

RESOLUTION

NO. 2023 - 27

A Resolution amending the Logan County Zoning Resolution by the adoption of regulations for the issuance of permits for Solar Energy Facilities in the unincorporated areas of Logan County, Colorado.

WHEREAS, the Board of County Commissioners of Logan County is authorized pursuant to C.R.S. §30-28-116 and section 11.1 of the Logan County Zoning Resolution to adopt zoning regulations and to amend existing zoning regulations; and

WHEREAS, the Board of County Commissioners of Logan County has determined that the adoption of more detailed regulations for the approval of solar energy facilities in Logan County is desirable and necessary to provide more uniform guidelines and standards for the planning and approval of solar energy projects in the County; and

WHEREAS, amendment of the Logan County Zoning Resolution by the establishment of uniform standards and guidelines will serve the best interests of Logan County and will promote the public health, safety and welfare; and

WHEREAS, the proposed regulations for Solar Energy Facilities have been studied and reviewed by the Logan County Planning Commission, and were approved with a recommendation for adoption at its public hearing on July 18, 2023; and

WHEREAS, as required by law, legal notice was published on July 15, 2023 concerning a public hearing of the Logan County Board of County Commissioners to be held on August 15, 2023 to consider adoption of the proposed Solar Energy Regulations; and

WHEREAS, the draft of the proposed regulations, as recommended for adoption by the Logan County Planning Commission, has been made available for inspection by the public in the Logan County Planning and Zoning Department and all required notices concerning the proposed adoption of the Solar Energy Regulations have been given; and

WHEREAS, the Board of County Commissioners approved the proposed Solar Energy Regulations, without amendment, at the conclusion of the public hearing on August 15, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Logan County, Colorado, that:

1. The Solar Energy Regulations, in the form attached hereto, **ARE HEREBY ADOPTED** and same shall become incorporated into the Logan County Zoning Resolution, effective on August 15, 2023.
2. Logan County Zoning Resolution, Section 3.1 - Use Schedules for Zoning Districts, is hereby amended by the addition of the following:

Section 3.1 - Use Schedules for Zoning Districts

Agricultural Zone

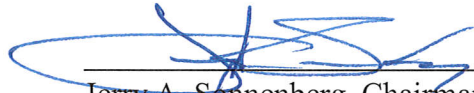
Solar Energy Facilities

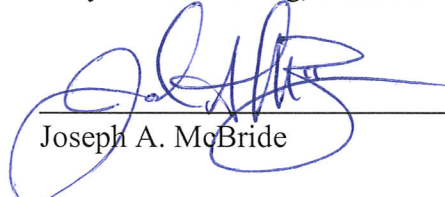
Use by Special Permit (P)

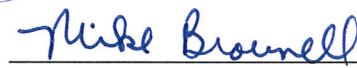
3. The Wind Energy Regulations, as amended, shall remain in effect until further amendment or repeal by the Board of County Commissioners.

ADOPTED this 29th day of August, 2023, effective August 15, 2023.

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO


Jerry A. Sonnenberg, Chairman (Aye)(Nay)


Joseph A. McBride (Aye)(Nay)


Mike Brownell (Aye)(Nay)

I, Pamela M. Bacon, County Clerk and Recorder in and for the County of Logan, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the County of Logan and State of Colorado, in regular session on the 29th day of August, 2023.


County Clerk and Recorder



LOGAN COUNTY



SOLAR ENERGY REGULATIONS

Effective: August 15, 2023

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Pamela M. Bacon Clerk & Recorder, Logan County, Co

ARTICLE 1 SOLAR ENERGY FACILITIES

Section 1-101 Applicability

The review process set forth in this Article 1 shall apply to all Solar Energy Facilities that do not fall within the statutory definition of Major Electrical Facilities of a public utility or a power authority, as that term is defined by Section 29-20-108, C.R.S.

If any portion of a Solar Energy Facility is within the statutory definition of a Major Electrical Facility of a public utility or a power authority, that portion shall be subject to a separate application, and shall be subject to the other requirements of Logan County Zoning Resolution and to Colorado statutory and regulatory requirements.

Section 1-102

Definitions

In addition to the definitions set forth under the Logan County Zoning Use Resolutions, the following definitions apply to terms used in the regulatory provisions of this article.

A. Special Use Permit for a Solar Energy Facility. A permit issued by the County required for the siting, construction, and operation of a Solar Energy Facility.

B. Owner. The entity or entities with an equity interest in the Solar Energy Facility, including their respective successors and assignees. Owner does not refer to the property owner from whom land is leased to locate a Solar Energy Facility, unless the property owner has an equity interest in the Solar Energy Facility.

C. Structure. A structure refers to above ground components of the Solar Energy Facility, solar panels, and buildings accessory to the Solar Energy Facility. A structure does not include transmission line poles or substations.

D. Solar Energy Facility. An electricity generating facility consisting of one or more solar panels under common ownership or operating control, and includes substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s) with equal to or greater than 100 kilowatts in total nameplate capacity.

Section 1-103

Special Use Permit Application Requirements for a Solar Energy Facility

A. Application Materials. The Applicant shall submit an application for a Special Use Permit to the County that contains the minimum general information and materials required under this Section, and shall pay the requisite fees as required by the Logan County Planning and Zoning Fee Schedule.

Solar Energy Facilities shall require a Special Use Permit issued, prior to construction, by the Board of County Commissioners upon the recommendations of the County Planning Commission.

The following materials shall be required in all applications for a Special Use Permit for a Solar Energy Facility:

1. **Location Map.** A location map, to scale, that illustrates the following:
 - a. Location of the proposed Solar Energy Facility in the County, and a description of the current land use.
 - b. All property within the site and within 500 feet of the exterior boundary of the site of the proposed Solar Energy Facility.
 - c. The location and description of the current land use, including agricultural use, dwelling units, microwave communication links and airports.
2. **Conceptual Site Plan.** A Conceptual Site Plan shall be prepared be submitted as part of the Special Use Permit Application. The Conceptual Site Plan, prepared at a scale acceptable to Planning and Zoning Department shall include the following elements:
 - a. Date of preparation, revision box, written scale, graphic scale and north arrow (designated as true north).
 - b. Clearly identified boundary lines and dimensions of the site where the proposed Solar Energy Facility will be located.
 - c. Project area boundary and approximate size of the site where the proposed Solar Energy Facility will be located, in acres or square feet.
 - d. Location of all existing structures and facilities on the site where the proposed Solar Energy Facility will be located, and on properties within 500 feet of the exterior boundary of the site.
 - e. Existing and proposed roads, railroad tracks, utility lines and facilities, irrigation ditches and equipment within the site and within 500 feet of the exterior boundary of the site where the proposed Solar Energy Facility will be located, shown by location and dimension.
 - (i) Application shall provide a description of the ownership and a description of the easements and rights-of-way identified on or within 500 feet of the exterior boundary of the site.

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f. Existing and proposed features and exclusion zones including applicable setbacks that are relevant to the review of the application, including contours, natural and artificial drainage ways, wetland areas, ditches, hydrological features (with flooding limits based on information available through the County), aquatic habitat, geologic features and hazards, and soil types, vegetative cover, dams, reservoirs, excavations, and mines.

g. Project description and proposed phasing of development.

(i) An application shall provide a description of the project and each phase of development, including the approximate number of Solar Panels, and the accessory structures, power output (in MW), and infrastructure and interconnection requirements for each phase.

3. **Access.** Description of potential access route(s), including road surface material, proposed Measures for dust control, and proposed road maintenance schedule or program.

4. **Utility Interconnection or Crossing.**

a. The Applicant will provide certification of intent to enter into an interconnection agreement and crossing agreement(s) to/with applicable utilities.

5. **Impact Analysis.** The Applicant will provide a description of the impacts that the proposed Solar Energy Facility may cause. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the Applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The Applicant shall also assess the potential effects of the proposed project on County services and County capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a Solar Energy Facility are identified, the Applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the Applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities.

6. **Decommissioning Plan.** The Applicant shall provide a detailed Decommissioning Plan explaining how the project will be deconstructed and disposed of upon abandonment or end of its useful life, including the method and manner of site reclamation and the proposed financial guarantee to secure the decommissioning obligation.

7. **Notice to Landowners/Mineral Right Holders.** Applicant shall notify the individual property owners and mineral rights holders within the project

site and within 500 feet of the exterior boundary of the project site of the proposed project in accordance with County and State notification requirements.

8. **Additional Information and Waivers.** The County may request additional information that may be required to evaluate the proposed Solar Energy Facility. The County may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determine if the application satisfied applicable standards.

B. Pre-Construction Materials. The Applicant will be required to submit the following materials prior to commencement of construction and prior to the issuance of a Special Use Permit:

1. **Detailed Site Plan.** A Detailed Site Plan, prepared at a scale acceptable to the Planning and Zoning Department and certified by a professional surveyor, shall include the following elements:
 1. Date of preparation, revision box, written scale, graphic scale, and
1. north arrow (designated as true north).
 2. Location of all proposed structures and facilities, including the
1. location and dimensions for *each* Solar Panel in the proposed Solar Energy Facility, including:
 - (i) Setbacks for each Solar Panel from property lines.
 - (ii) Setbacks of all accessory buildings and structures.
 3. Description of utility interconnection and crossing.
 4. The Detailed Site Plan shall be accompanied by a schematic drawing showing the range of dimensions, including system height, and ground clearance of Solar Panels.
2. **Septic System.** If the proposed Solar Energy Facility includes uses that must be served by a septic system, the Applicant shall comply with applicable Logan County requirements. The Applicant shall provide a statement certifying that the septic system for the Solar Energy Facility will comply with applicable County, State, and Federal requirements.
3. **Water Supply System.** If the proposed Solar Energy Facility includes uses that must be served by water, the Pre-Construction Materials shall describe the water source and sufficiency of the water supply for the Solar Energy Facility, including decreed or conditional water rights. If a well is required, the Applicant shall obtain the necessary permit from the State of Colorado Office of the State Engineer.

4. **Water and/or Erosion Control Plan.** As part of the Pre-Construction Materials, the Applicant will provide a preliminary plan showing existing and proposed grading for the Solar Energy Facility site. The Drainage and Erosion Control Plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction. If there are any modifications to this plan, the Applicant will provide a final Drainage and Erosion Control Plan prior to commencement of construction.
5. **Analysis for Erosion, Sedimentation and Flooding.** If any Solar Panels, or accessory facility included in the proposed Solar Energy Facility is located within the 100-year floodplain, the Pre-Construction Materials shall include a preliminary report that addresses the potential for wind erosion, water erosion, sedimentation and flooding. If there are any modifications to the locations of Solar Panels, or ancillary facilities, the Applicant will provide a final report prior to commencement of construction.
6. **Geotechnical Report.** The Applicant shall provide written certification that prior to construction, a professional engineer licensed in the State of Colorado will complete a Geotechnical Study that includes the following:
 - a. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.
 - b. Foundation systems design criteria for all proposed structures.
 - c. Slope stability analysis.
 - d. Grading criteria for ground preparation, cuts and fills, and soil compaction.
7. **Road Use Agreement.** Agreements for use of county roads during construction will be negotiated with Logan County Road and Bridge Department and the County Attorney.
8. **Liability Insurance.** The Applicant shall provide evidence of liability insurance to cover loss or damage to persons and structures during construction and operation of the Solar Energy Facility.
9. **Maintenance of Solar Panels.** The Applicant shall provide a statement certifying that the Solar Panels will be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety Administration (OSHA) requirements to ensure the safety of site personnel and the public.
10. **Additional Information and Waivers.** The County may request additional information that may be required to evaluate the proposed Solar Energy Facility. The

County may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

Section 1-104

Special Use Permit Review and Approval Processes for a Solar Energy Facility.

A. Pre-Application Meeting. Applicant shall schedule a Pre-application Meeting with Planning and Zoning to discuss the proposed Solar Energy Facility.

1. The Pre-application meeting is intended to provide information pertinent to the site and the proposal, the provide an understanding of the applicable review procedures and the standards to be met for approval of the Special Use Permit application, and to explain the application materials required for submittal.

B. Completeness Determination and Review of Special Use Permit Application Materials. Within thirty (30) business days following receipt of the Special Use Permit application, Planning and Zoning shall determine whether the application is complete. An application shall be deemed complete if it includes all information identified as being required in the Pre-Application meeting and in Section 1-103(A) of this Article.

1. **Application is Not Complete.** If the application is not complete, Planning and Zoning shall notify the Applicant in writing of any materials that must be submitted for the application to be deemed complete. The time to review the application shall not begin to run until the application has been determined to be complete.
2. **Completeness Date.** Once the application has been determined to be complete, Planning and Zoning shall stamp the application with the date that it was determined to be complete, and all time frames pertaining to review of the application shall be based on the completeness date.

C. Review of Special Use Permit Application Materials.

1. **Review by Planning and Zoning.** Within thirty (30) calendar days from the date of the completeness determination, Planning and Zoning shall review the Special Use Permit application to determine its conformance with the requirements of the Logan County Zoning Resolution, including this Article 1 Solar Energy Facilities. Planning and Zoning may request additional professional analysis.
 - a. The period for comment by any applicable review agencies shall be thirty (30) calendar days from the date the application is deemed

complete by Planning and Zoning, unless an extension has been requested by the referral agency. Planning and Zoning may grant an extension if it is determined that good cause for the delay has been shown. An extension shall not exceed fifteen (15) days. The failure of any agency to respond within the 30-day review period or within the period of extension shall be deemed an approval of such plan by the referral agency.

- b. The application fee shall be used for direct payment of review fees charged by engineers, consultants and referral agencies. If the costs incurred by the County and outside review agencies and technical consultants exceed the amount of the application fee, any reasonable and documented additional costs will be discussed with the Applicant prior to the County retaining these additional services.
- c. The Applicant shall have the right to review the comments and recommendations received from the review agencies. The Applicant may submit additional information and make changes in the application to respond to the comments of the review agencies, under the following conditions:
 - (i) If the changes are substantial or significantly alter the nature, character or extent of the application, the Planning and Zoning may refer the information and revised application back to some or all review agencies for further comment.
 - (ii) The Planning and Zoning may extend the period for comment as appropriate for agencies to review any additional information or revised application materials. Agencies would be allowed an additional thirty (30) days to comment on any new information or revised application materials. The County may grant an extension if it is determined that good cause for delay has been shown. An extension shall not exceed fifteen (15) days. The failure of any agency to respond within the 30-day review period or within the period of extension shall be deemed an approval of such plan by the referral agency.
 - (iii) The period of time for review and final action on an application by the Board is typically between sixty (60) to ninety (90) days following receipt of a complete application. In the event that an extension is required by the Planning and Zoning, the period of time for review shall not exceed four (4) months from the date the application was determined to be complete.

2. **Evaluation of Application by Planning and Zoning.** The Planning and Zoning shall review the application for compliance with the relevant approval standards in Section 1-105 and prepare a report that recommends approval, approval with conditions or denial of the application. The report shall be forwarded to the Applicant and to the Planning Commission no less than fourteen (14) calendar days prior to the Planning Commission public hearing on the application.

D. Public Hearing and Recommendation by Planning Commission. The public hearing process, including public notice, hearing procedure, action by Planning Commission, final decision, and Board of County Commissioner review and approval shall be governed by the requirements of the Logan County Zoning Resolutions.

E. Life of Permits. The Special Use Permit for a Solar Energy Facility shall be valid for the life of the Solar Energy Facility, provided there are no amendments or additions to the Solar Energy Facility, and provided that the construction is commenced within three (3) years. Each new construction project which adds new solar panels, or additional structures shall require a new Special Use Permit. If new solar panels are installed that increase the acreage or megawatts from the original Detailed Site Plan, a new Special Use Permit will be required prior to installation, and the fees stated in Section 1-103(A) will be required for such increases. Any other amendments will be charged a fee in accordance with the Logan County Fee Schedule.

F. Monitoring. Upon reasonable notice, the Board or its official representative may coordinate with the Owner to enter the property on which a Solar Energy Facility has been permitted to confirm compliance with the terms of the permit approval and applicable County regulations.

Section 1-105 Standards Applicable to Solar Energy Facility.

A. General Standards.

1. **Public Health, Safety, and Welfare.** The Proposed Solar Energy Facility shall not be detrimental to the health, safety or general welfare of the community. At the Solar Energy Facility, including all Solar Panels, shall be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety Administration (OSHA) requirement to ensure the safety of site personnel and the public.
2. **Compliance with Comprehensive Plan and Intergovernmental Agreements.** The proposed Solar Energy facility is consistent with relevant provisions of the Logan County Comprehensive Plan and any intergovernmental agreement between the County and a municipality that applies to the area where the use will occur.

3. **Compliance with Other Regulations.** The Solar Energy Facility shall comply with all applicable rules and regulatory requirements of the State and Federal agencies, and of Logan County.

4. **Water and Waste Water Service.**

- a. The water and septic system shall be adequate to serve the Solar Energy Facility.
- b. The water and septic system shall comply with County, State, and Federal standards.

5. **Roadways and Access.**

- a. Agreements will be negotiated with Logan County Road and Bridge and the County Attorney.

6. **Service Delivery System Capacity.** The Solar Energy Facility shall not have significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

7. **Impact Fees.** The Owner/Applicant shall complete a study to assess the potential effects of the proposed project on County services and Capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a Solar Energy Facility are identified, the Applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the Applicant may be required to pay Logan County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities. The Owner shall provide all necessary training to allow the County to adequately handle the increased services provided by local fire departments and ambulance departments caused by the construction and operation of the Solar Energy Facility.

8. **Resource and Environmental Protection Standards.**

- a. **Water Quality Standards.** The Solar Energy Facility shall not cause significant degradation of the quality of surface ground water resources and shall comply with applicable County, State, and Federal water protection laws.
- b. **Air Quality.** The proposed Solar Energy Facility shall comply with applicable County, State and Federal air quality laws.
- c. **Glare, Dust or Noise.** Construction and operation of the Solar Energy Facility shall not significantly increase existing glare, dust or noise at surrounding properties.

- (i) The proposed Solar Energy Facility shall comply with the statutory provisions for maximum permissible noise levels for industrial zoning in Section 25-12-103, C.R.S.
 - (ii) Fugitive dust and particulate emissions shall be controlled on the site.
 - (iii) Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.
- d. **Erosion and Sedimentation Control.** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be revegetated in accordance with landowner agreements.
- e. **Drainage/Storm-Water Run-Off.** Run-off shall be managed in accordance with applicable County, State and Federal regulations.
 - (i) If applicable, the Applicant shall obtain a Construction Stormwater Discharge Permit from the Colorado Department of Public Health and the Environment, Water Quality Control Division.

B. Site and Facility Development Standards.

1. General Site Plan Standards.

- a. The site is adequate in size and shape to accommodate the Solar Energy Facility and all appurtenant facilities.
- b. To the extent practicable, the site shall be developed in a manner that preserves the natural features of the site, avoids areas of environmental sensitivity, and minimizes adverse visual impacts.

2. Setbacks. Unless otherwise required by federal or state regulations applicable to the Solar Energy Facility, the following minimum setbacks shall apply.

- a. **Measurement.** Front, rear and side setbacks shall be measured as the distance between the nearest lot line and the center point of a structure, along a line at right angles to the lot line.

Safety Setbacks.	
	Solar Minimum
Setback from above-ground public electric power lines or communication lines.	70 feet
Setback from existing public road or highway or railroad.	70 feet
Setback from inhabited structures including: residence, school, hospital, church or public library, unless appropriate easements are secured.	300 feet
Setback from all other property lines.	70 feet
1. Measured from the outer boundary of the public utility right-of- way or easement [or from existing power line or telephone line].	
2. Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way.	

- b. **Setback from the Section Lines on a Case-by-Case Basis.** Logan County has established right-of-way's (ROWS) that are located 30 feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing county roads and construction of new county roads. Placement of solar facilities and their foundations within this ROW will be reviewed by Logan County on a case by case basis to confirm that they will not conflict with Logan County's existing road plans and future road plans. In the event of a potential conflict, solar facilities may need to be relocated outside of this established ROW to allow for future construction of County Roads.
- c. **Scenic Resources Setback.** Solar Panels comprising the Solar Energy Facility shall be setback a minimum 1/4 mile from any highway, designated to be a scenic highway or roadway by the Logan County Comprehensive Plan or by the state.

3. Safety and Security.

- a. Fencing, or other barriers acceptable to the County, shall be installed to prevent unauthorized access to the Solar Energy Facility substations.
- b. Every attempt will be made to adhere to the current National Electrical Code.
- c. Guy wires shall be distinctly marked.

- d. Signs warning of the electrical hazard and other hazards associated with the Solar Energy Facility shall be posted at the entrance of the facility.

4. **Fire Protection.** The Solar Energy Facility shall have adequate fire control and prevention measures approved by the local fire district.
5. **Underground Location of Electrical Collection System Wiring.** Unless geologic conditions or other technical engineering considerations prevent underground installation, electrical collection system wiring and powerlines for the Solar Energy Facility shall be installed underground except where the Solar Energy Facility collector system wiring is brought together from the project substation to the point of electrical interconnection. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

All underground installations located within the public road easement or right-of-way shall comply with the applicable permit and design requirements of Logan County Road and Bridge Department and/or Planning and Zoning Department, and should include the following elements:

- a. **Restoration.** Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to installation.
- b. **Safety.** Safety measures shall be implemented in accordance with County, State and Federal requirements to protect the public.
- c. **Roadway Crossing.** If the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed in compliance with the requirements of Logan County Road and Bridge Department and/or Planning and Zoning Department.
- d. **As-Built Drawings.** As-built drawings shall be provided to Logan County Road and Bridge Department once the installation has been completed, no later than 12 months.

6. **Interconnection and Electrical Distribution Facilities.**

- a. Transmission from the project substation to the point of electrical interconnection shall comply with the National Electrical Code.
- b. Interconnection shall conform to the requirements of the electric utility company, and applicable state and federal regulatory codes.

7. **Electronic Interference.** The applicant shall minimize or mitigate any interference with electromagnetic communications caused by the Solar Energy Facility, including radio, telephone or television signals.

8. Certification of Equipment and Appurtenant Facilities.

- a. All foundations systems, and solar facilities (i.e. structural systems) shall be reviewed by a registered structural engineer, licensed in Colorado, to confirm their compliance with the applicable State, Federal and local regulations and to conform with good engineering practices.
- b. The electrical system shall be certified by a registered electrical engineer, licensed in Colorado, to the compliant with the applicable State, Federal and local regulations, and to conform with good engineering practices.

9. **Decommissioning.** The obligation to perform decommissioning will be financially secured in a form and manner approved by the Logan County Board of Commissioners, in its sole discretion. The decommissioning obligation will be secured by a letter of credit, bond or cash deposit, in an amount based on a certified estimate prepared by a professional engineer hired by the Applicant. The decommissioning plan, obligation and financial guarantee will be incorporated into an enforceable Development Agreement.

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