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MONDAY, OCTOBER 15, 2007 | 50¢

# Looking for sunny regulations

By Ryan Morgan  
Camera Staff Writer

## As solar takes off, officials try to make sure code keeps up

As solar technology takes off in Boulder, builders and zoning officials are grappling with how to make sure regulations let enough sun in.

Last year, Boulder approved a tax rebate for homeowners and businesses installing solar panels. City officials expected to see monthly applications for solar systems that would produce about 40 kilowatt hours; instead, the city has issued permits for systems to-

taling 90 kilowatt hours every month.

That's leading some people to question whether the city's codes are smart about solar. Some builders say they're struggling to meet regulations and still have their projects be as efficient as possible. Building officials say the codes generally work well to accom-

modate solar power but that they could always be improved.

Eric Doub, a green builder who specializes in homes that produce and conserve much of their own energy, said he's sometimes been frustrated with what he sees as inflexibility that makes it harder to install solar electric

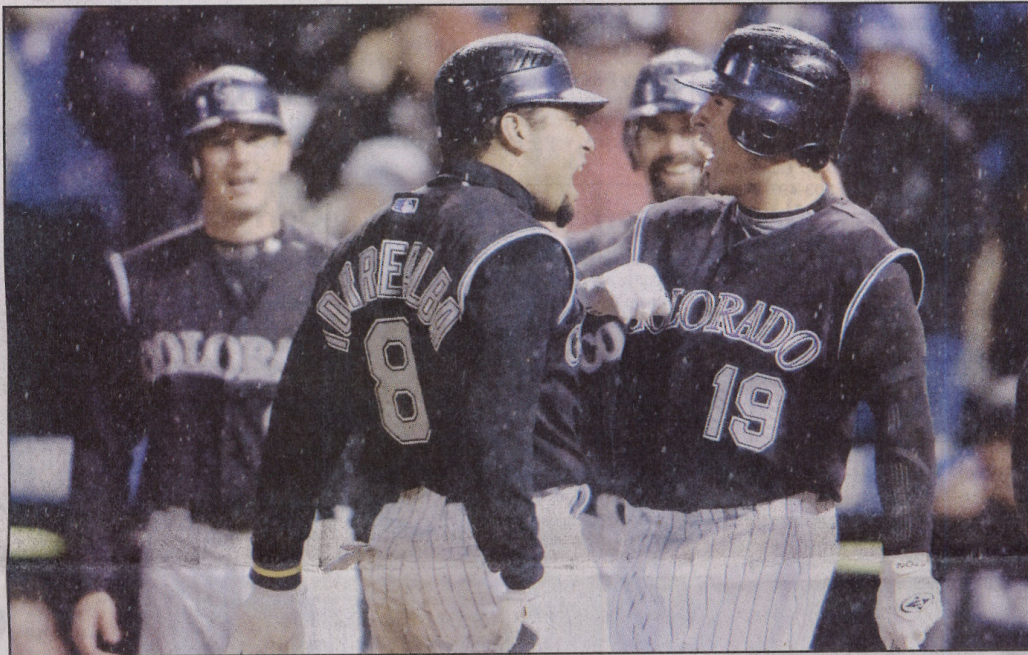
and thermal systems.

For example, he said, the city classifies ground-mounted solar units as "accessory structures" — which means they're subject to strict height requirements and have to be set back from lot lines, making it harder in some cases to place the units where they'll collect the most sun.

"It's scandalous," he said. "It doesn't matter that it's a solar panel, that it's renewable energy."

See OFFICIALS, 5A

# THREE DOWN



Joshua Lawton | Camera

Colorado's Yorvit Torrealba (8) and Ryan Spilborghs (19) celebrate Torrealba's three-run home run off Arizona's Livan Hernandez in the sixth inning at Coors Field for Game 3 of the National League Championship Series in Denver on Sunday night. The Rockies went on to win 4-1 and took a 3-0 lead in the seven-game series. Tonight's game will be at 8:18 p.m. The game will be televised on TRS. Full coverage, Sports, 1B

# Walking on Erie's wild side

## Ecologists take an inventory of natural area in town

By Joe Aguilar  
Camera Staff Writer

ERIE — For a town that has grown like the blazes over the last decade — adding seas of rooftops where there were once quiet pastures — Erie has a lot of green spaces and wild places still left.

And now the town is counting them all and seeing what's there.

"Not only do we have some of the best views of the Front Range and the (Continental) Divide, we get to identify the environmental assets of the community," said Fred Diehl, Erie's spokesman. "That's why people want to live here."

The result is Erie's first Natural Areas Inventory — an identification and examination of 122 spots in the town's 50 square mile planning area

Local, 3A

LECTION '07

E TODAY

Guide '07

Two candidates vie to become Erie's City Council

Seat up for grabs in Louisville.

OT: Boulder County voters vote on open space tax

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candidates, State Sen-Joan Fitz-Gerald, en-ored Polis and Colo-

# Looking for sunny regulations

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By Ryan Morgan

Monday, October 15, 2007

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Last year, Boulder approved a tax rebate for homeowners and businesses installing solar panels. City officials expected to see monthly applications for solar systems that would produce about 40 kilowatt hours; instead, the city has issued permits for systems totaling 90 kilowatt hours every month.

That's leading some people to question whether the city's codes are smart about solar. Some builders say they're struggling to meet regulations and still have their projects be as efficient as possible. Building officials say the codes generally work well to accommodate solar power but that they could always be improved.

Eric Doub, a green builder who specializes in homes that produce and conserve much of their own energy, said he's sometimes been frustrated with what he sees as inflexibility that makes it harder to install solar electric and thermal systems.

For example, he said, the city classifies ground-mounted solar units as "accessory structures" — which means they're subject to strict height requirements and have to be set back from lot lines, making it harder in some cases to place the units where they'll collect the most sun.

"It's scandalous," he said. "It doesn't matter that it's a solar panel, that it's renewable energy."

Michael Kracauer, a Boulder architect, said he ran into a similar problem recently when he submitted designs for a "net-zero" house — which means it will produce at least as much energy as it uses annually.

He said city planning officials told him that because the panels exceeded the city's maximum building height, he would need to demonstrate that lowering the panels wouldn't work, a requirement he found frustrating.

### **'You can ask for a variance'**

Brian Holmes, a city zoning administrator, said Boulder's regulations may have some catching-up to do, given the huge growth of the solar industry.

"I've been here seven years, and I've seen more solar permits in the last year than I did in the previous six," he said. "The technology that's out there is ahead of where the regulations are today. The regulations can still answer the questions that need to be answered, but they could be improved upon."

The city's building-height limit does make an exception for solar panels and other sorts of mechanical systems — but it's not a blank check, he said.

A builder needs to show that a chimney, air-conditioning system, or, in this case, a solar system, can only work if it exceeds the building height, he said.

In Kracauer's case, Holmes said, the design included an arch that seemed to unnecessarily put the panels well above the building height.

"The request really is, 'Can you demonstrate that you can't accomplish this functional need at a lower height?'" he said.

With a home that's still being designed, he said, it's not unreasonable to ask a builder to come back and meet that requirement, especially because making minor adjustments to the placement of solar panels often has only a marginal impact on the amount of power they produce.

Regarding Doub's complaint about ground-mounted solar units being considered accessory structures, Holmes said the code has the virtue of being simple: There are primary structures and accessory structures. Solar units needed to fit into one of those two categories, he said, and the latter one made sense.

Regulations governing accessory structures help give residents some certainty about what might pop up on their neighbors' property, he said. But a homeowner who can show that a solar system won't work with setback requirements or the height limit can appeal and receive a waiver.

"If you can make an argument for why a setback won't work, or why a location won't work, you can ask for that variance," he said.

### **Very supportive of solar**

Holmes said the city may take a closer look at another regulation that has a more-direct impact on solar systems: Boulder's codes limit installations that sit on top of buildings to no more than 25 percent of the roof's area.

That requirement was meant to keep buildings from looking too ugly, he said — and for the most part, the limitation has worked fine. But as more homeowners try to install more-ambitious solar systems, he said, the regulation may need a second look.

"I think there probably is some general consensus that a rooftop covered in mechanical systems can be pretty unsightly, so there is this limitation on coverage," he said. "What we're finding is that (limitation) seems to be somewhat out of step with the practical application of solar systems."

Stephen Kaine, who's in charge of pulling permits for Boulder-based Namaste Solar Electric, said the 25 percent limitation is starting to become a barrier.

"The commercial market is really waking up, and we'd like to be installing larger systems," he said. "The land-use code might be slightly behind the times, in terms of updating that percentage."

But, he said, city officials have been helpful in making the kinds of systems his company installs work.

"The city of Boulder, from my experience, is very supportive of solar, and they have very pro-solar policies," he said.

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