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September 15, 2021

VIA EMAIL (planning@pueblounty.us)

Pueblo County Planning Commission
c/o Planning and Development Department
229 W 12th Street
Pueblo, CO 81003

Subject: Pueblo County Proposed County Solar Ordinance – Planning Commission – September 22, 2021

Pueblo County Planning Commission Members,

Thank you for the opportunity to provide comments on the revised Pueblo County Code amendment to add Section 17.168.050 Solar Facilities. As mentioned in our prior comments on these proposed amendments, Enel Green Power North America is in the early stages of developing several solar facilities in Pueblo County including the recent submittal of applications for special exceptions for solar meteorological stations for the Luminary Highlands Solar Project and the Arroyo Solar Project.

We fully support the County's effort to add more comprehensive regulations for solar facilities to the Code and appreciate the efforts of members to address many of the most problematic proposed sections during the recent work session. However, there are a number of additional items remaining in the proposed amendment that we believe are not feasible and may unintentionally inhibit utility scale solar development in Pueblo County. It is noteworthy that the proposed regulations on solar facilities are significantly more restrictive than the regulations for any other use in the County, including those uses permitted in the same zoning districts with a much higher potential for impacts on surrounding developments. The addition of many of these restrictions is unnecessary and duplicative of other regulations. Following are highlights of the most problematic provisions of proposed Section 17.168.050 and our comments with proposed edits noted:



- ***D(5)(b) - Neighborhood Meeting Notice***

The applicant shall inform in writing: 1) all owners of record of lands located within 1,000 feet of the property as indicated on the certified list of such owners provided with the application, 2) the Zoning Administrator of all notified property owners, and 3) the Zoning Administrator of the date, time, and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.

We request that the window for notice of a neighborhood meeting be at least 30-45 days long to allow proper time, especially during holidays or delivery delays that have often occurred in the past year. As this is not a statutorily mandated public meeting there is no need to limit the time frame. A longer time may benefit citizens by providing time to learn of the meeting by word of mouth and attend to have questions answered.

- ***E. Application Requirements***

- ***1. Owner Authorization and Information. Documentation of land ownership and/or legal authority to apply for a permit to construct on all properties within the Project Area.***

As with the typical land use transaction, many purchase options are contingent upon obtaining the appropriate land use approvals. For this reason, letters of authorization to apply for a permit are often required, but not evidence that the applicant has authority to actually build the structure prior to closing on the property.

- ***2. Solar Facility Narrative. A narrative giving a general overview of the Solar Facility, which includes:***

- e. Type and location of interconnection to electrical grid ~~as coordinated and pre-approved with the appurtenant Public Utility Commission (PUC),~~***

This requirement of a PUC **pre-approved** interconnection to the electrical grid is inappropriate as Colorado Public Utilities Commission approval is not required for all solar facilities, only for substations over a certain size. In addition, interconnection approvals can be very lengthy processes and typically are not final until shortly prior to construction. Details on interconnection and applicable approvals would be more appropriately required prior to issuance of building permits.

i. A copy of the interconnection agreement with the local electric utility, interconnection queue number, or a written explanation outlining why an interconnection agreement is not necessary.

Similarly, an interconnection agreement is typically not available until the building permit stage. At a minimum this should be modified to allow applicants to provide a queue number to show that work is underway to obtain approval of an interconnection agreement.

- ***4. Development Plan***

The proposed ordinance is unclear the level of final detail required in the Development Plan submitted for a 1041 Permit. Due to the extensive lead time between permitting and construction, we strongly suggest that the Development Plan submitted with the 1041 Permit be conceptual. This provides for the ability to permit the area for a project but allow the conceptual layout of panels and accessory structures to shift within the permitted boundary for facility structures, in conformance with all applicable setbacks and other requirements, which will be confirmed by the County with review of the Site Plan submitted prior to issuance of a building permit.

- ***8. A draft Traffic Study (may be waived by the Zoning Administrator for the P-1 District or for Medium-scale solar facilities).***

We recommend moving this detailed requirement to J(1)(c) Site Plan Requirements. The proposed ordinance requests an extensive level of detail regarding loads for construction of a project that are typically not available at the 1041 Permit stage of the project, but rather prior to construction. Coordination on road use is most often handled by execution of a road use agreement with the County prior to construction. These same details could be required to be included in such an agreement or provided with the application for building permits similar to the significantly more impactful ongoing haul routes for mining addressed in the County Code at 17.106.070(b). The same is true of proposed Section 19 for which superior language already exists in the Code.

- ***13. A draft Decommissioning and Reclamation Plan, certified by a licensed design professional registered in the State of Colorado, which shall include the following....***

This section includes far more burdensome requirements than for any other type of use in the County and should be consistent with uses with similar potential impacts. It is also unclear why almost the entire section is duplicated in subsection I.

g. iii. Decommissioning shall include removal of anything above or below-ground to a depth of three (3) feet that was constructed or erected as part of the Solar Facility to include structures, buildings, equipment, cabling and wiring, solar electric systems, electrical components, security barriers, driveways, entrances, foundations, pilings, and any other associated facilities, including all material and equipment located underground.

It is very uncommon to require removal of anything below ground but instead items to a certain depth. Experience has shown more environmental damage results from removal of facilities beyond 3 feet below ground.

vi. Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request must be approved by the BOCC, except that utility substations and private access roads shall be excepted from the requirement of removal during decommissioning upon the County's receipt of a written request by the property owner.

Interconnection substations should not be a part of this requirement, as they typically continue to be used for public utility purposes beyond the life of a solar project and are owned by separate entities. It is unclear why the BOCC would want to be in the business of approving whether a landowner wants to keep a facility such as a private access drive on their property after the life of the project. These items should be exceptions for decommissioning when requested by the landowner without BOCC approval.

- ***F. Minimum Development and Performance Standards.***
 - ***2(e) - Solar facilities shall be more than one (1) mile from an existing or permitted solar facility (not applicable for facilities within or adjacent to P-1)....***

This separation requirement without special approval is arbitrary and completely inconsistent with the fact that most solar facilities are sited within 1 mile of transmission infrastructure (as recognized by Berkley Group in its June 11, 2021 memo) and therefore likely to be clustered in close proximity to each other. It is also in conflict with the County's Comprehensive Plan goal to minimize scattered development on agricultural land. Imposing this limitation would not serve to decrease impacts of solar facilities and may actually increase impacts unnecessarily. We ask that this restriction be eliminated.

- ***2(f) - The permit boundary shall be located no more than one (1) mile of existing transmission lines (except in P-1); and***

This requirement is overly burdensome and unduly restrictive. The impact of transmission lines needed to connect a solar facility can be better addressed through evaluation of specific projects on a case-by-case basis.

- ***3. Setbacks***

For each of these setbacks, the applicable adjacent property owner should be permitted to provide a waiver of the requirements in writing. In addition, the setback as to dwellings should apply only to those existing and occupied at the time of submission of a 1041 Permit application. It is not uncommon for abandoned houses to exist in the vicinity of solar projects that should not require the same setbacks as occupied dwellings.

- ***7. Security Fencing ... Security fencing shall be placed around sections of the facilities, including PV pods, to provide openings between the sections and pods to allow for the movement of migratory animals and other wildlife....***
- ***8. Wildlife corridors. Access corridors for wildlife to navigate through the solar facility shall be identified and shown on the Concept Plan and Development Plan submitted to the County.***

We strongly oppose these requirements and recommend that wildlife impacts be evaluated on a case-by-case basis. Separating pods of solar facilities with separate fences is unnecessary, causes access, maintenance and security issues and would increase potential fire hazards with tumbleweeds. Impacts to wildlife will be evaluated through environmental analysis and recommendations of experts should be reviewed through the 1041 Permit process to mitigate potential significant impacts to wildlife migration.

- ***22. The owner and operator shall give the County written notice of any proposed change in ownership or operator which shall be approved by the BOCC to continue operating under the 1041 Permit in conformance with Chapter 17.148 Administrative Regulations, Article 4. Permits, Section 17.148.330 Transfer of Permits.***

This section is duplicative and unnecessary since the subject is already covered in the referenced section with superior language.

- **G. Special provisions for battery facilities....**
 - **8. The Solar Facility operator or owner shall be responsible for any environmental remediation required by the county or the state and the costs of such remediation. All remediation shall be completed in a timely manner.**

This requirement should be specified to include environmental remediation for environmental contamination directly caused by the solar facility, as to not place previously existing environmental contamination cleanup a burden on the project.

- **J. General Conditions**
 - **1. Site Plan Requirements.**
 - (b) Construction Mitigation Plan**

The requirements of this section are far more onerous than for any other use in the County. The regulations for construction of a solar project should match those of other similarly impactful uses in the County.

(g) Screening and Vegetation Plan ...A separate security shall be posted for the ongoing maintenance of the project's land cover and vegetative buffers in an amount deemed sufficient by the Zoning Administrator....

(h) Revegetation Bond. A bond or other form of security agreeable to Pueblo County shall be posted for the revegetation, including all erosion and sedimentation controls, grading, stormwater management, and landscaping. The amount of funds required shall be the full amount of the estimated revegetation cost reviewed by a third-party as approved by the County....

These bond requirements are unnecessary, unduly restrictive and not imposed on any other use in the County. Revegetation after construction is regulated by state and federal law pursuant to the Clean Water Act. Imposing these extensive bond requirements would send a message that the County is a difficult place to do business, potentially diverting business opportunities and solar facilities to other neighboring counties.

As a final recommendation, we suggest adding the use of solar meteorological stations for a period of three years or less in the relevant zoning districts to be permitted as of right, or at a minimum through a special exception. Currently the County is processing such applications through a special exception similar to a communications tower, which has inapplicable



regulations and is unnecessarily complex for structures which are small, temporary and self-powered.

We understand through experience that everyone benefits from clear regulations that outline how the County and applicant will work together on the development, approval, construction and operation of a solar facility. Predictability is a key factor in developing solar facilities in Pueblo County and with the recommended modifications we believe that Pueblo County is on its way to providing this through its solar regulations.

We thank you for your time and consideration and welcome the opportunity to work with the County in development of comprehensive solar regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hannifan".

Jack Hannifan
Development Manager
Enel Green Power North America, Inc.
913-216-3191

Jeremy Faris
Willy Faris
30820 Everett Road
Pueblo, CO 81006
(719)924-3807

Pueblo County Planning Commission
Carmen Howard, Director of Planning and Development

September 20, 2021

RE: Proposed amendments for solar energy development

Dear Planning Commission:

This letter serves as a follow up to our August 4, 2021 letter that provided comments of opposition to the proposed amendments to Pueblo County Code Title 17, Division II, Chapter 17.168 regarding Solar Energy Facilities. We have reviewed the revised amendments from Planning and Development staff dated September 3, 2021. We acknowledge that some of the recent changes attempt to address our two largest concerns which were the requirement that new Solar Facilities shall be located greater than one mile from an existing or permitted solar facility and proposed maximum 65% Solar Photovoltaic Panel Coverage in relation to the Project Area. The recent amendments allow for the application for potential exemption of the requirement of being within one mile of an existing solar facility and an increase in the panel coverage to project area to 80%. As revised these amendments continue to be disadvantageous for smaller land owners, result in diminished efficiency of land utilization, increase the potential burden on surrounding land adjacent to solar projects and result in higher electricity rates for Pueblo County consumers. We also make note that the maximum project size was increased from 2,500 acres to 5,000 acres! This change continues to shift major advantage to the largest landowners and place smaller landowners at a greater disadvantage to compete for solar leases.

We are specifically requesting the elimination of items 2.c. and 2.e. under Section F. Minimum Development and Performance Standards. Each item is addressed below.

"2.c. The percentage of Solar Photovoltaic Panel Coverage in relation to the Project Area is up to 80%."

- If the project meets the setback requirements there is no need to further decrease the efficiency of land utilization for panel coverage within the project area. The land within the project area and required exterior setbacks should be used to its fullest potential to deliver the most efficient capture of solar energy. Any extra "dead space" is just a wasteful and inefficient use of land resources without any significant identifiable benefit.

"2.e. Solar Facilities shall be more than one (1) mile from an existing or permitted solar facility (not applicable for facilities within or adjacent to P-1). Requests for facilities closer than one mile to existing facilities may be submitted at the time of application if there is clear justification based on location or other factors."

- This requirement should be eliminated. The requirement is based on location yet it provides for the potential exemption based on location. It is clearly evident that this should not be a factor in determining automatic disqualification for a site as a potential solar development.
- It is inequitable to force upon an adjoining land owner the burden of having a solar development site next to him and suffer a property taking in having the right terminated to be able to develop their own solar project. This proposed policy would create a situation in which any landowner within one mile of a proposed solar development project would be in opposition just to protect their own bundle of property rights. This stands in the way of any type of solar development and does not encourage neighbors to work with one another to find the most practical path forward for development. As a bare minimum, the code should be revised to exempt all lands from this requirement that are within one mile of any existing or permitted solar facility as of the date of the code change. Many adjoining land owners to existing solar development projects in Pueblo County were supportive when they were permitted on the assumption that it could possibly lead the way to potential solar development of their own land in the future.
- This requirement eliminates lands that potentially could be best suited to solar development given their location, topography, and access to infrastructure. How can it be effective land use policy to eliminate the best lands for a specific purpose to move on to less suitable alternatives?

Thank you for your continued work towards developing a Solar Energy Facilities policy that works for the overall betterment of Pueblo County, yet still maintains a competitiveness level to provide a fair return to solar developers to encourage investment. We have also attached our previous letter of August 4, 2021 for reference.

Best regards,


Jeremy Faris


Willy Faris

Jeremy Faris
Willy Faris
30820 Everett Road
Pueblo, CO 81006
(719)924-3807

Pueblo County Planning Commission
Carmen Howard, Director of Planning and Development

August 4, 2021

RE: Proposed amendments for solar energy development

Dear Planning Commission:

As residents and agricultural producers in Pueblo County, we are providing comments of opposition to the proposed amendments to Pueblo County Code Title 17, Division II, Chapter 17.168 regarding Solar Energy Facilities. Of greatest concern is the requirement that Solar Facilities shall be located greater than one mile from Development Action Areas (other solar projects) and proposed maximum 65% Solar Photovoltaic Panel Coverage in relation to the Project Area. These amendments are extremely disadvantageous for smaller land owners, results in diminished efficiency of land utilization, increases the potential burden on surrounding land adjacent to solar projects and results in higher electricity rates for Pueblo County consumers.

Smaller land owners will be eliminated from participating with solar developers to secure energy supply contracts with utility companies. The proposed amendments will give tremendous advantage to the largest land holders and disqualify smaller potential competitors. These proposed policies to benefit the largest land owners will limit competition for solar energy projects in Pueblo County while passing the increased electrical costs to the entire populace of the county. Solar revenue has the potential to provide a stable source of secondary income for small agricultural operators on their least productive land which can help them navigate volatile climate conditions and depressed commodity prices. These policies do little to help preserve agricultural production in the county when it places smaller operators at a disadvantage in obtaining solar leases.

Utilizing only 65% of a project site for PV panel coverage will guarantee additional land being taken out of agricultural production to accommodate the project yet produce no more electricity. It only drives up the cost. The one mile barrier between solar projects is extremely detrimental to any logical approach for planning solar capturing areas in the county. Adjacent projects provide more benefit than a checkerboard approach. The site locations will be located away from other residential or commercial development pressures, out of site from heavily traveled roads, of lower quality for agricultural production and similarly located to utility company improvements. It would make sense that a site adjacent to an existing solar development would potentially have great attributes as a solar

development site itself. It is not logical and terribly inefficient to automatically eliminate adjacent properties from solar development. It is inequitable to the landowner that would have to serve as the buffer zone between two solar developments and be eliminated from participation on his/her own. A checkerboard approach to development will result in additional land being unnecessarily taken out of agricultural production yet increase the potential burden on surrounding land that is not developed. The buffer zones greatly increase the perimeter exposure of solar project developed lands to non-developed lands. The increased perimeter between these lands amplifies the potential to spread noxious weeds.

The proposed amendments limit competition for utility company contracts, drive up costs of development and most assuredly have a negative impact on the delivery of affordable, clean energy for the residents of Pueblo County.

Thank you for your consideration.

Best regards,


Jeremy Faris


Willy Faris

From: [oncall](#) on behalf of [planning1](#)
To: [Howard, Carmen](#)
Cc: [Wallingford-Ingo, Gail](#)
Subject: FW: new solar regulations
Date: Monday, September 20, 2021 10:56:44 AM

From: CenturyLink Customer <kgsefco@q.com>
Sent: Monday, September 20, 2021 10:15 AM
To: planning1 <planning@pueblounty.us>
Subject: new solar regulations

Dear planning commission , Please consider my comments concerning new solar regulations. In F.3b replace the word "Dwelling(s)" with "Residential Property". I support F.2d,F.2e and F.2g the way it's written. Also I support post construction dust, sound, glare and heat to be regulated (redlined items F.12,F.17,F.18 and F.19 page 11). I also would like to have F.2c to be 65% panel coverage with 80% being max.
Thank You

Gary M Sefcovic

1796 Rosevale Ct.



September 20, 2021

Pueblo County Planning & Development Department
Attention: Chairwoman Hatton-Sena & Planning Commissioners
Electronically transmitted to: planning@pueblocounty.us

Re: Opposition to the Proposed Amendments to the Pueblo Regional Development Plan (Comprehensive Plan) and Pueblo County Code (Zoning Ordinance) Regarding Solar Energy Facilities

Dear Chairwoman Hatton-Sena and the Pueblo County Planning Commissioners,

I write today to reiterate Leeward's significant concerns regarding the proposed changes to the Pueblo Regional Development Plan (Comprehensive Plan) and the Pueblo County Code (Zoning Ordinance) Amendments regarding Solar Energy Facilities, as outlined in the Pueblo County PC Solar Memo and Attachment B. Section 17.168.050. **We once again ask that you vote no on this proposed ordinance and put in place a robust stakeholder process, including impacted landowners and the solar industry, to find the right solution for Pueblo County.**

We appreciate the Planning Commission's efforts to incorporate changes to the draft ordinance; however, if the goal is to create regulatory certainty, streamline the 1041 process, and create guardrails for solar development in the County, this exercise does not accomplish that goal. Many concerning and detrimental issues still remain, and since the Planning Commission's last work session on August 18, *new problematic and undiscussed changes* were written into the latest draft.

Rather than creating guidance for the solar industry and equitable zoning rules, these regulations will effectively stop solar development in Pueblo County. These restrictive regulations only apply to Pueblo County solar projects, meaning these restrictions make Pueblo County less competitive relative to other Colorado counties without this level of regulation. This effectively puts a "closed for business" sign on Pueblo County and drives the solar industry to invest somewhere else in Colorado. Those other communities will reap the benefits of the billions of dollars of investment, increased property tax revenues that support schools, libraries, etc., and the economic development opportunities that come with a growing industry.



Finally, this exercise counters the effort the Governor has put into driving new renewable energy development for the state. Pueblo County should be working closely with the renewable energy industry to ensure Pueblo County can leverage the full economic and environmental benefits of clean energy, without inadvertently reducing investments and benefits to the community.

Solar energy projects are quiet, passive, and beneficial uses of open land that create minimal operational disturbances to the community and provide significant economic impacts. We would welcome the opportunity to engage with the County, discuss the County's concerns, and help the County craft a reasonable and equitable zoning ordinance.

Please refer to the attached Issues List we have included on the following page, which identifies some of the most concerning and problematic restrictions in the draft ordinance and demonstrates the glaring lack of industry input so far. **Our ask of you is to vote no on this ordinance and implement a robust stakeholder engagement process with impacted landowners and the solar industry so that we can work together to find the right solution for Pueblo County.**

Sincerely,

Kevin Adelman

Kevin Adelman
Director of Development
Leeward Renewable Energy



Issues List Related to Pueblo County Code (Zoning Ordinance) Regarding Solar Energy Facilities

Text in red are comments from Leeward Renewable Energy

Serious concerns:

- 1-mile setback from other existing or permitted solar facilities.
 - *This regulation runs contrary on how many communities handle solar development. This regulation creates a checkboard effect, as projects are required to be spaced out.*
 - *A permitted project is also not a guarantee the project will come to fruition, which means this amendment can stop new development, even though other permitted developments may never be built.*
- 1-mile setback from "City, town, or **community boundary**"
 - *This new term, "community boundary" is undefined and detrimental to development as it is unclear where this setback begins and where it applies*
- Interconnection requirement for application
 - *The Interconnection process in Colorado often has very significant withdrawal penalties and is often started during, or after a utility has selected the project in a procurement process*
 - *It often does not make financial or development sense to secure an interconnection agreement prior to having land use authorization from the County.*
- Termination of 1041 permit if after 24 months no building permit
 - *Development in Colorado can often take longer than 2-years, due to the interconnection and utility procurement timelines.*
- Solar Facility shall be installed within 3-years of approval of the permit
 - *Same comment as above*
- Requirements for "wildlife corridors"
 - *State agencies have not recommended or requested "wildlife corridors"*
- 500 ft setback from dwellings and 150 ft setback from all other non-C&I parcels
 - *Not comparable to setbacks required of other uses, including some industrial that abuts residential uses; Solar is much less intensive, does not generate operational traffic, and does not create operational disturbances (noise, orders, etc.).*
 - *Many non-C&I parcels are in vacant areas with no nearby residences or activity*
- Unreasonable visual screening requirements (in addition to a 500 ft setback from dwellings)



- *Screening requirements are unclear, subjective, and extremely extensive, especially in combination with the large setbacks*
- *As currently drafted, projects are already almost 2-football field lengths away from a dwelling AND require at least 3-rows of trees, at what appears to be a 100% screening density*
- *Requiring this next to a blanket term of “dissimilar adjoining uses” is concerning because it would require screening across from vacant land, rangeland, commuter roads, and other areas that don’t warrant screening*
- *This is also not equitable, given other uses do not require as extensive of screening around their entire use*
- Sited to mitigate negative impacts to residences; historic, cultural, recreational, or environmentally sensitive areas; and scenic viewsheds.
 - *Same comment as above. This empowers denial of a project simply based on the aesthetic appeal or view from small groups, rather than reviewing the potential for true impacts*
- A bond or other form of security agreeable to Pueblo County shall be posted for the revegetation, including all erosion and sedimentation controls, grading, stormwater management, landscaping, and stabilization. The amount of funds required shall be the full amount of the estimated revegetation cost reviewed by a third-party as approved by the County.
 - *This used to be a fixed fee of \$3,500/disturbed acre and now it is an unknown cost.*

Moderate concerns (adds regulations/needless cost/difficulty):

- County reserves right to request soil/water testing
 - *Solar PV systems have been rigorously studied and determined to be safe and proven technologies. Soil and water testing are an unnecessary burden trying to identify an impact that does not exist.*
 - *Many areas of development are also located adjacent to areas that may already have an environmental impact on nearby properties*
- Salvage value excluded
 - *Salvage value is an industry standard element of decommissioning.*
- Limits on fertilizers and herbicides
 - *Industry needs to have ability to use some herbicides to meet county requirement to control noxious weeds*
- Environmental Inventory and Impact Statement – Three (3) miles area
 - *While environmental inventory and impact statements are common, a 3-mile review area from project boundaries is extremely excessive*
 - *For reference:*
 - *SHPO typically requires a 0.50-mile review for cultural considerations*
 - *CPW recommends a 0.50-mile review for breeding raptor*

(Date)

Planning Department
Attention: Chairwoman Hatton & Planning Commissioners
Electronically transmitted to: planning@pueblocounty.us

*Re: Opposition to the Proposed Amendments to the Pueblo Regional Development Plan (Comprehensive Plan)
and Pueblo County Code (Zoning Ordinance) Regarding Solar Energy Facilities*

Dear Chairwoman Hatton and the Pueblo County Planning Commissioners,

As a Pueblo County property owner, my family wants to express our strong opposition to the proposed amendments to the Pueblo Regional Development Plan ("Comprehensive Plan") and Pueblo County Code ("Zoning Ordinance") regarding solar energy facilities. As such, I ask that you **defeat this proposed ordinance and have a robust stakeholder engagement process with impacted landowners to find the right solution for Pueblo County.**

While there are many alarming elements to the proposed amendments, as a significant landowner in Pueblo County and a lessor to a solar developer, our predominant concern is how **these overly restrictive solar amendments would hamper our ability to use our land as we see fit; thereby directly infringing on our property rights.**

These proposed ordinance changes would place unfair restrictions on our land, especially when compared to adjacent uses. Our property is located next to multiple solar projects, the Comanche Generating Station, and the EVRAZ steel facility. Developing solar on our property would absolutely be in alignment with the surrounding uses, but the requirement for solar projects to be more than a mile from Development Action Areas, Critical Production Areas, and existing solar facilities would eliminate our ability to use our property in accordance with similar adjacent uses. These one-mile buffers serve no discernible purpose other than advantaging just a few landowners while hurting the rest.

As a landowner who is interested in expanding solar in Pueblo County, there are many ways this land could be used, and by far, utilizing it as a site to generate clean energy is the best possible outcome for Pueblo County, the state of Colorado, and our community. The solar industry represents constructive growth and development for Pueblo County – in significant annual tax revenue and hundreds of construction jobs. All these gains come with a passive, low-impact, and temporary use of our property.

These proposed ordinance changes will push development into other counties, and Pueblo County will lose out on significant economic gains.

I strongly encourage you to **defeat this proposed ordinance and have a robust stakeholder engagement process with impacted landowners to find the right solution for Pueblo County.**

Thank you,

Debbie Mitchek

September 15, 2021

Carmen Howard
Director, Pueblo County Planning & Development
229 West 12th Street, Pueblo, CO, 81003

RE: Xcel Energy Comments to Pueblo County's Proposed Solar Energy Code Amendments

On August 18, 2021, the Pueblo County Planning Commission discussed proposed changes to the Pueblo County Code regarding utility scale solar facility development. As a regulated utility, Xcel Energy appreciates the need for policies and codes to better facilitate development. However, the proposed changes as written will negatively impact Xcel Energy as a purchaser of electricity from utility scale solar projects in Pueblo County.

The below summary includes Xcel Energy's comments on the proposed new Pueblo County Code Section 17.168.050. As we continue to assess the proposed changes, we anticipate having further comments and concerns to share and discuss with you.

Separate Permits for Utility Infrastructure and Solar Projects

Xcel Energy constructs and operate new substations and transmission lines to interconnect new solar projects to the existing electrical transmission system. It is unclear to what extent the proposed regulations would apply to utility owned substations and transmission lines that are associated with, but distinct from solar projects owned and operated by solar developers.

Xcel Energy owns and operates our infrastructure separately from solar developers, and we need to maintain the ability to permit our infrastructure separate from associated solar facilities. Xcel Energy respectfully requests that the proposed regulations more clearly differentiate between utility owned infrastructure and solar developer owned solar facilities by including an Applicability section or definitions stating that the proposed regulations are not applicable to utility owned substations and transmission lines.

Section F.2. Locational and Dimensional Standards for Solar Facilities

- d. Such Solar Facilities shall be located greater than one (1) mile from: Any defined city, town, or other community boundary.

The one-mile distance requirement is arbitrary and would likely result in unintended consequences. For example, the EVRAZ Big Horn Solar project near the Comanche Power plant is adjacent to the City of Pueblo boundary, and would not have been permitted if this standard were in effect. This solar project was a critical factor in the decision by EVRAZ Rocky Mountain Steel to expand their operation in Pueblo. It is possible that without the solar plant being built, the long rail steel expansion would not have been located in Pueblo. This Project is adjacent to

an industrial facility on land that will likely never be developed for residential or other sensitive land uses. From a land use perspective, this area is compatible with solar development, yet this standard would prohibit solar projects based on an arbitrary limit that does not consider actual land use impacts. The current permit review referral process allows adjacent cities and towns to comment on proposed projects near their boundaries and should provide sufficient information for the County to determine the extent of potential project impacts on cities and town residents, without setting an arbitrary limit that will cause solar projects to sprawl into areas of the County where they may be less compatible.

- e. Solar facilities shall be more than one (1) mile from an existing or permitted solar facility.

Similar to the one-mile distance from municipal and community boundaries noted above, this standard is arbitrary and would likely result in unintended consequences. It would result in sprawl of multiple smaller facilities creating more regional environmental impacts. It would also likely increase the amount of new electric transmission lines needed to interconnect dispersed solar facilities, thus causing additional visual impact.

- f. The permit boundary shall be located no more than (1) mile of existing transmission lines (except in P-1)

This distance criteria calls for additional clarification as noted here. Not all transmission lines have capacity to accept additional energy injection. Just because a solar project is within a mile of a transmission line, it might be necessary to interconnect and inject into another line that could be farther from the solar facility. Another clarification is that the location of a transmission line, even if it has capacity to accept additional energy injection, does not necessarily limit the amount of new transmission required to interconnect the solar facility because the point of interconnection occurs at an electric substation or switchyard. In some cases, a new substation can be developed in proximity to a solar facility to minimize the amount of new transmission required, but it's not always possible or economic to do so.

Also, by requiring solar farms to be within 1-mile of transmission lines, solar development opportunities would be severely limited to only those locations adjacent to existing lines. Not only would this restriction limit the number and size of new solar projects, it would prevent the construction and operation of solar farms that are currently under development in locations that are farther than 1-mile from existing transmission lines. Adopting such measures now, after the solar industry and landowners have been developing projects for many years would have a chilling effect on the solar market, including property tax revenues

Section 5. Screening...The applicant shall use one or a combination of methods listed in this section, or other comparable methods deemed equivalent by the Zoning Administrator, to satisfy the screening requirements.

- a. Existing Screening. Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening.
- b. Landscaping. Landscaping intended for screening shall consist of a combination of evergreen trees that are 5-6 ft. in height at time of planting and deciduous trees that are 5-6 ft. in height at time of planting. Trees shall be placed on average at 15 ft. on center and be planted in no less than three (3) rows...
- c. Berming. Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top (the wide top is necessary to have a flat area for plantings). The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance.
- d. Fencing. Fencing intended for screening shall be at least 75 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street right of way. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include threaded plastic slats or plastic fencing.

A 1,000 acre solar project would have a perimeter of approximately 5 miles. The screening described would require a combination of artistic berms, mature landscaping, and wooden fencing. Requiring this level of screening for 5 miles or more would likely cause any utility scale solar project to be financially infeasible.

The comments and concerns expressed above reflect Xcel Energy's initial thoughts and on the proposed changes. As we continue to assess the proposed changes, we anticipate having further comments and concerns to share and discuss with you. Xcel Energy recognizes Pueblo County as a vital partner as we transition to renewable forms of energy, meeting the energy needs of the State of Colorado. We look forward to further discussions.

Thank you,

Carly Rowe
Manager, Siting and Land Rights
Public Service Company of Colorado (dba Xcel Energy)

Ashley Valdez
Area Manager
Public Service Company of Colorado (dba Xcel Energy)

Larry Schreder
PO Box 8323
Pueblo, CO 81008

September 15, 2021

Pueblo County Planning and Development
Attention: Chairwoman Hatton and Planning Commissioners

RE: Opposition to the Proposed Amendments

As a property owner in the area that will be affected by these new proposed regulations, I and my family strongly oppose these new regulations.

We make our living on this land, and have worked the land for years.

An out of State Consultant is making these proposals for new regulations without living here or knowing what it takes to make a living here.


1. We would like these new regulations studied more as to how they affect our area and life style.
2. We strongly oppose the 1 mile setbacks from the City or Community boundary. Look how this would have effected the steel mill and other corporations that need renewable energy.
3. We oppose interconnection requirements for applications.
4. Who gives the Board the right to purpose 1031 exchange requirements?
5. We oppose the 500 ft. setback from dwelling.
6. Site mitigation should be negotiated on a case by case basis.

7. The 1 mile setback is DUMB. Maybe having them close together would be more efficient and look better.

8. These and other proposals could have a devastating effect on the already poor county. We need more jobs and income. NOT LESS.

Please consider the future of our area and what good solar projects could do for the economy.

Sincerely,


Larry and Fern Schreder
