

## Memorandum

**To:** Board of County Commissioners and Planning Commission  
**From:** Project Team  
**Date:** September 14, 2023  
**Subject:** Review and consideration of adoption of Module #1 to the County's new Unified Development Code (UDC).

**Attachments:**

- Introduction section - clean only
- Agencies section - clean only
- Solar - simplified redline
- Solar - clean
- Letter from COSSA regarding bond timing requirement

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### Memo Purpose

Tonight's agenda item is intended for review and to consider adoption of Module 1 to the County's new Unified Development Code (UDC). Specifically, sections in Module 1 include the Introduction, Agencies, and Solar sections. The project team will provide an overview of key changes and potential topics of discussion included below. Clean versions and a redline version of Solar were included for your consideration. Staff also included suggested motions provided below.

#### PC motion:

I move to recommend approval of the adoption of Module 1 of the new Unified Development Code. The sections in Module 1 include the Introduction, Agencies, and Solar.

#### BCC motion:

1. I move to approve the adoption of Module 1 of the new Unified Development Code. The sections in Module 1 include the Introduction, Agencies, and Solar.
2. I move to authorize the Chair's signature on the resolution adopting Module 1 of the Unified Development Code.

### Overview

This memo is intended to summarize the changes to the Solar Energy code section since the last joint Board of County Commissioners and Planning Commission meeting in July. Please note, the summarized changes below identify the key changes since the groups' reviewed draft language in July.

## Solar Regulations Revisions

### Definitions

Multiple definitions were added for clarification, including wildlife corridor, connectivity, and micro-grid. These definitions serve to avoid ambiguity and ensure consistent interpretation and application by staff, developers, and other stakeholders.

### Small Scale Solar Energy Systems

The setback of small-scale solar energy systems was refined to enable ground mounted systems to go to the property line setback or up to 15 feet, depending on whichever is less. This allows for a more streamlined process and helps avoid additional variances or administrative reviews.

### Performance Standards for Utility and Community Scale SES.

#### 1. Site Planning:

- Coordination with electric utilities is required. The previous version specified coordination with YVEA, and this is revised to apply more broadly to utility providers.
- A standard was added to explicitly allow collective lots to cross easements with informed consent. This goes a step further than allowing collective grouping by ensuring that easements have been considered.
- Facilities are subject to the waterbody setbacks in Section 5.11.5, Minimum Setbacks from a Waterbody. This mitigates potential for flooding and the impact of a facility on waterbodies.
- Due to discussion that dust is most impactful during construction, the required dust mitigation plan is specific to the duration of construction. A specification was also added to the mitigation plan to prioritize gravel or chemical stabilization over water to maximize dust mitigation.
- The requirements for workforce housing were adjusted to require, yet provide more flexibility in providing, housing and a plan for transportation of workers. This allows creativity in complying with the requirement.
- The screening requirements were revised to require screening for transformers, stations, and battery enclosures only. Screening of panels is not required, though is encouraged.
- Emergency Response Plan standards have been added.
- Clarification of what process the applicant must go through for a Road Engineering Study has been included. Staff will provide details on this process at the hearing.

#### 2. Agricultural Lands

- This section is updated to focus on the long-term ownership and economic value of agricultural land. This is a revision from the previous version of explicitly prohibiting solar development on prime farmland.

#### 3. Wildlife

- Standards have been updated to incorporate comments from CPW related to pre- and post-development wildlife surveys, as well as consolidating fencing information.
4. Benefit Analysis
- Standards under this newly developed section require an analysis of the impacts to the economy, community, transportation, infrastructure, and recreation as well as the long-term viability of the project. These requirements identify quantifiable benchmarks that allow staff, applicants, and the community to weigh the benefits and impacts to the economy and community.

### **Potential Topics for Discussion:**

The following items have come up through the public review process, and the Planning Commission and Board of County Commissioners may desire to discuss these. A brief summary is provided below.

1. Screening of equipment (not panels)
  - a. Based on feedback from the community, including solar groups, the screening requirements have been adjusted to require screening only for equipment. As mentioned above, screening of solar panels is encouraged, but not required. Given the scale for these solar energy systems, it is unlikely that an entire area of solar panels can effectively be screened from all views.
2. Timing of bond.
  - a. The current language includes bonding requirements at the time of building permit. Some industry groups have provided comments that a later timeframe for a reclamation bond should be included. The draft language has included a reclamation bond at the time of building permit issuance to ensure any site issues can be addressed should there be a pause in construction or some other issue that prevents the project from moving forward.
3. Timing of reclamation.
  - a. The draft language requires decommissioning / reclamation to occur within 12 months after the solar energy system equipment is removed, the power is disconnected, or the land lease ends. It also requires the decommissioning and reclamation process to be completed within 24 months from the start of work. These timeframes are intended to provide protection to the County and property owners that the land will be returned to a usable state following the end of the solar energy system's life cycle.
4. Submittal Checklist
  - a. The solar industry has stated that having a clear submittal checklist is important. Attached is the final draft of the submittal checklist. Submittal checklists are maintained separate from the regulations and there will be a section in the regulations that will state this. Although the checklists are maintained separate from the regulations, staff wanted to provide this to you so you are aware of the procedure and to see if there were additional requirements you want added.

Staff ensured that all documents referenced in the regulations are on the checklist and vice versa.

5. Substantive amendments included in this draft.
  - a. The substantive amendments are described in the first section of this memo, and the PC and BCC may wish to review or discuss these in more detail at the meeting. Staff and the consultant is prepared to answer any questions that the group may have.
  - b. Not all changes from the initial draft are detailed in this memo nor shown in the redline version of the regulations. Only the substantive and significant changes are shown on the redline version.