TOWN OF MEEKER
ORDINANCE No. 01-2025
EXHIBIT B

18.1.17: Renewable Energy Facilities

1) Intent: The purpose of the Renewable Energy Facility regulations is to govern the development of non-accessory solar, wind, geothermal or other renewable energy sources for commercial electricity production within the Town. They exclude facilities for power transmission lines or substations managed by public utilities.
2) Preapplication Meeting: A pre-application meeting is required prior to submitting a Renewable Energy Facility application.
3) Application Requirements:
    a. The owner of real property, or authorized representative of the owner with a properly acknowledged power of attorney, may submit a Renewable Energy Facility application. No Renewable Energy Facility application shall be received for processing or approved, and no application for a building permit shall be granted when the applicant is in default under any related or unrelated agreement or obligation to the Town.
    b. The applicant shall submit the application to the Town Planner. Application submittal requirements for every application type shall be established by the Town Planner on submittal forms available by the Town. The Town Planner may adopt standards and requirements for electronic and graphic information for application submittal requirements. The Town Planner may waive submission requirements where appropriate to specific applications; however, the waiver of any submission requirement shall not preclude the Planning Commission or Town Board of Trustees from requiring such information where deemed necessary for evaluation of the Renewable Energy Facility application with the applicable review criteria. The minimum submittal requirements for all applications shall include:
        i. Renewable Energy Facility Application
        ii. Site Map/Plan: The required map shall include the following in addition to the Site Map/Plan requirements outlined in Section 18.1.17(2)(b)(vi):
            1. Location and description of current land use, including agricultural use, dwelling units, microwave communication links and airports.
            2. Clearly identified boundary lines and dimensions of the site where the proposed Renewable Energy Facility will be located.
            3. Project area boundary and approximate size of the site where the proposed Renewable Energy Facility will be located, in acres or square feet.
            4. Location of all proposed structures and facilities; including the location and dimensions for each solar panel and/or wind turbine
                a. Setback for each solar panel and/or wind turbine from property lines.
                b. Setback of all primary and/or accessory buildings and structures.
            5. Description of utility interconnection and crossing.
        iii. Schematic Drawing: A schematic drawing showing the Renewable Energy Production Unit(s) including system height, rotor dimensions, hub height, and rotor ground clearance.
        iv. Renewable Energy Facility Project Narrative:
            1. Project description and proposed phasing
            2. Project timeline(s)
            3. A description of the project and each phase of development, including the approximate number of Renewable Energy Production Unit(s), accessory structures, power output (in MW), and infrastructure and interconnection requirements for each phase.
            4. Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
            5. Impact Analysis: The applicant shall provide, through an unbiased third party, a description of the impacts that the proposed Renewable Energy Facility may cause, based upon the standards in this Code. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall

also assess, and confirm with the Town the potential effects of the proposed project on Town services and capital facilities. In the event that impacts Town services or facilities from construction and operation of the Renewable Energy Facility are identified, the applicant shall develop a plan to maintain Town services and facilities at predevelopment levels. If impacts cannot be fully mitigated, the applicant shall be required to pay the Town costs associated with the restoration of impacted Town services and facilities.

6. Wildlife Impact: The applicant shall coordinate with Colorado Parks and Wildlife (CPW) to provide a detailed description of the impacts imposed on wildlife habitat, migration and provide a mitigation plan acceptable to CPW.
7. Neighboring Property Impact: The applicant shall provide a detailed description of the project's impact on neighboring properties. This description shall include, but it is not limited to, fencing, noxious weed mitigation, access, property values, water supply interruptions and modifications. The Town may require the applicant to commission such studies at the applicant's expense that in the Town's reasonable opinion is necessary for an appropriate analysis of any impacts. The applicant shall provide a mitigation plan acceptable for such impacts.

v. Utility Interconnection or Crossing: The applicant shall provide certification of intent to enter into an interconnection agreement and crossing agreement(s) to/with applicable utilities.

vi. Decommission Plan: The applicant shall provide a detailed plan that outlines the process and procedures for safely and effectively shutting down and removing/disposing of assets, equipment, facilities, or systems that are no longer needed or have reached the end of their useful life.

vii. Decommissioning Bond or Letter of Credit

1. Financial Security Requirement
    a. A reclamation security, in the form of cash, a surety bond, or an irrevocable letter of credit, must be in place before construction begins.
    b. This amount should cover a minimum of 125% of the Estimated Reclamation Plan Cost, calculated as reclamation cost minus the salvage value of assets, facilities, systems and equipment. In the event that decommissioning cost is in excess of the bond, all additional costs shall be the responsibility of the current land owner.
2. Valuation and Assessment
    a. The reclamation cost estimate will be based on the average of three independent appraisals.
    b. Every three (3) years, this security (bond or letter of credit) must be reviewed and potentially renewed to match updated reclamation costs and any changes to the project or site.
3. Purpose and Scope
    a. The Decommissioning Bond or Letter of Credit is designed to ensure that the Town of Meeker can hire a third party for reclamation if the permittee fails to fulfill reclamation obligations.
    b. The bond amount reflects the true cost required to reclaim all permitted areas disturbed by the project.
4. Lifespan and Adjustment
    a. The bond or letter of credit is required for the life of the project, or for a period agreed upon with the Town of Meeker.
    b. It may be adjusted over time to reflect changes in reclamation costs, the performance of the permittee, or any changes to the reclamation plan.

viii. Reclamation Plan: The applicant shall provide a comprehensive plan for safely and effectively restoring the project site once the project reaches its end of life. If the applicant does not own the land, the reclamation plan must also incorporate any specific conditions agreed upon with the property owner. The plan shall outline the following:

1. Reclamation Plan: The plan shall be detailed, including all steps for site restoration to prevent any residual environmental impact.
2. Ownership Clause: If the applicant is not the landowner, the plan must reflect terms agreed upon with the landowner, ensuring the owner's conditions are met in the reclamation process.

ix. Notice to Federal Aviation Administration (FAA) and Approval: The applicant shall provide written certification that the FAA forms have been submitted to the FAA in accordance with the FAA requirements, and the FAA has issued approval for the location and specifications of the proposed Renewable Energy Facility.

x. Notice to Colorado Department of Transportation (CDOT): The applicant shall provide written notice to CDOT of the project location and size to assure adequate measures can be taken to facilitate the proposed transportation needs.

xi. Water System: If the proposed Renewable Energy Facility includes uses that must be served by water, the application shall describe the water source and sufficiency of the water supply for the project, including decreed or conditional water rights. If a well is required, the applicant shall obtain the necessary permit from the State of Colorado Office of the State Engineer.

xii. State of Colorado Approved Storm Water and/or Wind Erosion Control Plan: The applicant shall provide a plan approved by the State of Colorado showing existing and proposed grading for the proposed Renewable Energy Facility site. The drainage and erosion control plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction, and a plan for permanent stormwater management. If there are any modifications to this plan, the applicant shall provide a final drainage and erosion control plan to the Town.

xiii. Geotechnical Report. The Applicant shall provide written certification that prior to construction, a professional engineer licensed in the State of Colorado will complete a geotechnical study that includes the following:

1. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.
2. Foundation and tower systems design criteria for all proposed structures.
3. Slope stability analysis.
4. Grading criteria for ground preparation, cuts and fills, and soil compaction.

xiv. Visual Impacts: The applicant shall provide a visual impact statement, site plan and written description of plan to minimize the visual impacts of the proposed Renewable Energy Facility. The plan shall be in compliance with the following standards:

1. Avoid clear-stripping of rights-of-way or easements. Any required clearing shall be designed to create a natural appearance that blends with surrounding vegetation by using variations in clearing width.
2. Avoid creation of access scars.
3. Preserve as much as possible the natural landscape.
4. Minimize alteration of the natural slope or aspect of any hillside.

xv. Fencing Plan: The applicant shall provide a site plan and written description of fencing plan for the proposed Renewable Energy Facility. The plan shall include the following:

1. Fence heights
2. Fencing types
3. Gate locations
4. Gate types

xvi. Town Road Use Agreement. The applicant shall provide written permission from the Town of Meeker of the intent to use Town Roads during construction of the proposed Renewable Energy Facility for the purpose of maintenance, transporting parts, materials and/or equipment.

xvii. County Road Use Agreement. The applicant shall notify Rio Blanco County of intent to use any County Roads during construction of the proposed Renewable Energy Facility for the purpose of maintenance, transporting parts, materials and/or equipment. The applicant will provide written certification that

Rio Blanco County forms for a Road Use Agreement have been submitted to the County in accordance with County requirements, and the County has issued approval for the use of County Roads.

xviii. Private Road Use Agreement. If any privately owned roads will be used during construction of the proposed Renewable Energy Facility for the purpose of maintenance, transporting parts, materials and/or equipment, the Applicant shall enter into a road maintenance agreement with the property owner. The Road Use Agreement shall include the following:

1. A map showing which roads will be used during construction.
2. A pre-construction baseline survey of roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey.
3. A plan to address road impacts and how to mitigate damages, to maintain the roads, and for the repair of any damages to ensure the landowner's continued ability to use any affected roads.
4. A mitigation plan to address traffic congestion and potential impacts to roads to be used during construction.
5. A legally binding agreement between the applicant and the landowner that requires the Applicant to return any utilized roads to their pre-construction baseline condition.

xix. Conditions. Prior to the approval of the application, the Applicant shall sign an acknowledgment of the conditions and improvements identified as requirements of project approval. Failure to comply with Improvement Agreement requirements may lead to suspension or revocation of approval.

The purpose of the acknowledgment is to ensure that:

1. The Project is Completed and (if applicable) Reclaimed to the Reclamation Plan, approved with the application, conditions & improvements. The Project is completed, including reclamation of property as applicable.
2. The Approval Conditions are Fulfilled. The applicant performs all improvements, mitigation requirements and conditions in connection with the construction, operation and termination of the Project.
3. The Applicant Addresses its Responsibility for Impacts to Public Facilities and Services. The applicant addresses responsibility for increased demand on public facilities and services as a result of the construction, operation and termination of the Project.
4. Funds are Available to the Town to Complete the Project, if necessary. If the Project is suspended, curtailed or abandoned, the Town can complete the Project and necessary improvements, or restore the property to its original condition or an acceptable condition at no cost to the Town.
5. Any other conditions that the Board of Trustees imposes on the Project based on the specific aspects of the project not otherwise specifically addressed in this Development Code.

xx. Liability Insurance. The applicant shall provide evidence of liability insurance to cover loss or damage to persons and structures during construction and operation of the proposed Renewable Energy Facility.

xxi. Maintenance of proposed Renewable Energy Facility. The applicant shall provide a statement certifying that the Renewable Energy Production Unit(s) shall be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety Administration (OSHA) requirements to ensure the safety of site personnel and the public.

xxii. Fire Mitigation Plan. A fire mitigation plan including identification of the nearest water source for fire suppression or written confirmation from the local fire department with jurisdiction over the property stating that the site has been evaluated for fire risks and has sufficiently mitigated any such risk.

xxiii. Emergency Operation Plan (EOP). The Applicant shall provide an EOP to the Rio Blanco County Emergency Management Department. The EOP shall include the following:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.
2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
3. Procedures to be followed in response to notifications from the Battery Energy Storage System management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure. The EOP shall include reference to the NFPA 855, Standard for the Installation of a BESS (also known as a Stationary Energy Storage System) if utilized within the project.
4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department or district, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire
5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
6. Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility.
7. EOP needs to be updated annually and is required to have contacts for the company as well as the emergency response agencies.
8. EOP needs to be submitted and approved with signature through Rio Blanco County Emergency Management Department.
9. Any and all safety inspections with the facility need to be reported to Rio Blanco County Emergency Management Department upon approved/passed inspection.
10. Training for all agencies that will be responsible to respond to emergency services on project location.

xxiv. Development Agreements. Development Agreements may be required by the Town of Meeker on an as needed basis. Each project shall be reviewed, and such agreements implemented as required by the Board of Trustees.

4) Application Processing: The application shall be processed in accordance with Section 18.1.17, General Procedures.
5) Criteria for Review: The Planning Commission and Town Board of Trustees, as indicated on Table 18.9 shall review the application to determine if the following criteria has been substantially met
    a. The proposed Renewable Energy Facility meets the Standards outlined in Section 18.1.17(8)
    b. The use will not be contrary to the public health, safety, or welfare.
    c. The use is not materially averse to the Town's Comprehensive Master Plan.
    d. Streets, pedestrian facilities and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
    e. The use is compatible with existing uses in the area and other allowed uses in the district.
    f. The use will not have an adverse effect upon other property values.
    g. The location of curb cuts and access to the premises will not create traffic hazards.
    h. Visual impacts of the use have been properly mitigated.
6) Change of Ownership: If the ownership of a Renewable Energy Facility changes or the owner of the property changes, the requirement of approval shall remain in effect, provided that the successor, owner and/or operator assumes in writing all of the obligations of the approval, construction, decommissioning, decommission bonding, and reclamation plan. A new owner shall notify the Town of Meeker and the Board of Trustees in writing of such change in ownership or operator within thirty (30) days of the ownership change. The approval shall be voided if a new owner or operator fails to provide written notification as provided herein in the required timeframe. Reinstatement of a void approval shall be subject to the same review and approval process for new applications.

7) Expiration of Approval: The Renewable Energy Facility approval shall be valid for a period of two (2) years. The Town may issue an extension of approval (beyond the said 2 years) upon Board of Trustees and Town Planner review. The applicant shall be responsible for applying for, and obtain, any necessary extensions if construction does not commence within 2 years of initial approval. If the applicant fails to commence construction within 2 years of initial approval, or the Town issued extension, the approval shall expire.
8) Renewable Energy Facility Development Standards: Additional facility specific standards for each type of facility are in addition to the submittal requirements of Section 18.1.17(3)
    a. Solar Collector Facility (SCF)
        i. Minimum Lot Size: Twenty-five (25) acres.
        ii. Ground-mounted SCF setbacks – Fences are exempt from setback requirements

	Minimum Setback
Setback from above-ground public utility line easements, including communication lines	100 feet
Setback from existing unimproved public roads (ie: dirt, etc)	100 feet
Setback from existing improved public road or highway right-of-way (gravel, asphalt, etc.)	500 feet
Setback from existing buildings: residence, school, hospital, or church (on or off host property)	500 feet
Setback from property lines (panels)	100 feet

        iii. The setback requirement from building structures may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal of a waiver or informed consent signed by the owner of the building (on or off property) agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan (in addition to the Visual Impact Plan) shall be submitted to and approved with the initial application.
        iv. Substations, facility buildings, and other accessory structures that are part of the Renewable Energy Facility shall comply with the required building setbacks for the zone district in which the project is located.
        v. The maximum height of the solar panels shall not exceed thirty (30) feet in height or thirty-five (35) in height for agrivoltaics when oriented at maximum tilt.
        vi. Protection of Agricultural Lands. The Renewable Energy Facility shall not have a significant adverse impact on agricultural lands and agricultural operations above what is allowed for under landowner lease agreements.
        vii. Glare, Dust or Noise. Construction and operation of the Renewable Energy Facility shall not significantly increase existing glare, dust or noise to surrounding properties.
        viii. Setback requirements for above ground public utilities apply only to pre-existing utility infrastructure. Setbacks do not apply to above ground utilities that will service the proposed project.
        ix. Appropriate warning signage shall be placed on electrical equipment, entrances and along perimeter fencing.
    b. Wind Energy Facility (WEF)
        i. Minimum Lot Size: Twenty-five (25) acres.
        ii. Ground-mounted WEF setbacks

	Minimum Setback
Setback from above-ground public utility line easements, including communication lines	2 times system height
Setback from existing improved public road or highway right-of-way (gravel, asphalt, etc.)	2 times system height

Setback from existing buildings: residence, school, hospital, or church (on or off host property)	3 times system height
Setback from property lines (panels)	2 times system height

iii. The height of ground-mounted WEFs shall be subject to FAA approval.

iv. Minimum Ground Clearance for Ground-Mounted WEF. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than sixty (60) feet.

v. Protection of Agricultural Lands. The WEF shall not have a significant adverse impact on agricultural lands and agricultural operations above what is allowed for under landowner lease agreements.

vi. Glare, Dust or Noise. Construction and operation of the WEF shall not significantly increase existing glare, dust or noise to surrounding properties.

vii. Appropriate warning signage shall be placed on electrical equipment, entrances and along perimeter fencing.

c. Geothermal Energy Facility (GEF) – Reserved

d. Hydroelectric Energy Facility (HEF) – Reserved

e. Biomass Energy Facility (BEF) – Reserved