

BUSINESS MEETING ITEM COVER SHEET

DEPARTMENT Commissioners

DIVISION

TITLE Resolution 2009-79 (Land Use Code Text Amendments to Articles 4-514, 4-516 and 4-517 - Noncommercial Renewable Energy)

DOCUMENT TYPE Resolution

SUBTYPE DC-08-001

BUSINESS MEETING DATE 06/30/09

COMMISSIONERS' ACTION

Approved

Denied

Other

ORIGINAL(S) RETURNED TO Clerk & Recorder - Recording Division

AGENDA ITEM NUMBER

11

COMMENTS Please return recorded original to Mike - BOCC

RESOLUTION 2009-79

A RESOLUTION APPROVING BOULDER COUNTY LAND USE DOCKET #DC-08-001: TEXT AMENDMENTS TO ARTICLES 4-514, 4-516 AND 4-517 OF THE BOULDER COUNTY LAND USE CODE, TO AMEND EXISTING ZONING USES AND ADD NEW USES RELATED TO NONCOMMERCIAL RENEWABLE ENERGY (SOLAR AND WIND) SYSTEMS

WHEREAS, pursuant to C.R.S. Sections 30-28-112 and -116, as amended, the Board of County Commissioners of Boulder County ("the Board") is authorized to amend the text of County's Zoning Regulations in accordance with the procedures set forth in those provisions and the applicable County regulations; and

WHEREAS, pursuant to C.R.S. Section 30-28-133, as amended, the Board is authorized to amend the text of the County's Subdivision Regulations in accordance with the procedures set forth in those provisions and the applicable County regulations; and

WHEREAS, pursuant to other statutory authority, the Board is empowered to adopt additional regulations which are related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights, respectively); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power, respectively); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.; and

WHEREAS, pursuant to the above-referenced authority, by Resolution 94-185 adopted October 18, 1994, effective October 19, 1994, the Board approved a unified Boulder County Land Use Code ("the Land Use Code"), which the Board first amended by Resolution 95-27 effective March 9, 1995, and has amended on subsequent occasions thereafter; and

WHEREAS, in Docket #DC-08-001 ("the Docket"), the Boulder County Land Use Department proposed additional text amendments to the Land Use Code, this time involving certain zoning uses in Articles 4-514, 4-516, and 4-517 of the Land Use Code related to noncommercial renewable energy (solar and wind) systems; and

WHEREAS, the zoning use amendments proposed in Docket #DC-08-001 would (1) replace the existing principal use called "Wind Powered Electric Generator" in Article 4-514(0) of the Land Use Code with an amended use entitled "Small Wind Powered Energy System"; (2) add a new accessory use into Article 4-516 entitled "Small Wind Powered Energy System, Roof Mounted"; (3) add a new principal use into Article 4-514 entitled "Small Solar Energy Collector"; (4) replace the existing accessory use in Article 4-516(0) entitled "Solar Energy System" with an amended accessory use

called "Accessory Solar Energy System"; and (5) add a new temporary use into Article 4-517 entitled "Temporary Weather Device Tower"; and also include the necessary associated changes to the allowed uses and zoning district provisions in Article 4 of the Land Use Code (collectively "the Proposed Amendments"), all as further set forth in the memoranda and recommendations of the County Land Use Department dated May 14, 2009 and June 16, 2009 (collectively, "the Staff Recommendation"); and

WHEREAS, the Boulder County Planning Commission ("the Planning Commission") held duly-noticed public hearings on the Proposed Amendments on March 18, 2009 and April 15, 2009, and recommended approval of the amendments and certified the Docket for action to the Board; and

WHEREAS, on May 14, 2009, as continued for Board discussion and decision on June 16, 2009, the Board held a duly noticed public hearing on the Docket as certified to it by the Planning Commission ("the Public Hearing"), at which time the Board considered the documents and testimony presented by the County Land Use Department staff, an expert from the National Renewable Energy Laboratory in Golden, Colorado, and several members of the public; and

WHEREAS, based on the Public Hearing, the Board finds that the Proposed Amendments, specifically in the form set forth in Attachment A attached to and incorporated into this Resolution, meet the criteria for text amendments contained in Article 16 of the Land Use Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Land Use Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan, and specifically implement the Comprehensive Plan's Sustainability Element adopted by the Planning Commission in May, 2007, all as set forth in and supported by the record of the Public Hearing; and

WHEREAS, the Board further finds that the changes it has specified in its decision on the Proposed Amendments from the Docket as certified to it by the Planning Commission, are not substantial changes warranting a re-referral of the Docket for the Planning Commission's approval, disapproval or suggestions, and the Board may now proceed to finalize the Proposed Amendments as contained in Attachment A; and

WHEREAS, the Board thus determines that the Proposed Amendments, as contained in Attachment A attached to and incorporated into this Resolution, should be approved for adoption into the Land Use Code.

NOW, THEREFORE, BE IT RESOLVED that the Proposed Amendments, as contained in Attachment A attached to and incorporated into this Resolution, are hereby approved for adoption into the Land Use Code, to be effective beginning on the date of the Board's signature of this Resolution as set forth below.

BE IT FURTHER RESOLVED that the Board approves "Option 1" in the Staff Recommendation for assessing application processing fees for Land Use Code and Building Code/building permits associated with any of the renewable energy systems involved in the Docket, which Option keeps the applicable building permit fees as currently being assessed, and reduces any additional applicable Land Use Code review fees so that the County complies with C.R.S. Section 30-28-113 (which limits County solar device/system installation fees to the lesser of the County's actual permitting costs, or the maximum fee amount specified in the statute (\$500 for a residential application or \$1,000 for a nonresidential application)).

BE IT FURTHER RESOLVED that the Board states its intent to review the implementation and effectiveness of the Proposed Regulations, as incorporated into and administered under the Land Use Code, a year after the adoption of this Resolution.

BE IT FURTHER RESOLVED that, pursuant to C.R.S. Section 30-28-125, the Board authorizes the Clerk to the Board to arrange for the immediate transmittal of this Resolution, with its Attachment A, to the County Clerk and Recorder, for filing and appropriate indexing with that official, so that the Clerk and Recorder may make this Resolution, with its Exhibit A, accessible to the public. This transmittal should state recording Reference **No. 2735571**, the recording of the Boulder County Land Use Code on November 4, 2005, which this transmittal supplements and amends.

A motion to approve the Proposed Amendments (Docket #DC-08-001), as set forth above, was made at the Public Hearing by Commissioner Domenico, seconded by Commissioner Pearlman, and passed by a 2-1 vote, with Commissioner Toor voting against the Docket for the reasons stated on the record of the Public Hearing on June 16, 2009.

Resolution 2009-79, with its Attachment A, is hereby adopted and effective on this 30th day of June, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Ben Pearlman

Ben Pearlman, Chair

Cindy Domenico

Cindy Domenico, Vice Chair

excused

Will Toor, Commissioner



ATTEST:

[Signature]
Clerk to the Board

Article 4-101 Forestry District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
l. Telecommunication Facility, existing structure meeting height requirements
m. Telecommunication Facility, new structure or not meeting height requirements (S)
n. Utility Service Facility
o. Water Reservoir (R) (S) (L)
p. Water Tank of Treatment Facility (R) (S) (L)
~~q. Wind Powered Electric Generator (I)~~
- C. 5. Accessory Solar Energy System
6. Accessory Structure
7. Garage sales or Occasional sales
8. Grading of more than 500 cubic yards
9. Home Occupation
10. Household Pets
11. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
~~12. Solar Energy System~~
13. Small Wind-Powered Energy System, Roof-Mounted
- D. 9. Temporary Weather Device Tower

Article 4-102 Agricultural District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
l. Telecommunication Facility, existing structure meeting height requirements
m. Telecommunication Facility, new structure or not meeting height requirements (S)
n. Utility Service Facility
o. Water Reservoir (R) (S) (L)
p. Water Tank of Treatment Facility (R) (S) (L)
~~q. Wind Powered Electric Generator (I)~~
- C. 7. Accessory Solar Energy System
8. Accessory Structure
9. Demonstration Farm, accessory to Open Agricultural Uses only (I)
10. Garage sales or Occasional sales
11. Grading of more than 500 cubic yards
12. Home Occupation
13. Household Pets
14. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
15. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)

- ~~15. Solar Energy System~~
- 16. Small Wind-Powered Energy System, Roof-Mounted

D. 9. Temporary Weather Device Tower

Article 4-103 Rural Residential District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
l. Telecommunication Facility, existing structure meeting height requirements
m. Telecommunication Facility, new structure or not meeting height requirements (S)
n. Utility Service Facility
o. Water Reservoir (R) (S) (L)
p. Water Tank of Treatment Facility (R) (S) (L)
~~e. Wind Powered Electric Generator (I)~~

C. 6. Accessory Solar Energy System

- 7. Accessory Structure
- 8. Demonstration Farm, accessory to Open Agricultural Uses only (I)
- 9. Garage sales or Occasional sales
- 10. Grading of more than 500 cubic yards
- 11. Home Occupation
- 12. Household Pets
- 13. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 14. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~14. Solar Energy System~~
- 15. Small Wind-Powered Energy System, Roof-Mounted

D. 8. Temporary Weather Device Tower

Article 4-104 Estate Residential District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
l. Telecommunication Facility, existing structure meeting height requirements
m. Telecommunication Facility, new structure or not meeting height requirements (S)
n. Utility Service Facility
o. Water Reservoir (R) (S) (L)
p. Water Tank of Treatment Facility (R) (S) (L)
~~e. Wind Powered Electric Generator (I)~~

C. 6. Accessory Solar Energy System

- 7. Accessory Structure
- 8. Garage sales or Occasional sales
- 9. Grading of more than 500 cubic yards
- 10. Home Occupation
- 11. Household Pets
- 12. Noncommercial Telecommunications Site, one structure which meets setback and height requirements

13. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)

~~13. Solar Energy System~~

14. Small Wind-Powered Energy System, Roof-Mounted

D. 7. Temporary Weather Device Tower

Article 4-105 Suburban Residential District

B.14. j. Small Solar Energy System (see 4-514.J.) (S)

k. Small Wind-Powered Energy System (see 4-514.K.)

l. Telecommunication Facility, existing structure meeting height requirements

m. Telecommunication Facility, new structure or not meeting height requirements (S)

n. Utility Service Facility

o. Water Reservoir (R) (S) (L)

p. Water Tank of Treatment Facility (R) (S) (L)

~~q. Wind Powered Electric Generator (I)~~

C. 5. Accessory Solar Energy System

6. Accessory Structure

7. Garage sales or Occasional sales

8. Grading of more than 500 cubic yards

9. Home Occupation

10. Household Pets

11. Noncommercial Telecommunications Site, one structure which meets setback and height requirements

12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)

~~12. Solar Energy System~~

13. Small Wind-Powered Energy System, Roof-Mounted

D. 7. Temporary Weather Device Tower

Article 4-106 Multifamily District

B.14. j. Small Solar Energy System (see 4-514.J.) (S)

k. Small Wind-Powered Energy System (see 4-514.K.)

l. Telecommunication Facility, existing structure meeting height requirements

m. Telecommunication Facility, new structure or not meeting height requirements (S)

n. Utility Service Facility

o. Water Reservoir (R) (S) (L)

p. Water Tank of Treatment Facility (R) (S) (L)

~~q. Wind Powered Electric Generator (I)~~

C. 5. Accessory Solar Energy System

6. Accessory Structure

7. Garage sales or Occasional sales

8. Grading of more than 500 cubic yards

9. Home Occupation

10. Household Pets

11. Noncommercial Telecommunications Site, one structure which meets setback and

- height requirements
- 12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~12. Solar Energy System~~
- 13. Small Wind-Powered Energy System, Roof-Mounted

D. 7. Temporary Weather Device Tower

Article 4-107 Manufactured Home Park District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
 l. Telecommunication Facility, existing structure meeting height requirements
 m. Telecommunication Facility, new structure or not meeting height requirements (S)
 n. Utility Service Facility
 o. Water Reservoir (R) (S) (L)
 p. Water Tank of Treatment Facility (R) (S) (L)
~~o. Wind Powered Electric Generator (I)~~

- C. 4. Accessory Solar Energy System
 5. Accessory Structure
 6. Garage sales or Occasional sales
 7. Grading of more than 500 cubic yards
 8. Home Occupation
 9. Household Pets
 10. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
~~11. Solar Energy System~~
12. Small Wind-Powered Energy System, Roof-Mounted

D. 7. Temporary Weather Device Tower

Article 4-108 Transitional District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
 l. Telecommunication Facility, existing structure meeting height requirements
 m. Telecommunication Facility, new structure or not meeting height requirements (S)
 n. Utility Service Facility
 o. Water Reservoir (R) (S) (L)
 p. Water Tank of Treatment Facility (R) (S) (L)
~~o. Wind Powered Electric Generator (I)~~

- C. 4. Accessory Solar Energy System
 5. Accessory Structure
 6. Garage sales or Occasional sales
 7. Grading of more than 500 cubic yards
 8. Home Occupation
 9. Household Pets

- 10. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~11. Solar Energy System~~
- 12. Small Wind-Powered Energy System, Roof-Mounted

D. 8. Temporary Weather Device Tower

Article 4-109 Business District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
- k. Small Wind-Powered Energy System (see 4-514.K.)
 - l. Telecommunication Facility, existing structure meeting height requirements
 - m. Telecommunication Facility, new structure or not meeting height requirements (S)
 - n. Utility Service Facility
 - o. Water Reservoir (R) (S) (L)
 - p. Water Tank of Treatment Facility (R) (S) (L)
 - ~~q. Wind Powered Electric Generator (I)~~

- C. 4. Accessory Solar Energy System
- 5. Accessory Structure
- 6. Garage sales or Occasional sales
- 7. Grading of more than 500 cubic yards
- 8. Home Occupation
- 9. Household Pets
- 10. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~11. Solar Energy System~~
- 12. Small Wind-Powered Energy System, Roof-Mounted

D. 9. Temporary Weather Device Tower

Article 4-110 Commercial District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
- k. Small Wind-Powered Energy System (see 4-514.K.)
 - l. Telecommunication Facility, existing structure meeting height requirements
 - m. Telecommunication Facility, new structure or not meeting height requirements (S)
 - n. Utility Service Facility
 - o. Water Reservoir (R) (S) (L)
 - p. Water Tank of Treatment Facility (R) (S) (L)
 - ~~q. Wind Powered Electric Generator (I)~~

- C. 4. Accessory Solar Energy System
- 5. Accessory Structure
- 6. Garage sales or Occasional sales
- 7. Grading of more than 500 cubic yards
- 8. Home Occupation

- 9. Household Pets
- 10. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~11. Solar Energy System~~
- 12. Small Wind-Powered Energy System, Roof-Mounted

D. 8. Temporary Weather Device Tower

Article 4-111 Light Industrial District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
- k. Small Wind-Powered Energy System (see 4-514.K.)
 - l. Telecommunication Facility, existing structure meeting height requirements
 - m. Telecommunication Facility, new structure or not meeting height requirements (S)
 - n. Utility Service Facility
 - o. Water Reservoir (R) (S) (L)
 - p. Water Tank of Treatment Facility (R) (S) (L)
 - ~~e. Wind Powered Electric Generator (I)~~

- C. 6. Accessory Solar Energy System
- 7. Accessory Structure
- 8. Garage sales or Occasional sales
- 9. Grading of more than 500 cubic yards
- 10. Home Occupation
- 11. Household Pets
- 12. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 13. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~13. Solar Energy System~~
- 14. Small Wind-Powered Energy System, Roof-Mounted

D. 8. Temporary Weather Device Tower

Article 4-112 General Industrial District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
- k. Small Wind-Powered Energy System (see 4-514.K.)
 - l. Telecommunication Facility, existing structure meeting height requirements
 - m. Telecommunication Facility, new structure or not meeting height requirements (S)
 - n. Utility Service Facility
 - o. Water Reservoir (R) (S) (L)
 - p. Water Tank of Treatment Facility (R) (S) (L)
 - ~~e. Wind Powered Electric Generator (I)~~

- C. 6. Accessory Solar Energy System
- 7. Accessory Structure
- 8. Garage sales or Occasional sales
- 9. Grading of more than 500 cubic yards

- 10. Home Occupation
- 11. Household Pets
- 12. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 13. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~13. Solar Energy System~~
- 14. Small Wind-Powered Energy System, Roof-Mounted

D. 9. Temporary Weather Device Tower

Article 4-117 Mountain Institutional District

- B.14. j. Small Solar Energy System (see 4-514.J.) (S)
k. Small Wind-Powered Energy System (see 4-514.K.)
 l. Telecommunication Facility, existing structure meeting height requirements
 m. Telecommunication Facility, new structure or not meeting height requirements (S)
 n. Utility Service Facility
 o. Water Reservoir (R) (S) (L)
 p. Water Tank of Treatment Facility (R) (S) (L)
~~o. Wind Powered Electric Generator (I)~~

C. 5. Accessory Solar Energy System

- 6. Accessory Structure
- 7. Garage sales or Occasional sales
- 8. Grading of more than 500 cubic yards
- 9. Home Occupation
- 10. Household Pets
- 11. Noncommercial Telecommunications Site, one structure which meets setback and height requirements
- 12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
- ~~12. Solar Energy System~~
- 13. Small Wind-Powered Energy System, Roof-Mounted

D. 7. Temporary Weather Device Tower

Use Tables

Table 4-514 Utility and Public Service Uses

Delete row O. Wind Powered Electric Generator. Add rows “J. Small Solar Energy System” and “K. Small Wind-Powered Energy System” and re-letter the subsequent rows. Row “J. Small Solar Energy System” should have an S representing Use Permitted by Special Review as well as a symbol that directs the reader to the Use Classification found in Art. 4-514(J) in all zone districts. Row “K. Small Wind-Powered Energy System” should have a symbol that directs the reader to the Use Classification found in Art. 4-514(K) in all zone districts.

Table 4-516 Accessory Use

Delete row O. Solar Energy System. Add rows “G. Accessory Solar Energy System” and “O. Small Wind-Powered Energy System, Roof Mounted” and re-letter the subsequent rows. These two new rows

should have check marks to indicate these are a use by right (although SPRW may be required).

Table 4-517 Temporary Use

Add row "J. Temporary Weather Device Tower" with a check mark in all columns indicating this is a use by right in all zone districts.

Article 4-514: Utility and Public Service Uses

Delete in its entirety:

O. Wind Powered Electric Generator

Add:

J. Small Solar Energy System

1. Definition: A system composed of a solar energy collector which may include an energy storage facility, and components for the distribution of transformed energy, and which may be used for one or more users on neighboring parcels.
2. Districts Permitted: By site plan review in all districts if the system will disturb less than 5,000 square feet of land. By special review in all districts if the system will disturb 5,000 square feet but not more than 7,500 square feet. By special review in GI, LI, and C if the system will disturb 7,500 square feet or more.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. This use is required to be located on a building lot or an outlot platted for this purpose.
 - b. If necessary for the system's effectiveness, ground-mounted solar energy collectors may be located within the minimum lot line setbacks for the subject property zoning district and within any applicable major road supplemental setback without the need for a variance, provided that the solar energy collector is located no less than five feet from lot lines and no less than 15 feet from road rights-of-way.
 - c. Ground-mounted solar energy collectors may not be located within utility easements or ditch easements.
 - d. This use shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.
 - e. Applications shall be reviewed according to the required review criteria with special consideration to lands identified as Environmental Resources in the Boulder County Comprehensive Plan.

Add:

K. Small Wind-Powered Energy System

1. Definition: A wind energy conversion system which may include a wind turbine and blades, a tower, and associated control or conversion electronics.
2. Districts Permitted: By site plan review waiver in all districts if the height does not exceed the maximum height of the zone district. By site plan review in all districts if the height is greater than the maximum height of the zone district and does not exceed 80 feet.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. As a principal use, this use must be located on a building lot or an outlot platted for this purpose. As an accessory use, this use must be located on a building lot if the principal use requires a building lot."
 - b. This use may be considered accessory, that is, customary and incidental to a principal

use when its primary purpose is to reduce consumption of utility power on the parcel on which it is located.

- c. The minimum setback from any property line, right-of-way, roadway easement, or public trail shall be a distance no less than 1 times the system's highest point unless the adjacent property owner(s) grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zone district.
- d. The maximum height of a wind energy system shall not exceed 80 feet in height, and no variance may be granted to exceed this maximum height limit. Structure height is the vertical distance from any part of the structure (including blades) to the existing or natural grade. A system that exceeds the applicable height limit of the zone district in which it is located will not be approved, unless the applicant demonstrates through competent information, such as anemometer data or National Renewable Energy Laboratory mapping, that the proposed site provides sufficient wind potential to justify a taller system, and that the other requirements for this use and review criteria can be met.
- e. Applications shall be reviewed according to the required review criteria based on the height of the structure with special consideration to:
 1. Comprehensive Plan designations. This use shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area. Particular consideration to view protection shall be given to proposals that would be visible from areas designated Peak-to-Peak Scenic Corridor, Open Corridor – Roadside, and areas within the Natural Landmarks and Natural Areas and buffers as designated in the Boulder County Comprehensive Plan.
 2. Visual impacts. Colors and surface treatment of the installation shall be as neutral and non-reflective as possible with muted colors on all surfaces. Graphics, signs and other decoration are prohibited.
- f. Tower structure lighting is prohibited.
- g. If this use ceases to perform its originally intended function for more than 18 consecutive months, the system shall be removed and adequate site restoration performed no later than 90 days after the end of the 18-month period.
- h. Prior to approving an application for a small wind-powered energy system, staff may require the applicant to show that no other less obtrusive form of renewable energy device is feasible under the circumstances.

Re-letter:

Subsequent use classifications (currently J-N; L-P as amended)

Article 4-516: Accessory Uses

Delete in its entirety:

O. Solar Energy System

Add:

G. Accessory Solar Energy System

1. Definition: A system composed of a solar energy collector which may include an energy storage facility, and components for the distribution of transformed energy, which may be attached to a residence or other structure.
2. Districts Permitted: By right in all districts for roof-mounted systems. By site plan review waiver for ground-mounted systems.
3. Parking Requirements: None
4. Loading Requirements: None

5. Additional Provisions:

- a. Ground-mounted systems are considered structures and must meet applicable setbacks for the zone district except as provided in 5.c. below.
- b. Ground-mounted systems shall not have a significant adverse visual impact on neighboring private and public property.
- c. Roof-mounted solar energy systems shall be mounted as flush as possible to the roof. In order to achieve proper solar orientation, panels may exceed the roofline by up to five feet or the maximum height of the zone district by up to five feet (whichever is more restrictive).
- d. If necessary for the system's effectiveness, ground-mounted solar energy collectors may be located within the minimum lot line setbacks for the subject property zoning district and within any applicable major road supplemental setback without the need for a variance, provided that the solar energy collector is located no less than five feet from lot lines and no less than 15 feet from road rights-of-way.
- e. Ground-mounted solar energy collectors may not be located within utility easements or ditch easements.

P. Small Wind-Powered Energy System, Roof-Mounted

1. Definition: A wind energy conversion system which may include a wind turbine and blades, a support structure, and associated control or conversion electronics and is mounted to an existing structure.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. By right, roof-mounted systems may exceed the roofline by up to five feet or the maximum height of the zone district by up to five feet (whichever is more restrictive).
 - b. Roof-mounted systems that propose to exceed the roofline or zone district by more than five feet but not more than 15 feet must be reviewed through the Site Plan Review Waiver process using the same review criteria for Small Wind-Powered Energy Systems.

Re-letter:

Subsequent use classifications (currently G-N; H-O as amended)

Article 4-517: Temporary Uses

Add:

J. Temporary Weather Device Tower

1. Definition: A tower erected for the express purpose of mounting an anemometer or other weather device.
2. Districts Permitted: By right in all districts
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. Temporary towers must meet the setback requirements for Wind Powered Electric Generators and shall not exceed 80 feet in height.
 - b. Temporary towers must be removed within two years unless approved to be converted to a Small Wind-Powered Energy System.