

106 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:
   a. Changes in species composition, density, or diversity.
   b. Changes to the number of and habitat of animal, bird, insect, and plant species.
   c. Changes to on-site activity at critical times or locations.
   d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.
   e. Changes to wildlife habitat, including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.
   f. Changes to the structure and function of vegetation.

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

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.
   a. Minimize the footprint of the fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.
b. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.

c. Construct the fence with at least 7 inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.

d. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW’s “Fencing with Wildlife in Mind” guidance, or as updated in the future, consistent with Section 5-407(A)(IX) of the County Land Use Code.

106 K. Erosion and Sediment Control

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

106 L. Revegetation and Weed Management

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

106 M. Noise, Dust, Fumes, Vibration, and Odor

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

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

106 N. Glare and Glint

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

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

106 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light
pollution and will comply with Section 5-710 of the County Land Use Code.

106 P. Visual Quality
The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of adjacent roads and properties.

106 Q. Risk from Natural Hazards
The Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.

106 R. Impact to Local Government Services
The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their service delivery systems, infrastructure for delivering services.

106 S. Water Services Availability
If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:
I. Be adequate to serve the Medium-Scale Solar Development.
II. Be non-consumptive in total water use.
III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.
IV. Comply with state standards.

106 T. Construction Traffic
Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on local traffic conditions.

106 U. Road and Rights-of-Way Improvements and Maintenance
I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must be maintained in accordance with the Improvements and Maintenance Plan.
II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.
III. The owner will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.
IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance,
the owner will enter into an agreement with the County whereby the owner assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

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

106 V. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the Emergency Preparedness and Response Plan, which shall be approved by the local fire district, County Sheriff, and emergency manager.

106 W. Hazardous Materials Management

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

106 X. Areas of Paleontological, Historical, or Archaeological Importance

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

106 Y. Decommissioning and Restoration

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

106 Z. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/reclaimed in compliance with all plans and reports required under Section 105 of these Regulations.

Section 107 Application Materials for Small-Scale Solar Energy Systems

The applicant shall submit a development permit application for the development of a Small-Scale Solar Energy Systems (“Small-Scale Solar Development”) to the Planning Director. In addition to all requirements for the development permit, the application will include the following information:

107 A. Disposal of Components

Description of disposal procedures and costs associated with the removal of all components from the site.

Section 108 Review Criteria for Small-Scale Solar Energy Systems

In addition to the review criteria for a development permit, the following review criteria apply to the review of a permit application for Small-Scale Solar Development. These review criteria are in addition to applicable review criteria in Article 5 of the County Land Use Code.
108 A. Disposal of Components

All components of the Solar Energy System must be dismantled and properly disposed of within twelve (12) months after power production has ceased.

Section 109  Financial Security

109 A. Financial Security Required

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

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

III. The guarantee must be adequate to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee, based on the Applicant’s submitted cost estimate and the County’s estimate of any additional costs. In determining the amount of the guarantee, the County may also consider, without limitation:

   a. Faithful performance of the requirements of the permit and these Regulations.

   b. Solar Energy System is decommissioned or removed from the site and the impacted area is properly reclaimed.

   c. Permittee performs all mitigation requirements and permit conditions.

109 B. Amount of Guarantee

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

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

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

   b. Estimated cost of decommissioning the Solar Energy System.

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

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

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

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

IV. The County may review the guarantee for adequacy at any time. If the County determines that the guarantee is insufficient to perform the purpose of the guarantee, the County shall provide the permittee with written notice to increase the guarantee.

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

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

109 C. Release of Guarantee

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

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

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

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

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

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

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

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

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

109 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within 60-30 calendar days after receiving notice thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County’s Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County shall suspend the permit until proper substitution has been made.

Section 110 Enforcement and Penalties

110 A. General

I. Any person constructing or operating a Solar Energy System who does not obtain a permit pursuant to these Regulations, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit, shall be in violation of these Regulations. Such violations shall be deemed a violation of the County Land Use Code.

II. The County will enforce and remedy violations of these Regulations consistent with Article 1 of the County Land Use Code.

III. The County’s authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.
III. IV. If the violation is not abated within the prescribed period, the County Attorney may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

110 B. Inspection

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

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

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

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

III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. Section 13-21-115. Any Solar Energy System may be inspected by San Miguel County at any time to ensure compliance with the requirements of the permit, provided that at least one (1) hour's prior notice is given to the contact person at the telephone number supplied by the applicant. The applicant will provide the telephone number of a contact person who may be reached twenty-four (24) hours a day for purposes of being notified of any proposed County inspection under this Section or in case of emergency.

Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. Section 13-21-115. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one (1) hour in advance of the proposed inspection will constitute sufficient prior notice if the contact person does not answer. By accepting an approved permit for the development of a Solar Energy System, the applicant grants its consent to such inspections. If a violation of the Code, the Building Code or a violation of a condition of approval is discovered, the County may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine if the violation has been remedied, including costs of hiring outside technical experts.
110 C. Hazardous Materials

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

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