

MEMO


TO: Board of County Commissioners
FROM: Bryan Sampson
DATE: 5/2/2017
SUBJ: Alternative Solar Permitting Process

On March 21, 2017, Jill Markey with Alternative Power Enterprises, Inc. approached the Board of County Commissioners regarding the permitting process for Solar/Photovoltaic (PV) systems. The objective was to discuss a more efficient process, through the removal of permitting requirements and ceasing the rebate program for permit and sales tax costs. The BOCC noted that if solar/PV systems were entirely exempted from the permitting process that compliance to several County regulations could not be ensured (such as Visual Impact, Flood Plain, and setback requirements).

In the time since our last meeting, Staff has developed an alternative process to permit solar/PV systems. The goal was to provide a faster permitting process to allow quicker turn-around time to the system installer, while still allowing the County the opportunity to review for compliance to the various Land Use regulations that apply to these installations. The result is a proposed "Site Plan Review" that the Land Use Staff will administer. Key elements of the review will be compliance to the Visual Impact Regulations, Flood Hazard Regulations, and the setback standards in Section 3.

The Land Use Staff is in support of this alternative and believes that, if approved by the BOCC, the resulting process will be much more efficient to both the Solar/PV contractors and the County.

Att: Site Plan Review Application (draft), possible ordinance for adoption (draft), 3/21 letter from Alternative Power Enterprises, Inc.



**SOLAR/PV SYSTEM INSTALLATIONS-
SITE PLAN REVIEW**

Fee: \$50 for Standard Review / \$0 for Minor Review

Land Use Department; 111 Mall Road, Ridgway CO -- 970.626.9775

ALL APPLICATIONS MUST SUBMIT THE FOLLOWING:

- Site Plan showing the proposed improvements, with dimensions to all property lines
- Agent Authorization Form is required if someone other than the owner of the property is applying for the permits.

PROPERTY INFORMATION:

Parcel # (available from Ouray County Assessor's Office or www.ouraycountvassessor.org): # _____

Job Site Address: _____ City: _____

Zip Code: _____ Legal: Town: _____ Range: _____ Qtr. Sections: _____ Section: _____

Subdivision: _____ Lot/Tract #: _____ Filing/Phase: _____

Directions to job site from nearest County Road: _____

Lot within 100-year flood plain? Y N If YES, then you must submit Flood Plain Permit Application

CONTACT INFORMATION:

Property Owner(s) Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

Authorized Agent's Name (If Applicable): _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

General Contractor's Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

PROJECT INFORMATION:

Roof Mount Ground Mount Other - Describe: _____

Lot Size: _____ Acres Maximum Height of Array: _____ Ft. System Size _____ kw

Minimum Distance from Property Line: _____ Ft.

REVIEW LEVEL CRITERIA:

Check all that apply:

- Project located on a ridgeline
- Project located on an escarpment edge
- Project located within, or near, a flood plain
- System is commercial in nature
- System is within 1.5 miles *and* visible from U.S. Highway 550, Colorado Highway 62, the portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A and County Road 1, and County Roads 5, 7, 8, 10, 24 or 24A.

Note: If any of the above items apply, a \$50 standard review fee will apply. If none of the above items apply, it will be considered a "minor review" and there will not be an application fee charged.

NOTICES TO HOMEOWNER AND/OR CONTRACTOR:

- You must notify any applicable Home Owners Association or Architectural Control Committee that a building permit application has been submitted to the Land Use Department.
- It is the responsibility of the homeowner and/or contractor to ensure that all electrical work is permitted and inspected by the State of Colorado.
- It is the responsibility of the homeowner and/or contractor to ensure that the cumulative weight of all PV/Solar system components and snow load will not exceed the rated weight capacity of the roof.
- If, for any reason, it is determined that a PV/Solar system installation causes a public safety hazard, the hazard shall be immediately mitigated by the homeowner and/or contractor.

READ AND SIGN THE FOLLOWING:

This permit will expire after one year if approved construction has not commenced, or if construction or work is suspended or abandoned for a period of one year at any time after work has commenced. Separate permits are required from the State of Colorado for electrical and plumbing installations.

I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

I understand that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. I am aware that approval of a site development permit or any other permit does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service (including emergency services).

Signature of Owner or Agent: _____ **Date:** _____

Printed Name of Owner or Agent: _____

(If AGENT, a completed Agent Authorization Form must be attached.)

FOR OFFICE USE ONLY:

Address of property: _____

Property Owner: _____

Review Level:

- Minor review – no fee collected
- Standard review – \$50 fee collected

Land Use Review:

Y N

- Is the installation in conformance to the PUD? (Verify against plat)
- Is the installation within the property line setback for the subject property?
- If located on an escarpment edge or ridgeline, does the installation meet the 50' setback?
- If located on an escarpment edge or ridgeline, will the system avoid breaking the skyline?
- If visible from a view corridor, is the system constructed of non-reflective materials that blend?
- Visual Impact Calculation Form completed and passed (If required)?
- Is the system residential in nature (not commercial)?

Determination:

- APPROVED
- DENIED

Notes: _____

Staff Member Signature

____/____/_____
Date

DRAFT

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
REPEALING RESOLUTION #2009-011 & PROVIDING ALTERNATIVE INCENTIVES
FOR CERTAIN PHOTOVOLTAIC (PV) AND OR SOLAR SYSTEM INSTALLATIONS**

WHEREAS, the Board of County Commissioners approved resolution 2009-011, replacing resolution 2008-034, and pertaining to certain incentives for the use of renewable energy fixtures; and

WHEREAS, the Land Use Department has implemented a permitting and refund process for alternative energy projects since July 1, 2008; and

WHEREAS, the Board of County Commissioners has received testimony from local area professionals representing the alternative power industry, that the permitting process is onerous and unnecessarily delays construction schedules; and

WHEREAS, the Board of County Commissioners has received testimony from the Land Use Staff that the time spent on permitting, inspections, and processing refunds is likely in excess of the net income from Solar Permits, and is therefore not an equitable process for the county; and

WHEREAS, the Board of County Commissioners has received testimony from the Land Use Staff that PV/Solar systems are the most common alternative energy structure built in Ouray County, and that other types of systems are rarely permitted; and

WHEREAS, the Board of County Commissioners wishes to continue providing an incentive to the citizens of Ouray County that wish to install PV/Solar systems on their property; and

WHEREAS, the Board of County Commissioners recognizes that a complete exemption from permitting requirements may result in negative outcomes in regard to:

- visual impacts within the view corridors defined within the Visual Impact Regulations
- potential construction occurring within a flood plain
- potential construction of large scale commercial systems; and

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

1. In order to simplify and expedite the permitting process for PV/Solar system installers, and to eliminate a permitting/rebate program that is inequitable to the County, Resolution 2009-011 is hereby repealed.
2. As a continued incentive to incorporate alternative energy systems into county homes, in particular solar energy, residential PV/Solar systems, shall be exempt from the building permit process. Any other form of alternative energy fixtures/installations, such as wind turbines, and commercial PV/Solar systems, will still be required to obtain a building permit prior to construction.

3. Construction incorporating alternative energy systems, including PV/solar, shall comply with all Land Use Code regulations, including visual impact and flood hazard regulations. Staff is directed to implement a Site Plan Review process, by which the Land Use Staff may review and ensure compliance of all proposed PV/solar system installations, and shall establish a fee for such review to cover the direct and indirect costs of staff time in providing such review.
4. Citizens of Ouray County that have been issued a permit for a solar system installation, prior to the date of this resolution, may still apply for and receive the rebates specified in Resolution 2009-011.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Ben Tisdell, Chair

Don Batchelder, Vice-Chair

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

John E. Peters, Commissioner

ALTERNATIVE POWER ENTERPRISES

REMOVAL OF COUNTY SOLAR PERMITTING AND REBATES

OVERVIEW

Alternative Power Enterprises is proposing that Ouray County remove the barriers to the development of solar energy projects by removing the requirement for building permits on solar energy installations. At present, Ouray County is the only county in our region requiring building permits to install solar energy systems.

THE OBJECTIVE


- Remove permitting requirement; While building permits may be of the highest importance for building homes, barns and other structures, we find that the process should not apply to solar energy systems. Aside from the time to provide all documentation for the permits, the approval time can take up to three weeks during peak building season, causing the solar contractor to sit and wait, until approved, before work can begin. Most projects only take 1-2 weeks to complete and could be inspected and completed in the time it takes for the permit approval process. Ground mounts are all pre-engineered. Having a stamped letter adds additional cost to the customer. Regarding roof mounts; Typical solar modules weigh 20 to 50 pounds each and are distributed evenly across a roof along with the racking systems that support them. By dividing the weight of the modules and underlying racking by the area of the modules, we generally find that the combined weight of solar modules and the racking that supports them puts about 3-4 pounds of weight per square foot on a roof. Most structures built after 1970 are designed to support loads far greater than this.
- Cease rebates on building permits and sales tax. The county sales tax rebate was originally put into place, in 2009, to incentivize solar in the county. Since then the price of solar has come down 50%, sometimes more, and this incentive is no longer a strong sales point. When we crunched the numbers the difference between permitting costs, engineering, permit refunds and sales tax refunds, the cost difference was inconsequential. The county seems to be the one losing on this, permitting requires employee time, tax refunds require employee time and the county misses out on the revenue.
- If there are is anything questionable, structural or regarding setbacks, a well-informed solar contractor will contact the county or a licensed engineer to assist.
- A state electrical permit is required on all PV systems, ensuring that the system is properly installed and safe.
- Home Owners Associations are not permitted to prohibit the installation of solar panels on a unit or property which is owned by a member of the association. Any such prohibition in the governing documents of an association is void and unenforceable.

THE OPPORTUNITY

- The county has the opportunity to receive and use sales tax revenue.
- By eliminating building permits for solar, this frees up time for the building inspector to do her job. The inspector typically goes to the job site at least two times before signing off, this appears to be an inefficient use of her time.
- This helps small solar businesses with continuous revenue instead of remaining at a standstill until the permit process is included. This opens up room for business growth within the county.

OUR PROPOSAL

We propose that the county remove the requirement for building permits on solar installations and terminate the county rebate program. Alternative Power Enterprises is available to work with the county to assist with whatever the county needs to change this protocol. Your careful review and consideration of this proposal is appreciated.



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