

## **EXHIBIT B**

Amendments to Mead Municipal Code  
Section 16-3-60 – Accessory uses.

[Additions to are shown underlined.]

**Sec. 16-3-60. – Accessory uses.**

(g) Small Renewable Energy Equipment. Consumer-scale renewable energy equipment may be an accessory use to another permitted use subject to the following additional standards, and provided it meets all other requirements for a building permit. Equipment that does not meet the limits of this section shall be considered a principal renewable energy facility use and shall be allowed only allowed as permitted in Section 16-3-40.

- (1) Renewable energy equipment must be located on the same lot as the principal use in order to qualify as an accessory use. The principal use and accessory use shall utilize the same utility meter. A portion or all of the energy generated by the renewable energy equipment shall be utilized as electricity for on-site consumption.
- (2) Accessory use wind turbines must have a vertical axis rotor. Horizontal axis wind turbines are not permissible as an accessory use.
- (3) Solar and wind energy-generating equipment is subject to the following standards as an accessory use:

<b><u>Solar</u></b>	
<u>Building mounted</u>	<ul style="list-style-type: none"><li>• <u>8” maximum above and parallel with pitched roof*</u></li><li>• <u>8” maximum off building wall</u></li><li>• <u>5’ maximum above flat roof*</u></li><li>• <u>Any installation projecting more than 3’ above flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building</u></li></ul>
<u>Ground mounted</u>	<ul style="list-style-type: none"><li>• <u>6’ maximum height</u></li><li>• <u>10’ minimum setback</u></li><li>• <u>Screened from adjacent property and right-of-way in the same manner as all other mechanical equipment</u></li></ul>
<b><u>Wind</u></b>	
<u>Building mounted</u>	<ul style="list-style-type: none"><li>• <u>4’ maximum above roof (residential districts)</u></li><li>• <u>8’ maximum above roof (non-residential districts)</u></li></ul>
<u>Ground mounted**</u>	<ul style="list-style-type: none"><li>• <u>30’ max. height (residential districts)</u></li><li>• <u>45’ max. height (non-residential districts)</u></li></ul>

\*Subject to otherwise-applicable maximum building height standards.

- 
- (4) Geothermal equipment is permissible as an accessory use to an allowed building.

## EXHIBIT C

Amendments to Mead Municipal Code Chapter 16, Articles

[Article XV shown underlined as an addition to Chapter 16.]

### CHAPTER 16 – Land Use Code

#### ARTICLE XV – Development Standards for Renewable Energy Facilities.

##### Sec. 16-15-10. – Definitions.

The following definitions apply for purposes of Chapter 16 of this Code.

“Agricultural use” means use of land for any of the following: apiculture; aquaculture; dairies; grazing or raising of livestock (except in feedlots); sod production; orchards; nurseries; viticulture; and cultivation, harvesting, and processing of crops.

“Agricultural co-location” means the siting of a renewable energy facility on the same property as an agricultural use, either on the same lot or contiguous lots or tracts.

“Agrivoltaic” means an agricultural co-location incorporating a SEF as the renewable energy facility.

“Alternative power generation facilities” means use of land in which alternative energies, other than solar, are produced. Alternative energies are those energy sources that are an alternative to fossil fuels, including but not limited to wind, biofuel, and hydrogen.

“Battery storage system” means an electric storage resource capable of receiving electrical energy from the power grid or alternative energy sources and storing it in batteries for later provision of electrical energy back to the power grid.

“Facility” means a renewable energy facility.

“High voltage overhead power lines” means overhead power lines that are used to transmit 110 kV or more of electricity.

“Improved area” means the area containing renewable energy infrastructure and associated buildings, exclusive of access drives.

“Renewable energy facility” means small, medium, and large solar energy facilities, as well as alternative power generation facilities.

“SEF” means a small, medium, or large solar energy facility.

“SEF equipment” means solar arrays, underground collection systems, substations, battery storage systems, transmission lines, and other equipment appurtenant to the SEF.

“Solar energy facility, small” means use of land comprising not more than 5 acres with the primary purpose of providing for the collection, storage, or distribution of solar energy.

“Solar energy facility, medium” means use of land comprising more than 5 acres but less than 160 acres with the primary purpose of providing for the collection, storage, or distribution of solar energy.

“Solar energy facility, large” means use of land comprising at least 160 acres with the primary purpose of providing for the collection, storage, or distribution of solar energy.

**Sec. 16-15-20. –Applicable Code provisions.**

- (a) Renewable energy facilities are subject to the site plan requirements of this Code, including Section 16-4-100 and this Article XV, prior to their installation and construction.
- (b) If required by Section 16-3-40, a renewable energy facility shall require a conditional use permit in accordance with Section 16-3-120 prior to construction and operation. For any conditional use associated with a renewable energy facility, the Board may impose any reasonable conditions tied to ensuring continuing compliance with the decommissioning plan, landscape plan, property maintenance plan, or other aspects of the facility.
- (c) Any other approvals required pursuant to this Code, including Article IV of Chapter 16, shall be obtained to establish a renewable energy facility.
- (d) Except as otherwise provided in this Article XV, applicable standards for the underlying zone district shall apply, including but not limited to:
  - 1. Dimensional standards including height limitations (Section 16-3-80)
  - 2. Lighting (Section 16-2-250)
  - 3. Signage (Chapter 16, Article VII)
  - 4. Architectural standards (Section 16-2-190)

**Sec. 16-15-30. – Best management practices.**

The Board may condition approval of a site plan for a renewable energy facility on incorporation of the best management practices requested from and provided by the Colorado Division of Parks and Wildlife pursuant to Section 16-15-40(j) in accordance with state law.

**Sec. 16-15-40. – Additional site plan application requirements for renewable energy facilities.**

Site plan applications for renewable energy facilities shall include the following components in addition to the requirements set forth in Section 16-4-100(b)(3).

- (a) Property maintenance plan. The application shall include a property maintenance plan for the Town’s review, and the plan shall include practices to control dust, weeds, stormwater runoff, and erosion control. Management of weeds by livestock grazing is encouraged. The maintenance plan shall include a requirement to remove equipment that is no longer usable for energy production or related purposes within 3 months.
- (b) Surface drainage analysis. A drainage report shall be provided for review in accordance with the Town of Mead Design Standards and Construction Specifications. Prior to applying for a permit, a Final Drainage Report, stamped and signed by a professional engineer licensed in the State of Colorado is required. Ground-mounted solar collector systems shall be exempt from impervious surface calculations if the soil under the collectors is designated hydrologic A or B soil groups by the Natural Resources Conservation Service (NRCS). An impervious value of 25% shall be used for areas where the soil under the collectors is designated hydrologic C or D soil groups by the Natural Resources Conservation Service (NRCS). Soil under the collectors shall be maintained in vegetation and not compacted.

- (c) Noise study. A noise study (decibel contour study) completed by a professional independent noise consultant, demonstrating compliance with Chapter 10, Article 13 standards for commercial property and recommending mitigation measures, as applicable, shall be provided for review. The Town may require noise mitigation measures as requirements of the site plan approval.
- (d) Equipment plans. Applicant shall provide a description, plan, and drawings of any proposed high voltage overhead power lines and battery storage systems.
- (e) Decommissioning plan. Applicant shall provide a decommissioning plan outlining all labor, equipment, transportation, disposal, and site reclamation activities necessary to (1) decommission the facility; (2) dismantle, recycle, and safely dispose of facility components; and (3) restore the property to a condition reasonably similar to, or better than, its condition prior to development of the facility. The plan shall include a summary of all estimated costs associated with the decommissioning plan. Costs must include:
  - (1) Full reclamation of the facility site, including removal of non-native soils, fences, and constructed access roads, as well as removal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
  - (2) All decommissioning/reclamation activity management, site supervision, site safety costs;
  - (3) Administrative and any other costs associated with decommissioning and reclamation.
- (f) Landscape covenant. A landscape covenant shall be included on the site plan that requires a minimum level of landscape maintenance for the duration of operation of the facility, which covenant shall be in a form acceptable to the Community Development Director and Town Attorney.
- (g) Landscape plan. Trees, shrubs, and other plantings should increase aesthetic appeal while reducing glare. The Town may require fencing, berming, and/or vegetation around the perimeter of the property, around equipment and buildings, or both. Tree and vegetation selection and location shall follow xeriscape design principles that facilitate water conservation. Pollinator-friendly and native plantings are encouraged. The landscape plan shall comport with Section 16-15-100, including buffering requirements, and Section 16-2-150.
  - (1) Chain link security fencing at least eight (8) feet high shall enclose the facility. Appropriate signage shall be placed upon such fencing that warns the public of the high voltage therein. The Town may require decorative metal or cast-iron fencing as an alternative to chain link security fencing in accordance with Section 16-2-170.
  - (2) The landscape plan shall include irrigation plans as needed.
- (h) Statement of transportation impacts. The application shall include a statement of transportation impacts that:
  - a. Describes what impacts construction of the facility will have upon transportation patterns in the area of the proposal; and
  - b. Describes the potential construction impact on roads within the Town; and
  - c. Identifies improvements required to any roads in order to serve the project adequately.

A construction traffic route map and agreement to mitigate construction traffic impacts to the area surrounding the proposed facility may be required.
- (i) Building Code. The application shall demonstrate compliance with all applicable provisions of the Building Code, as adopted by the Town and amended from time to time.
- (j) BMPs. The application shall include for the Town's review best management practices to avoid, minimize, and mitigate wildlife impacts of renewable energy projects, requested from and provided by the Colorado Division of Parks and Wildlife pursuant to Section 29-40-404, C.R.S.
- (k) Agricultural co-location plan (if co-location is proposed). An application proposing agricultural co-location in accordance with Section 16-15-100 shall detail the agricultural use(s) and their

timing or frequency and location; the planned management of the agricultural use, including the responsible entity or individual; access to water; access for workers and equipment; design of renewable energy infrastructure to safely and effectively accommodate the agricultural use; and agreements or draft agreements necessary to effectuate the co-location plan. For agrivoltaic projects, the plan shall demonstrate utilization of best practices established by the National Renewable Energy Laboratory (NREL).

#### **Sec. 16-15-50. – Decommissioning.**

- (a) Financial Security. Prior to Town's issuance of a Certificate of Completion, the owner or operator of a REF shall provide the Town with financial assurance sufficient to fund one hundred percent (100%) of the decommissioning/reclamation costs included in the decommissioning plan required by Section 16-15-40(e). The security shall:
- (1) Name the Town of Mead as the sole beneficiary; and
  - (2) Include an automatic extension provision or "evergreen clause"; and
  - (3) Be "bankruptcy remote," meaning the Security will be unaffected by the bankruptcy of the facility operator, applicant, or property owner, as applicable; and
  - (4) Permit the Town to draw upon the security at its sole discretion upon Town's notice to the issuer of the security, as further detailed in the site plan agreement.

In the event that the Town exercises its right to draw upon the security, the Town may either hold such funds as security for performance of the decommissioning plan or spend such funds to finish any outstanding items associated with the decommissioning plan. The security shall be an irrevocable standby letter of credit or other form of security acceptable to the Town Attorney with consideration of the entity providing the security and its credit worthiness, financial strength, credit rating, and any other related factors.

- (b) Updating Plan, Cost Estimates, and Security Amount. The decommissioning plan, including decommissioning/reclamation cost estimates required in accordance with Section 16-15-40(e) above, must be updated by an independent engineer, at facility operator or owner's cost, every five (5) years, beginning ten (10) years from the establishment and submittal of the security required by Subsection (a) above. The facility owner or operator shall increase the amount of the security to match the updated decommissioning costs within forty-five (45) days following Town approval of the updated decommissioning costs.
- (c) Execution of Plan. Decommissioning/reclamation shall commence within twelve (12) months after power production has ceased for a period of 365 consecutive days and be completed within twelve (12) months from the start date of the decommissioning/reclamation work. The owner of the property and operator of the facility are jointly and severally liable for the decommissioning.

#### **Sec. 16-15-60. – Site plan agreement.**

Each facility operator, and owner if different from operator, shall execute a site plan agreement at the time of site plan approval that provides as follows.

- (a) Financial Security. Prior to Town's issuance of a Certificate of Completion, the operator shall provide the Town with financial assurance sufficient to fund one hundred percent (100%) of the decommissioning/reclamation costs in accordance with Section 16-15-50.

- (b) Decommissioning Plan. A decommissioning plan provided and approved by the Town in accordance with Section 16-15-40(e) above shall be incorporated as part of the site plan agreement.
- (c) Services. The site plan agreement shall outline the requirements for provision of services to the property, including water, sewer, and transportation, which may include dedication requirements for easements and right-of-way.
- (d) GID. At the Town's discretion, the site plan agreement may require the property owner to organize a general improvement district (GID) to generate ad valorem property tax sufficient to offset the Town's on-going park and trail maintenance costs and associated administrative costs. A GID may also be required to fund proposed agricultural co-location as permissible under state statute. If a GID is required, the applicable agreement shall set forth with particularity: the minimum level of GID funding (subject to inflationary adjustment), requirements for timing of submittal of the petition for organization of the GID, and other details related to GID formation.
- (e) Co-location. The site plan agreement shall incorporate the agricultural co-location plan if co-location is proposed in accordance with Section 16-15-40(k).
- (f) Property Maintenance Plan. The site plan agreement shall incorporate the property maintenance plan approved by the Town in accordance with Section 16-15-40(a).

**Sec. 16-15-70. – Specific use standards.**

- (a) The following standards apply to all renewable energy facilities.
  - (1) Site and equipment maintenance.
    - (i) Except during construction, no outdoor storage of any materials and equipment, including but not limited to solar panels and support structures, not in operation will be allowed.
    - (ii) The facility operator shall maintain any equipment in good repair and working condition.
    - (iii) The facility operator shall maintain the property in good condition, including landscaping and fencing, and free from equipment no longer in use, debris, refuse, and scrap materials. "Good condition" shall mean without damage or need of repair or cleaning, except for the effects of regular use.
    - (iv) Failure to maintain in accordance with this subsection shall constitute a nuisance for purposes of Chapter 7 of this Code.
  - (2) Equipment removal.
    - (i) Upon failure of any renewable energy equipment, the facility operator shall cause same to be removed and disposed of within three (3) months in accordance with applicable laws. This subsection applies to equipment that is no longer usable for energy production or related purposes.
    - (ii) Failure to remove in accordance with this subsection shall constitute a nuisance for purposes of Chapter 8 of this Code.

- (3) Operators shall continuously employ the practices for control of fugitive dust, weeds, stormwater runoff, and erosion detailed in the property maintenance plan approved as part of the site plan in accordance with Section 16-15-40(a), above.
- (b) The following standards apply to solar energy facilities.
- (1) Height limitation. Ground-mounted solar collectors shall not exceed twenty-five (25) feet in height, measured from the highest grade below each solar panel to the highest extent of the solar panel rotation.
- (2) Glare. A SEF shall be designed and located so that concentrated solar glare from its solar collectors will not be directed toward or onto nearby properties or roadways at any time of the day.
- (3) Underground cables. All electrical cables on the improved area of the facility shall be buried, except for direct current string wires that connect between solar collectors, direct current collection circuits between rows of solar arrays that are no more than four (4) feet above grade crossings, substations, switchyards, and circuit voltages greater than 34.5 kilovolts (where necessary).

**Sec. 16-15-80. – Setbacks.**

- (a) Substations and battery storage systems shall be located at least one hundred fifty (150) feet from lot lines.
- (b) The following setbacks apply to SEFs. Additional setbacks may be required to mitigate noise and visual impacts or to provide for designated road or utility corridors, as identified through the review process. Setbacks shall be measured from the edge of the solar panels and equipment. Where appropriate, landscaped berms may be used to reduce setback requirements with Board approval.
1. SEFs, Small
- i. Front - 30 feet
- ii. Side - 10 feet
- iii. Side corner -30 feet
- iv. Rear- 20 feet
- v. Arterial or state highway - 50 feet
- vi. Local or collector - 50 feet
2. SEFs, Medium
- i. Front - 50 feet
- ii. Side - 10 feet
- iii. Side corner - 50 feet
- iv. Rear - 20 feet
- v. Arterial or state highway - 100 feet
- vi. Local or collector - 50 feet
3. SEFs, Large
- i. Front - 50 feet
- ii. Side - 10 feet or 1 ft. per 2 ft. height, whichever is greater
- iii. Side corner - 50 feet
- iv. Rear - 20 feet
- v. Arterial or state highway - 100 feet



vi. Local or collector - 50 feet

- (c) Renewable energy facilities, except SEFs subject to subsection (b) above, shall comply with setback requirements for the applicable zone district. In addition, the improved area of the facility must be at least one hundred (100) feet from existing residential buildings and residential lots of a platted subdivision or planned unit development. The residential setback requirement may be reduced to fifty (50) feet if the setback area adjacent to the residential area includes at least a thirty (30) foot landscape buffer trees and shrubs every fifteen (15) feet.
- (d) Wind turbines must be setback from lot lines, above-ground electric power lines or communication lines, on-site inhabited structures unless related to turbine use, and public roads a distance equal to 130% of the height of the turbine.

**Sec. 16-15-90. – Certifications.**

- (a) All renewable energy facilities, including appurtenant facilities, shall be certified by a structural engineer, licensed in the state of Colorado, to be compliant with the applicable industry, state, federal, and local regulations.
- (b) Electrical systems shall be certified by a master electrician, licensed in the state of Colorado, to be compliant with the applicable industry, state, federal, and local regulations.
- (c) The applicant shall provide the Town with the required certifications prior to Town's issuance of Certificate of Completion in accordance with the International Building Code, as adopted and amended by the Town.

**Sec. 16-15-100. – Dedication of trails.**

Owners of property underlying a renewable energy facility shall dedicate property to the Town for any trails reflected in the Town's Transportation Plan, as may be amended or updated from time to time. Dedication shall be by plat or by separate instrument in a form acceptable to the Town Attorney, in accordance with this section. The applicant or property owner, as applicable, shall also provide an ALTA title policy for all interest(s) conveyed to the Town, subject to approval by the Town Attorney. Dedicated property shall be free and clear of liens, taxes, and encumbrances. The Town, at applicant's or property owner's expense, as applicable, shall record all conveyances. At the election of the Town Manager, the Town may opt for a fee-in-lieu in place of dedication of land. The fee-in-lieu shall be the fair market value of the property that would otherwise be required to be dedicated in accordance with this section.

**Sec. 16-15-110. – Landscaping and buffering requirements.**

- (a) Except as provided in subsections (b) and (c), all renewable energy facilities shall include at a minimum twenty (20) percent landscaped area in accordance with this section. Landscaping shall otherwise comport with applicable standards in Section 16-2-150.
- (b) Landscaped area includes trails dedicated in accordance with Section 16-15-100, setbacks, and buffering that meet the applicable standards in Section 16-2-150.
- (c) For all renewable energy facilities with a Town-approved agricultural co-location with an agricultural use on at least fifty (50) percent of the property in the agricultural co-location plan,

the landscaped area requirement shall be reduced to ten (10) percent. If at any time, the property or facility owner fails to meet the fifty (50) percent threshold, the owner may be required to submit and comply with a landscape plan incorporating twenty (20) percent landscaped area and shall submit such plan upon thirty (30) days' written notice from the Town for Town approval.

- (d) The landscaping shall comport with the applicable landscape plan approved by the Town in accordance with Section 16-15-40(g), and if applicable, the approved agricultural co-location plan.
- (e) Buffering may include fencing and landscaping and shall be required adjacent to rights-of-way and residential property. Additional buffering may be required at the Town's discretion. Buffering shall ensure compatibility with adjacent uses and may be required between development and adjacent natural or environmentally sensitive areas.