

To Pueblo County Planning Commission:

Within the proposed solar ordinance, **there are five items that, if any are enacted, will kill existing and future projects**, effectively taking the County off the map for solar development.

Those items are:

- Requiring 1041 for all projects above 1 acre. This will eliminate all smaller, community solar type projects. COSSA thinks it should be much bigger (100 acre minimum) for planning review of this type. A Use by Special Review permit is more appropriate for projects less than 100 acres.
- Lot coverage of any amount. Limiting solar on lots will just turn land into a checkerboard, with multiple lanes or alleys of land with no use. This will lead to weed growth.
- Required to be located one mile from "The boundaries of Pueblo West and Colorado City Metro Districts" or "Any defined city, town or other community boundary;". This distance is arbitrary. There are individual projects that may need to be further out, but many, including the Bighorn project at Evraz or the solar at the Comanche generating station would fail this requirement.
- Requiring projects to be more than one mile from other solar projects. This would then require a lot more electrical infrastructure to be built, especially short, high-voltage transmission lines.
- 1 acre as minimum size for 1041 process. Multiple smaller projects that would serve San Isabel or Black Hills are in the pre-development phase. However, these projects would only be 10-20 acres and don't have the financial capacity to support the expensive and intrusive 1041 process.

Additionally, there are many other items that would **make Pueblo County less competitive** vis-à-vis nearby counties.

- *Maximum project size by total acres:* This won't deter bigger projects. It will just add cost for additional permitting.
- *Requiring setbacks AND buffers:* Setbacks and buffers are appropriate for solar facilities. However, requiring both makes less land available for development. This means solar developers must lease more land and it makes the project more expensive.
- *Requiring an interconnection agreement before processing application:* The interconnection agreement is often provided by the utility months after a permitting process would begin.
- *Requiring a decommissioning bond when the project is energized (not when PPA ends):* Oversight of decommissioning solar is appropriate for Counties. However, requiring a large amount of money up front when the project is generating revenue under a long-term contract just adds cost as the developer has to pay someone on Wall Street to hold the bond.
- *Not allowing salvage value to count toward decommissioning bond:* Solar facilities' raw materials have value (otherwise it wouldn't be called salvage value). However, not including that in the decommissioning bonding drives up costs for the developer.
- *Usurping the landowner's ability to be the final sign off on decommissioning:* This puts a solar developer in a bind about who has final authority. It can also deter landowners from leasing land to developers.
- *Requiring landscaping that requires water or irrigation:* Pueblo County is a high desert. Requiring landscaping that requires water is a huge cost as developers will need to drill for water, acquire water rights, or buy water on the open market.

Finally, there are several items which will only make **more work for the Pueblo County Planning office**. COSSA has heard that the Planning office is already overworked, so adopting these items will only add to that workload.

- Requiring unnecessary plans for odor, noise or other concerns not present during normal operations.
- Requiring a wildlife plan when they are not applicable according to appropriate state agencies
- Requiring an additional or separate 1041 application for a Battery Energy Storage System (BESS), if attached to a solar facility.

COSSA continues to want to work with Pueblo County to find solutions to concerns about future solar development there. We believe a highly targeted stakeholder group could reach a consensus in a relatively short period of time.

Attached is a map of the impact of this new ordinance on Pueblo County. These changes would strict solar to only 12% of the County, before landowners and local stakeholders had a chance to weigh in on specific projects.

Sincerely,

Mike Kruger

CEO

Colorado Solar and Storage Association

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