



Agenda Item Summary

MEETING DATE: July 17, 2024

SUBJECT: **Resolution 03-PC-2024** – A Resolution of the Planning Commission of the Town of Mead, Colorado Recommending Approval to the Board of Trustees of Certain Amendments to The Mead Municipal Code Establishing Development Standards for Renewable Energy Facilities

PRESENTED BY: Jason Bradford, AICP, Community Development Director

SUMMARY

In response to direction from the Town of Mead Board of Trustees (“Board”), Town staff has prepared amendments to the Land Use Code, attached to this Agenda Item Summary as exhibits to Resolution No. 03-PC-2024 (“Amendments”), to establish development standards and zoning for renewable energy production facilities, such as solar and wind energy (referred to generally as “REFs” or “facilities”). The Planning Commission shall recommend approval, approval with revisions, or denial of the Amendments to the Board of Trustees in accordance with Mead Municipal Code (“MMC”) Section 2-7-20(4).

Generally, the Amendments:

- Permit consumer-scale renewable energy equipment as an accessory use to a permitted principal use;
- Permit solar energy facilities as a use by right or conditional use (depending on the size and type of facility) in Light Industrial (LI) and Agricultural (AG) zone districts;
- Permit alternative power generation facilities (facilities other than solar) as conditional uses in LI and AG zone districts;
- Establish site plan application requirements for REFs, including a property maintenance plan, landscape plan, noise study, and decommissioning plan;
- Require a site plan agreement for all REFs;
- Establish specific use standards, including site and equipment maintenance requirements and setbacks;
- Establish trail dedication and fee-in-lieu requirements; and
- Establish a 20% landscaping requirement, with a possibility of reducing to 10% in the case of agricultural co-location.

OVERVIEW

Town staff has established draft zoning and development regulations and standards for REFs, in accordance with the Town Ordinance No. 1043, establishing a twelve (12) month moratorium on renewable energy facility development applications on July 31, 2023 (“Ordinance”). At the time that the Board considered the Ordinance, the Board also approved a PUD (Planned Unit Development) zone change for a large solar energy production facility called Sugar Beet Solar PUD. Because the MMC currently has no standards specifically addressing solar energy production facilities, the PUD incorporates certain standards for the facility, including setbacks, and the requirement of a development agreement and decommissioning plan. Staff incorporated many of the standards and requirements for

the Sugar Beet Solar PUD into the Amendments, as well as the Weld County Solar Energy Facility regulations (Section 23-4-1030) and regulations from other jurisdictions.

Staff presented the draft regulations to the Planning Commission at a special meeting held on June 26, 2024, and requested that the Planning Commission continue the hearing to July 17, 2024, in order to incorporate standards relating to agricultural use and REF use co-location.

PROPOSED ALTERNATIVE ENERGY FACILITY REGULATIONS

The Amendments establish definitions related to renewable energy land uses, zone districts where the land uses would be allowed, and performance standards that address the unique and specific issues that are related to these land uses. An overview of the Amendments follows.

The changes to the draft presented to Planning Commission on June 26 include the following, in addition to minor editorial changes:

- Section 16-15-10 – Definitions: The following terms were added: agricultural co-location, agrivoltaic, and improved area.
- Section 16-15-40 – Additional Site Plan Application Requirements for Renewable Energy Facilities. This section identifies the application submittal requirements for all REF applications and now requires an agricultural co-location plan for any proposed co-location, including a plan for on-going management of the co-location; proposed use, frequency, and location; and access.
- Section 16-15-50 – Site plan agreement. Operators of a proposed facility must enter into a site plan agreement at the time of site plan approval. The agreement must include any Town-approved agricultural co-location plan and lay out GID requirements if a General Improvement District will be funding any part of the co-location.
- Section 16-15-90 – Dedication of trails. This section was modified to require dedication of property for trails, rather than open space generally, as all REFs will be located either in the LI or AG zone districts, which have minimal or no open space dedication requirements.
- Section 16-15-100 – Landscaping and buffering requirements. This section was added to require 20% landscaped area for all REFs, consistent with other business/commercial and industrial uses under the Land Use Code. This requirement may be reduced to 10% in the case of Town-approved agricultural co-location. Landscaped area includes trails and buffer yards that comport with Town landscaping requirements.

REVIEW CRITERIA

The criteria by which text amendments to the Land Use Code are evaluated are set forth in Section 16-3-160 – Amendments, subsection (f), as follows:

“For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Article shall not be amended except:

- (1) To correct a manifest error in the text of this Article; or
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff; or
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or

- (4) To further the implementation of the goals and objectives of the Town Comprehensive Plan.”

STAFF ANALYSIS

Only one of the review criteria listed above must be met for proposed amendments to be approved. However, Staff believes that the proposed Amendments meet the following criteria:

- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article
- (4) To further the implementation of the goals and objectives of the Town Comprehensive Plan

The Town’s Comprehensive Plan does support the development of renewable energy. Specifically, the following goals/policies/strategies are listed:

Chapter Two. II *Diverse Economy*

- Strategy 2A-2. Update Mead’s Land Use Code for consistency with the County’s streamlined regulations for development of wind, solar and other renewable energies.

Chapter Two. VI *An Expansive Natural and Agrarian Setting*

GOAL 1: Promote the efficient management of water, energy and waste through a cohesive sustainability program that represents the values of the Mead community.

Policy 1-C: Improve energy efficiency and expand the use of renewable energy including solar power.

- Strategy 1C-1. Work with United Power and Xcel Energy to develop and promote programs and codes that encourage energy efficiency and access to renewable energy.
- Strategy 1C-2. Update the Land Use Code to streamline the permitting process for the development of renewable energy projects, similar to Weld County’s recently updated regulations.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff believes that the proposed revisions satisfactorily meet applicable criteria for approval as set forth in Section 16-3-160 of the Mead Municipal Code and requests that the Planning Commission recommend approval of the Amendments to the Board of Trustees by adopting the attached resolution.

Suggested Motion:

“I move approval of Resolution No. 03-PC-2024, a Resolution of the Planning Commission of the Town of Mead, Colorado Recommending Approval to the Board of Trustees of Certain Amendments to the *Mead Municipal Code* Establishing Development Standards for Renewable Energy Facilities.”

ATTACHMENTS

Resolution No. 03-PC-2024

Exhibit A: Amendments to Section 16-3-40 – Use regulations

Exhibit B: Amendments to Section 16-3-60 – Accessory uses

Exhibit C: Amendments to Chapter 16, Articles (Creating New Article XV)