



PLATTE COUNTY WYOMING
Planning & Zoning Commission

AGENDA

Tuesday, July 13, 2021 at 7:00 PM
Platte County Commissioners Chambers
800 9th Street, Wheatland, WY

- A. Call to Order - Roll Call
- B. Election of Commission Chairman and Vice Chairman
- C. Citizen Comments
- D. Declaration of Conflicts of Interest
- E. New Business
 - I. **Request:** A request for a Simple Subdivision to divide approximately 138 acres into two parcels one approximately 7-acres and one approximately 130 acres
 - i. **Applicant:** Joseph Irwin
 - ii. **Location:** part of the N2 of Section 22, Township 24 North, Range 68 West, Platte County, Wheatland, Wyoming
 - II. **Request:** A request for Rezone request to rezone from Agricultural Classification to Commercial Classification
 - i. **Applicant:** Robert Hilty
 - ii. **Location:** located along 16th Street in part of the NW4SW4 of Section 12, Township 24 North, Range 68 West, Wheatland, Platte County, Wyoming
- F. Approval of minutes from the June 8, 2021 Regular Meeting
- G. Board discussion (If any)
 - a. Solar Regulations Review
 - b. Planning and Zoning Fee Schedule
 - c. Subdivisions and Water Access for Fire Fighting
- H. Adjournment

This agenda is not exclusive. Other business may be discussed as necessary



Platte County Planning & Zoning

600 9th Street · Wheatland, WY 82201 · (307)322-2962

Meeting Dates: Platte County Planning & Zoning, Tuesday, July 13, 2021 at 7:00 PM
Platte County Commissioners, Tuesday, July 20, 2021 at 10:00 AM

Applicant: Joseph Irwin

Request: A Simple Subdivision to divide approximately 138 acres into two parcels one approximately 7-acres and one approximately 130 acres

Location: part of the N2 of Section 22, Township 24 North, Range 68 West, Platte County, Wheatland, Wyoming

Request Details:

Mr. Irwin has filed an application for a Simple Subdivision to divide approximately 138 acres into two parcels one approximately 7-acres and one approximately 130 acres. The acreage is part of the N2 of Section 22, Township 24 North, Range 68 West, Platte County, Wheatland, Wyoming. Wheatland Irrigation District approved Option 2 of Water Plan Approval for Subdividers on April 7, 2021 and Mr. Irwin provided a copy of the approval from the WID.

Neighbor Comments:

None received.

Agency Comments:

None received.

Town of Wheatland:

Town of Wheatland Planning and Zoning Commission meeting June 3, 2021 – approved

Wheatland Town Council meeting June 14, 2021 – approved

Analysis:

Mr. Irwin's 138-acre parcel is in an Agricultural zoning district and his request meets the requirements of a Simple Subdivision as described within Platte County Planning and Zoning Rules and Regulations.

Wheatland Irrigation District approved Option 2 of Water Plan Approval for Subdividers which requires Mr. Irwin to include show all WID infrastructure and easements; both recorded and unrecorded, if applicable on the plat; and show the water conveyance facility to each lot to protect each lot owner's right to receive water on the plat. If approved; per Platte County Rules and Regulations, Mr. Irwin shall, within one year, submit the final plat to the Planning and Zoning Commission and the Board of County Commissioners for review and approval and within one year of approval record the plat with the Platte County Recorder's Office. The Planning Office would request

that Mr. Irwin have his surveyor provide the draft plat for review by the Planning Office, Wheatland Irrigation District, and the Platte County Engineer prior to having the plat printed on mylar for signatures and recording. On June 3, 2021, the Wheatland Planning and Zoning Commission moved to approve Mr. Irwin's request for Simple Subdivision. Mr. Irwin will need to rename the simple subdivision, because there Irwin Subdivision already exists and could cause some confusion in the future.

Town Council Options:

In reviewing requests for this Simple Subdivision request, the Town Council may:

- 1) Approve the request as proposed;
- 2) Approve the request with conditions (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

** Failure to achieve a quorum results in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

Exhibits:

Applicant's Letter of Justification

Site Plan

Irrigation District Approval

April 16, 2021

To whom it may concern,

I have buyers interested in purchasing the farm, but they are not interested in this corner acreage. This acreage has an existing barn located on it with a separate electric meter, so it is not attached to the pivot. The plan was approved by the Wheatland Irrigation District on April 7, 2021. I hope to be able to keep the boundary lines straight, but if needed will curve the inner edge to meet the 5-acre minimum requirement.

Kind regards,


Joseph Irwin

Wheatland Irrigation District
Water Plan Approval Form for Subdividers

Form Adopted by the Board on August 7, 2009

Revised on September 12, 2019

Subdivision Name: Irwin Subdivision

Name of Developer: Joseph W. Irwin

Address: P.O. Box 903 Wheatland WY 82201

Telephone: 307-331-3924

Subdivider must select one of the following three options pursuant to Wyoming law and Platte County Regulation. Please provide all requested information when submitting to the Wheatland Irrigation District Board of Commissioners.

(1) Subdivider will relinquish all the water rights to the District

This process requires the following documents:

- a. Executed Authorization for Detachment of Water Rights form;
- b. Proof of Ownership; and
- c. Map prepared by a licensed surveyor showing:
 - i. location of lands from which the water right is being removed;
 - ii. all ditches, pipelines and other means of conveyance;
 - iii. location of all points of diversion and pivot points for circular sprinklers;
 - iv. landmarks and physical features such as highways, railroads, streams, etc.; and
 - v. delineation of ownership boundaries of lands.

(If this option is selected, the Authorization for Detachment Form must be signed and attached prior to approval by the Wheatland Irrigation District.)

(2) Subdivider will prepare a water distribution plan for approval by the District

This process requires the following documents:

- a. An executed Authorization for Detachment of Water Rights form for all water rights under planned roads and structures (the form must be accompanied by the documents described in Option 1 above);
- b. The subdivision plat must show all Wheatland Irrigation District infrastructure and easements (recorded and unrecorded);
- c. Easement agreements necessary to deliver water to the subdivided parcels;
- d. An Agreement with the District regarding water ordering and delivery; and
- e. The subdivision plat must show the water distribution plan, including all private ditches, waste ditches, pipelines, easements (recorded and unrecorded), and measuring devices.

(3) Subdivider will change the place of beneficial use of the water rights to other lands within the District's boundaries

This process requires the following documents:

- a. A petition for change of place of use to the Wyoming State Board of Control;
- b. Consent form signed by the District's Board of Commissioners;
- c. Proof of Ownership; and
- d. Map prepared by a licensed surveyor showing:
 - i. location of lands from which the water right is being removed;
 - ii. all ditches, pipelines and other means of conveyance;
 - iii. location of all points of diversion and pivot points for circular sprinklers;
 - iv. landmarks and physical features such as highways, railroads, streams, etc.; and
 - v. delineation of ownership boundaries of lands.

Please indicate the Option Selected:

1 2 3

Joseph W. Imain
Subdivider

4/1/21
Date

Approved by the Wheatland Irrigation District:

Lee Arrington
Signature

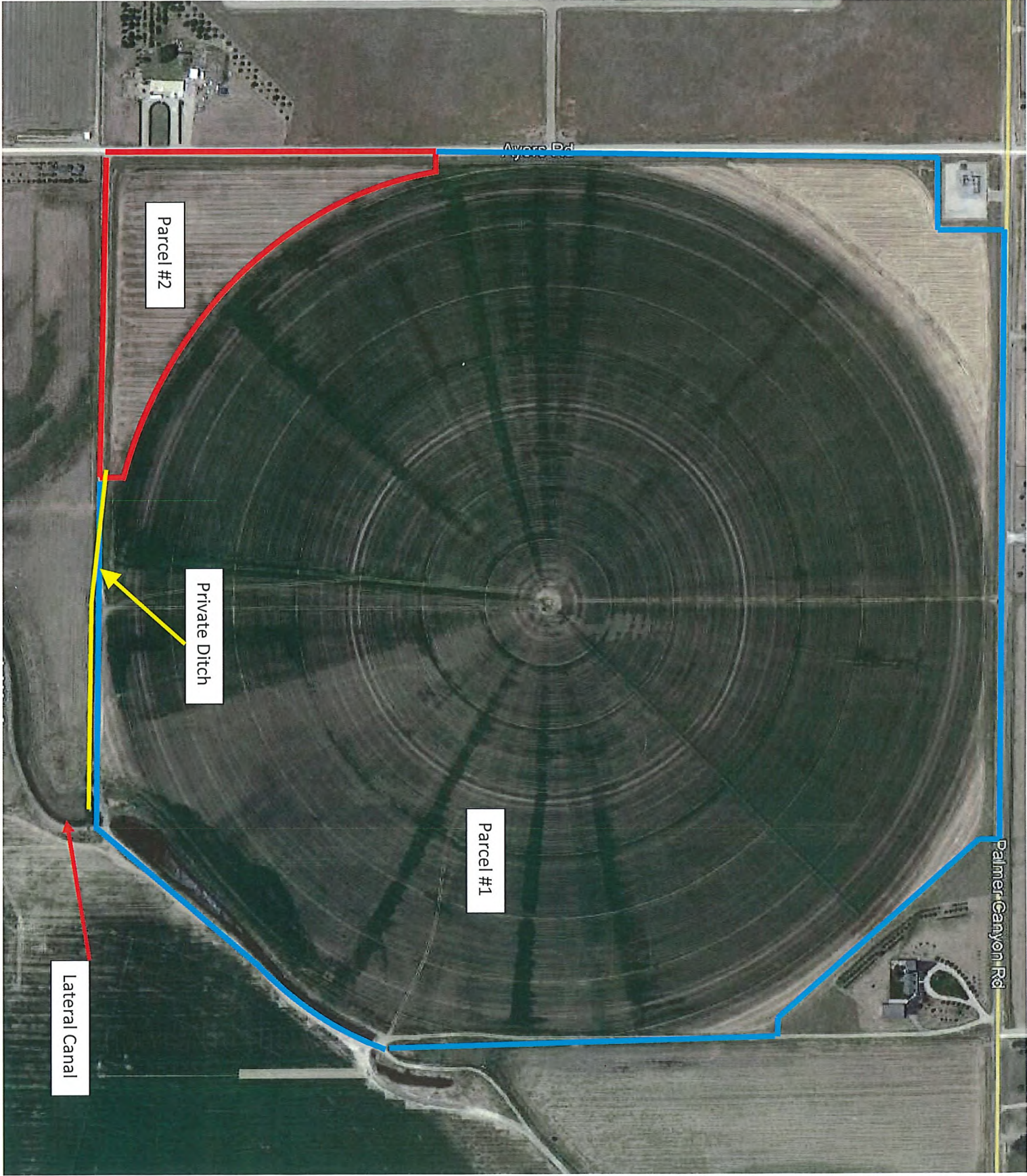
4/7/21
Date

Lee Arrington
Print Name and Title

Piper Whitney
Attest

4/7/21
Date

Piper Whitney
Print Name and Title



Parcel #2

Private Ditch

Parcel #1

Lateral Canal

Ayres Rd

Palmer Canyon Rd

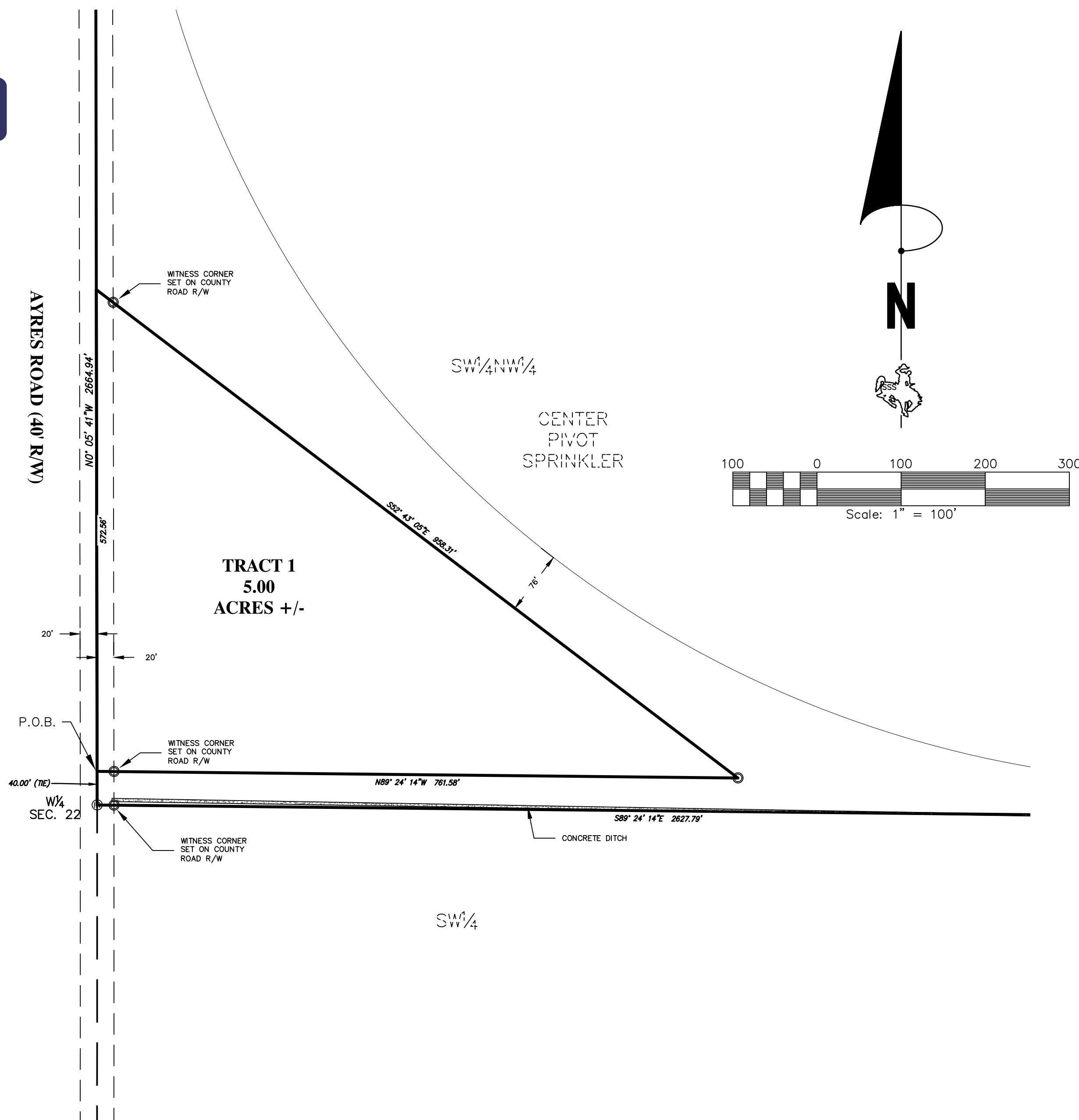
Irwin Subdivision

NO PROPOSED CENTRAL WATER SUPPLY SYSTEM NO PROPOSED CENTRALIZED SEWAGE SYSTEM

FIRE PROTECTION TO BE PROVIDED BY PLATTE COUNTY

THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE

RECEIVED By A.K. Clark at 10:16 am, 6/25/21



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT: Joseph W. Irwin and Barbara R. Irwin, husband and wife, owners in fee simple of that part of the Northwest Quarter of Section 22, Township 24 North, Range 68 West of the 6th P.M., Platte County, Wyoming, more particularly described as follows:

Beginning at a point on the West line of Section 22 from which the West Quarter corner bears thence N00° 05' 41"E, a distance of 40.00 feet; thence N00° 05' 41"W, along the west line of the NW 1/4, a distance of 572.56 feet; thence S52° 43' 05"E, a distance of 958.31 feet; thence N89° 24' 14"W, a distance of 761.58 feet to the POINT OF BEGINNING;

Containing 5.00 acres, more or less, has caused the same to be surveyed, platted and known as IRWIN SIMPLE SUBDIVISION, and do hereby declare the subdivision of said land as it appears on this plat, to be their free act and deed and in accordance with their desires and hereby grant the easements shown for the purposes indicated hereon.

Witness my hand this _____ day of _____, 2021.

JOSEPH W. IRWIN BARBARA R. IRWIN

OWNER'S ACKNOWLEDGEMENT

STATE OF WYOMING)
)SS
COUNTY OF PLATTE)

THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

BY Joseph W. Irwin and Barbara R. Irwin

NOTARY PUBLIC, PLATTE COUNTY, WYOMING

MY COMMISSION EXPIRES: _____

CERTIFICATES OF APPROVAL

APPROVAL BY THE PLATTE COUNTY ENGINEER THIS _____ DAY OF _____, 2021.

ENGINEER HAL H. HUTCHINSON P.E.

APPROVAL BY THE PLATTE COUNTY PLANNING DIRECTOR THIS _____ DAY OF _____, 2021.

PLANNING DIRECTOR AMY CLARK

APPROVAL BY THE PLATTE COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2021.

PLANNING & ZONING CHAIRMAN MARTY SHEPARD

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS THIS _____ DAY OF _____, 2021.

COUNTY COMMISSIONER CHAIRMAN

LEGEND

- SET 3/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
FOUND ALUMINUM CAP STAMPED PLS 5910
FOUND ALUMINUM CAP
FOUND 3/8" REBAR
EXISTING CONCRETE DITCH

CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, Registered Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.

FOR REVIEW

IRWIN SIMPLE SUBDIVISION

A TRACT OF LAND IN SW 1/4 NW 1/4 OF SECTION 22 T.24N., R.68W., 6TH P.M., PLATTE COUNTY, WYOMING.

PREPARED June, 2021

VICINITY MAP



NOTES

BASIS OF BEARINGS: WEST LINE OF NW 1/4 SECTION 22 BEING N0° 05' 41"W, AS SHOWN. THE RELATIVE POSITIONAL PRECISION FOR THIS SURVEY IS 2 CM (0.07 FEET) PLUS 50 PARTS PER MILLION (BASED ON THE DIRECT DISTANCE BETWEEN THE TWO CORNERS BEING COMPARED).

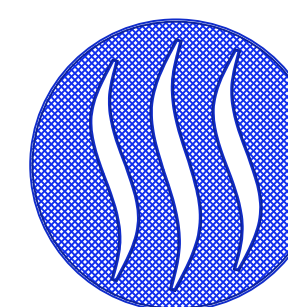
REAL ESTATE DISCLOSURE STATEMENTS

- NO PROPOSED CENTRALIZED SEWAGE SYSTEM.
NO PROPOSED CENTRALIZED POTABLE WATER SYSTEM.
HIGH WINDS MAY CAUSE BLOWING OF FARM RESIDUE ON THE SUBDIVISION.
ONLY NORMAL RURAL FIRE PROTECTION AND AMBULANCE SERVICE CAN BE EXPECTED.
ALL LOT OWNERS ARE REQUIRED TO OBTAIN PERMITS FOR WASTEWATER DISPOSAL SYSTEMS AS PER RECOMMENDATIONS AND REQUIREMENTS BY THE WYOMING DEQ WATER QUALITY DIVISION. PERMITS ISSUED BY AUTHORITY OF WY DEQ OFFICE IN CHEYENNE.
INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR ON SITE STORM WATER DETENTION FOR ANY SIGNIFICANT DEVELOPMENT ON THE LOT WHICH WOULD MEASURABLY INCREASE STORM WATER RUNOFF ESTIMATED FROM THE 100 YEAR DESIGN STORM EVENT.
ALL LANDOWNERS SHALL ABIDE BY THE POLICY OF THE WHEATLAND IRRIGATION DISTRICT AS ADOPTED BY PLATTE COUNTY RELATING TO ASSESSMENT AND ADMINISTRATION OF IRRIGATION WATERS.

FILING RECORD

REVISED: 6/25/2021

W2020014 IRWIN S22-24-68 5 AC.DWG



STEIL SURVEYING SERVICES, LLC

PROFESSIONAL LAND SURVEYORS PLANNING & DEVELOPMENT SPECIALISTS

1102 WEST 19th ST. CHEYENNE, WY. 82001 (307) 634-7273 756 GILCHRIST ST. WHEATLAND, WY. 82201 (307) 322-9789

www.SteilSurvey.com info@SteilSurvey.com



Platte County Planning & Zoning

600 9th Street · Wheatland, WY 82201 · (307)322-2962

Meeting Dates: Platte County Planning & Zoning, Tuesday, July 13, 2021 at 7:00 PM
Platte County Commissioners, Tuesday, July 20, 2021 at 10:00 AM

Applicant: Robert Hilty

Request: A Rezone request to rezone from Agricultural Classification to Commercial Classification, parcel is approximately 8-acres

Location: located along 16th Street in part of the NW4SW4 of Section 12, Township 24 North, Range 68 West, Wheatland, Platte County, Wyoming

Request Details:

Robert Hilty has filed an application to rezone from Agricultural Classification to Commercial Classification, parcel is approximately 8-acres, located along 16th Street in part of the NW4SW4 of Section 12, Township 24 North, Range 68 West, Wheatland, Platte County, Wyoming. Mr. Hilty is requesting to rezone to develop a business park. Mr. Hilty has verified with the Wheatland Irrigation District that this parcel does not have any irrigation rights and the previously utilized private ditch along the north edge of the property has not been used since the installation of the pivot on the neighboring parcel.

Neighbor Comments:

None received.

Agency Comments:

None received.

Analysis:

Mr. Hilty is requesting to rezone from an Agricultural Classification to a Commercial Classification for this approximately eight (8) acre parcel with plans to develop a business park. Mr. Hilty has completed due diligence with the Wheatland Irrigation District and does not require a water plan, because there are no irrigation rights or plans to subdivide. Mr. Hilty has been working with the Town of Wheatland to enter into agreements to connect to town utilities during the annexation process and plans to annex into town limits and be zoned Highway Business. For the development of the business park to stay on track, Mr. Hilty is requesting to rezone to Commercial Classification to allow for commercial usage of the acreage during the annexation process. The surrounding areas are zoned Agricultural (county), Mobile Home Park (town), and Highway Business (town). The county zone of Commercial is very similar to the town zone of Highway Business, thus this request fits with the surrounding existing zones and usages.

Planning and Zoning Commission Options:

In reviewing requests for this request, the Planning and Zoning Commission may:

- 1) Approve the request as proposed;
- 2) Approve the request with conditions (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

** Failure to achieve a quorum results in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

Exhibits:

Applicant's Letter of Justification

Site Plan

LETTER OF JUSTIFICATION

Paragon Park & Affiliates

Platte County Wyoming
Board of Adjustments
Attn: Amy Clark
800 9th Street
Wheatland WY 82201

TO WHOM IT MAY CONCERN.

Paragon Park and affiliates currently own a 8.3 Acre property off of 16th street described as Quarter NW1/4 SW1/4 of Section 12 Township 24 North, Range 68 West, in Wheatland Wyoming. The land has sat vacant for many years and is zoned as **Agricultural** as was its intended use for the prior earlier years.

We are requesting a re-zone to **Commercial** zoning status for the intention of building a multi commercial site to meet the needs of the Wheatland Community and surrounding areas. Proposed site would accommodate multi small business locations and options such as but not limited to Restaurants, clinics, salons, etc. (See attached site plans)

It is our belief that Wheatland and surrounding areas would benefit from and really enjoy this new environment that Paragon Park would offer for generations to come.

Thank you for your consideration of this matter.

Regards: Cindy Hilty, Robert Hilty, Bruce Hilty, Darren Hershey.

Paragon Park Phase 1



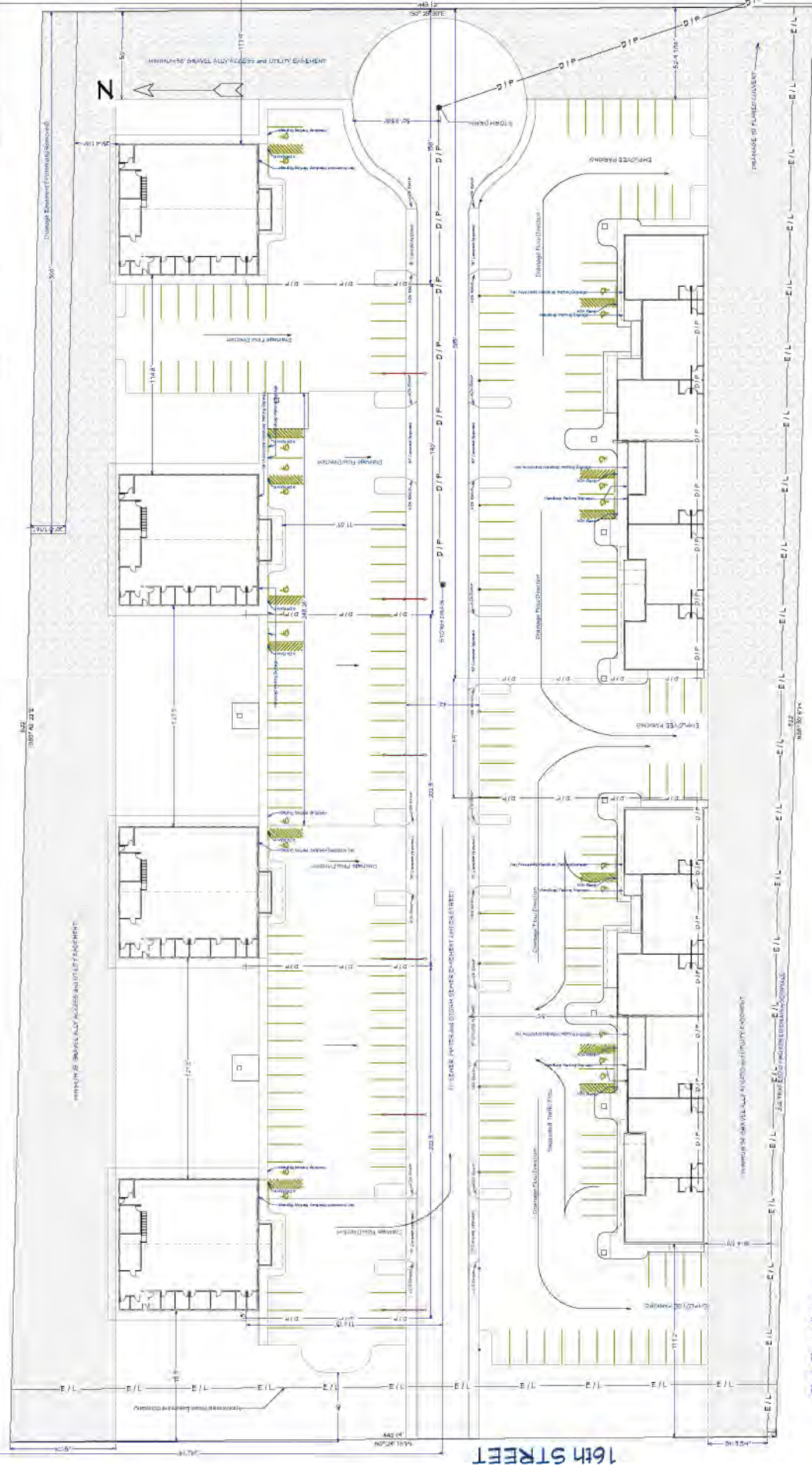
REVISION TABLE	REVISION BY	DESCRIPTION
1	WALTER MANTON	REVISED PLOT PLANS



PARGON PARK
WHEATLAND WY

DATE: 5/12/2021
SCALE:
SHEET: P-1

DATE: 5/12/2021
SCALE:
SHEET: P-1



Plot Plan View

These drawings are prepared in accordance with the requirements of the Uniform Building Code and the International Building Code as amended by the City of Wheatland, Wyoming. CAPSTONE is not responsible for any errors or omissions in these drawings. CAPSTONE, INC. 1000 W. 10th Street, Cheyenne, WY 82001. CAPSTONE, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.



Planning & Zoning

600 9th Street · Wheatland, WY 82201 · (307) 322-2962

PLATTE COUNTY PLANNING & ZONING COMMISSION
RECORD OF PROCEEDINGS
TUESDAY, JUNE 8, 2021

Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 7:00 PM on Tuesday, June 8, 2021, by Chairman Shepard in the Platte County Commission Chambers.

Members Present: Chairman Shepard, Commission Member Klein, Commission Member Lockhart, Commission Member Brockman

Members Absent: Commission Member Warner

Staff Present: Planner Clark

Citizen Comments

Chairman Shepard asked if there were any citizen comments for items not on tonight's agenda. None noted.

Declaration of Conflicts of Interest

Chairman Shepard asked if any of the Commission Members had any conflicts of interest to declare.

None noted.

New Business

Request for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline in part of the S2 of Section 18, Township 26 North, Range 65 West, Guernsey, Platte County, Wyoming

Planner Clark noted Colorado Liberty Pipeline has filed an application for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline and submitted a building certificate application that the County Commissioners approved on May 4, 2021. No neighbor or agency comments were received. Colorado Liberty Pipeline's request for a special use permit to operate an originating pump station for Liberty Express Pipeline fits well with the industrial usage that currently exists in the proposed area. The proposed site along with a large portion of the surrounding area is zoned industrial. If approved, the recommendation of the Planning Office for Colorado Liberty Pipeline's request for a Special Use Permit to operate an origination pump station for Liberty Express Pipeline would be to review upon a complaint basis. Planner Clark noted that the additional design handout is for this project and was being provided after verifying that the information was not considered confidential.

Motion by Commission Member Klein was seconded by Commission Member Lockhart to approve Colorado Liberty Pipeline's request for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline in part of the S2 of Section 18, Township 26 North, Range 65 West, Guernsey, Platte County, Wyoming.

1. Review upon a complaint basis

Upon roll call the vote on the MOTION was:

YES: Commission Member Brockman, Commission Member Klein, Commission Member Lockhart

NO: none

MOTION DECLARED CARRIED

Chairman Shepard asked Planner Clark to add a few informational notes that relate to both of the following items on the agenda before hearing those items. Planner Clark noted that the rezone and special use permit process is to utilize and regulate land use in Platte County and that the state agencies would be the primary enforcement on meat processing facilities. On the Planning and Zoning Applications page there is an application packet for Meat Processing Facilities that includes ten pages from Platte County, twenty-five pages from Wyoming Department of Environmental quality, and one thousand one hundred sixty-four pages from Wyoming Department of Agriculture. The information from the Department of Agriculture includes several forms that the licensee is required to have on-site and keep up to date. If the producer chooses to become USDA certified, then USDA would be the enforcing authority for that facility. Meat processing is mostly regulated by the Department of Agriculture and USDA and most complaints related to these facilities would be investigated by the Department of Agriculture or the USDA. In addition, meat processing facilities are required to be inspected by the Department of Agriculture if they are a state facility or by the USDA if they are a federal facility. How frequently these inspections occur depends on the level of processing. For more detailed information on what these inspections entail and how often they occur please reach out to the Department of Agriculture or the USDA office. Planner Clark reminded the Commission that these items will be presented together because they correspond with each other and are for the same location, but the motion for Rezone needs to be made before the motion for the Special Use Permit, because without the rezone the special use permit request is void.

Request for a Rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a butcher shop with on-site slaughtering Located next to 180 South Chugwater Highway, Chugwater, part of the N2SE4 of Section 1, Township 20 North, Range 67 West, Platte County, Wyoming (Parcel ID: 20670140003700)

Planner Clark noted Alex Spring has filed applications to rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a butcher shop with on-site slaughtering located next to 180 South Chugwater Highway, Chugwater, Wyoming. The proposed location is an approximately 20-acre parcel. In addition to Mr. Spring's letter of intent, Mr. Spring provided the engineering design report to answer questions related to how the facility will manage its wastewater treatment system. Mr. Spring is working with WYDOT to obtain a dedicated access off South Chugwater Highway for the facility. In the meantime, the facility is easily accessed off Mr. Spring's driveway to his parcel to the west. No neighbor or agency comments were received. The proposed location of Mr. Spring's meat processing with on-site slaughtering is approximately 1.32 kilometers (0.8 of a mile) from



Planning & Zoning

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Chugwater town limits. Mr. Spring's request to rezone from Agricultural to Industrial would provide for additional business opportunities in this area south of Chugwater and is needed for him to operate the meat processing portion of his proposed business.

Today, Dan Kirkbride called the Planning Office with the following questions: in the engineer's report the engineer makes several suggestions for the design of the system, will Mr. Spring be incorporating those suggestions into his design? Will inspections of this system be required? What will the frequency of the facility inspections be? Will Mr. Spring be restricted to specific hours of operation? Why is Mr. Spring taking the risk of building the facility ahead of Platte County approval? How did he get approval to build ahead of the permitting process? Planner Clark noted that the Department of Environmental Quality would be responsible for the suggestion incorporation, approval, and inspections of the waste disposal system. The type and frequency of facility inspections will be determined by the type/level of certificate Mr. Springs applies for and this will also dictate which agency is the inspecting and enforcing agency for those regulations. Planner Clark noted issuing a notice of violation to Mr. Spring for building before obtaining a building certificate and has since received the building certificate application.

If approved, the Planning Office will include the parcel ID of 20670140003700 in the rezone approval to differentiate between Mr. Spring's two parcels and for ease of future reference, because his two parcels are listed on one deed, but are two separate parcels and the Assessor's Office already has them separated in the tax system. In conjunction with his rezone request, Mr. Spring submitted a request for a Special Use Permit to operate a butcher shop with on-site slaughtering at the same location. Meat processing is an allowed use within the Industrial zoning district and slaughtering requires a special use permit. Per Mr. Spring's letter of justification, Mr. Spring is hoping to process two beef a day, offer wild game processing during the hunting season, and have a bakery with retail space. Mr. Spring provided a copy of the engineering design report related to how the facility will manage its wastewater treatment system (attached).

This facility/business would be of great value to Chugwater, the surrounding area, and would benefit Platte County's economic development.

If approved, Mr. Spring's request for a Special Use Permit to operate a butcher shop with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Spring provide the Planning Office with a copy of the WYDOT access approval.
3. Mr. Spring provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.
4. Mr. Spring provide the Planning Office with a copy any additional federal or state permits as they are issued.

Mr. Spring what level of processing have you applied for with the Wyoming Department of Agriculture? Mr. Spring stated he will be processing for personal use.

Do you plan to have the bakery on site? How do you plan to keep the baked good separate from the meat items in the store front? Mr. Springs noted that they bakery would be part of Phase II of the business and would be baked off site. Do you plan on doing any rendering? (Rendering is a

process that converts waste animal tissue into stable, usable materials.) Mr. Springs – No. What is your plan for storage of and disposal of inedibles? Mr. Springs stated he planned to utilize TDS' special dumpster for disposal and when needed would haul to TDS to keep smell to a minimum. Do you plan to sell product across state lines now or in the future? Mr. Springs stated possibly if we decide to obtain USDA certification. Do you plan on having additional employees? If so, how do you plan on recruiting employees? Mr. Spring stated, yes, eventually up to 5 and plan to recruit by word of mouth.

Emily Jensen asked how many jobs? Mr. Springs reiterated up to five. Kelly Wensel asked what are you doing with the beef? Commission Member Lockhart clarified that Mr. Spring would be processing beef brought to him. Cindy Gurtz asked about putting waste in the dumpster how often will it be emptied. Mr. Spring answered that TDS has a specific dumpster for this purpose and if needed TDS will be requested to make a special trip or I will be hauling it, because especially in the summer time it will need to be emptied every day.

Commission Member Klein asked if Chugwater has Planning and Zoning and if these items were required to be heard by the Town of Chugwater Planning and Zoning as well. Planner Clark noted that Chugwater does have Planning and Zoning, but these items are not required to be reviewed by Chugwater, but subdivision of land would be and the Town Clerk for Chugwater was included on the request for comment for this item.

Chairman Shepard asked if this could be considered a spot zone. Planner Clark noted that there are other areas in the county that have been rezoned that are like this and due to the county starting as all Agricultural Classification when zoning was first started there is not a good way to avoid pockets of differently zoned areas. When the request for comment was sent out to the county departments Attorney Weaver did not comment, which I took to mean that he is not of the opinion that this would be a spot zone.

Commission Member Klein asked Mr. Spring how far are you from your closest neighbor? Mr. Springs noted his closest neighbor is located on the 40-acre lot next to him. Planner Clark noted that Mr. Springs did take the time to go around and talk to his neighbors to let them know of his plans.

Larry Alexander asked Mr. Springs how far is the slaughterhouse going to be located from residency? Mr. Springs stated less than a quarter of a mile.

Motion by Commission Member Brockman was seconded by Commission Member Lockhart to approve Mr. Spring's request to rezone from Agricultural to Industrial classification.

Upon roll call the vote on the MOTION was:

YES: Commission Member Brockman, Commission Member Klein, Commission Member Lockhart

NO: none

MOTION DECLARED CARRIED

Motion by Commission Member Brockman was seconded by Commission Member Klein to approve Mr. Spring's request for a Special Use Permit to operate a butcher shop with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Spring provide the Planning Office with a copy of the WYDOT access approval.
3. Mr. Spring provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.



Planning & Zoning

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4. Mr. Spring provide the Planning Office with a copy any additional federal or state permits as they are issued.

Upon roll call the vote on the MOTION was:

YES: Commission Member Brockman, Commission Member Klein, Commission Member Lockhart

NO: none

MOTION DECLARED CARRIED

Request for a Rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming located in the NW4SW4 of Section 1 of T24N, R68W, Platte County

Planner Clark noted Clint Philipps has filed applications to rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming. The proposed location is an approximately 5-acre parcel. Per Mr. Philipps letter of justification this venture will be in conjunction with Ranching for Hunger a 501c3 non-profit focused on providing beef to families in need. Mr. Phillips is currently estimating 10-15 full-time employees and shows long-term interest in the area. Mr. Phillips is working with the Department of Environmental Quality and Wyoming Department of Agriculture during the design process to make sure the facility meets all their required guidelines. Neighbor comments received from Doug Kafka, Emily Jensen, Brian Dubois, Carl Jensen, and Margaret Jensen are included in the packet and are available in the packet on the website for review. Only agency comment received was from Mr. Latham - Manager for Wyoming Department of Agriculture Consumer Health Services to Rich Cripe with DEQ: Hope you are doing well. I received this document from Platte County about the rezoning of this property. I noticed on the sketch provided they have a compost section and a lagoon. I thought someone from DEQ might be interested in those portions because I am not certain it meets the regulations. The Planning Office did not receive any comment or response from DEQ. In speaking with the inspector of the meat processing facility previously located on 9th Street in the Town of Wheatland, the inspector noted that no complaints were received in relation to smell. The proposed location of Mr. Philipps's meat processing facility with on-site slaughtering is located on an approximately 5-acre parcel, would be approximately 0.55 kilometers (0.34 of a mile) from Wheatland town limits and would be approximately 0.94 kilometers (0.6 of a mile) from a residential zoning district. Mr. Philipps's request to rezone from Agricultural to Industrial would provide for additional business opportunities in this area north of Wheatland and is needed for him to operate the meat processing facility portion of his proposed business. The proposed location is part of Mr. Hitt's subdivision approved by the Platte County Commissioners in February 2021. At the time of this report the Planning Office had not yet received a draft plat for review and the last update received from the surveyor noted that they were waiting on Mr. Hitt to finalize adjustments to his original plan. Since the report, the Planning Office received the first draft plat of Mr. Hitt's subdivision and sent it back to the surveyor for adjustments, because it included a Simple

Subdivision that has already been recorded and was missing a parcel. This may be an advantage if during the design process the state agencies require additional acreage, it could allow for an adjustment to be made to that parcel to accommodate the design. If approved, the Planning Office would ask that the rezone not go into effect until the recording of the final plat of Mr. Hitt's subdivision.

In conjunction with his rezone request, Mr. Philipps submitted a request for a Special Use Permit to operate a meat processing facility with on-site slaughtering at the same location. Meat processing is an allowed use within the Industrial zoning district and slaughtering requires a special use permit. Per Mr. Philipps's letter of justification, Mr. Philipps is estimating an operation size of 10 to 15 full-time employees and plans to work towards becoming an USDA facility. This facility/business would be of great value to Wheatland, the surrounding area, and would benefit Platte County's economic development. If approved, Mr. Philipps's request for a Special Use Permit to operate a meat processing facility with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Philipps provide the Planning Office with a copy all federal and state licenses as they are obtained.
3. Mr. Philipps coordinate with DEQ and Wyoming Department of Agriculture during the design process to ensure the proposed acreage meets their requirements for the proposed operation.
4. Mr. Philipps provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.
5. Mr. Philipps obtain a Platte County Building Certificate before construction of the facility.

Mr. Philipps what level of processing have you or will you apply for with the Wyoming Department of Agriculture? Mr. Philipps stated this will be custom state of the art facility processing up to fifty head a week and only processing domestic cattle, sheep, and hogs.

Do you plan on doing any rendering? (Rendering is a process that converts waste animal tissue into stable, usable materials.) Mr. Philipps stated no rendering.

What is your plan for storage of and disposal of inedibles? Mr. Philipps noted that what is not sold will be composted in a sealed form.

Do you plan to sell product across state lines now or in the future? Mr. Philipps stated that the facility will start as state certified and inspected moving up to federal certification and inspection to be able to sell across state lines.

How do you plan on recruiting employees? Mr. Philipps stated he wants to hire local as much as possible but will recruit from butcher school and online.

Planner Clark noted when the request for comment was sent out to the county departments Attorney Weaver did not comment; which I took to mean that he is not of the opinion that this would be a spot zone and again noted that there are other areas in the county that have been rezoned that are similar and due to the county starting as all Agricultural Classification when zoning was first started there is not a good way to avoid pockets of differently zoned areas.

The following attendees spoke in favor of the business, but in against the location:

Larry Alexander, Margaret Jensen, Doug Kafka, Emily Jensen, Christine Alexander, Carl Jensen, Amy Wenmier, Jeremy Haroldson

Highlights of the against comments: purchasing cheap agricultural land and rezoning it to avoid paying industrial land prices when there are other locations already zoned industrial that are available, this location will negatively affect my property value, shouldn't there be a buffer zone not



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allowing this type of operation so close to residents, will greatly impact tourism in Wheatland, the market/store front portion of the operation should be located downtown, increased traffic on the roads, will greatly increase the number of flies and predators, increased truck traffic by the early childhood development center, predators will bring disease and it will seep into our water the water table is only three feet in that area.

A few neighbors noted offering to purchase the property to keep it agricultural but stated Mr. Hitt would not sell to him and they felt he was doing this project because of his position with PCED. Doug Kafka requested that Merlin Hitt removed from the Planning and Zoning board. Mr. Hitt is not a member of the Planning and Zoning Commission.

Kelly Wenzel spoke in favor of the project as a whole- Platte County has a need for this facility. Jennifer Stone spoke in favor of the project as whole and noted that the facility in Buffalo is on smaller acreage, very close to a residence, and with today's technology you cannot tell that it is a slaughter/processing facility and there is no smell.

Ian Jolovich noted that growing up in Torrington in grade school touring the slaughterhouse was one of their field trips and as children we viewed every step in the process, this is a part of life. Merlin Hitt; as a neighbor and citizen, spoke in favor of the project and added that the some of the neighbors did not talk to him about a purchase and others refused to pay the asking price.

Lori Milness as a citizen of Platte County spoke in favor of the project. As an employee with the Wyoming Childhood Development center she has concerns for how the location could affect their DFS licensing.

Question to Mr. Philipps- Where are you on the design process? Mr. Philipps stated that they are still working on the design and are focusing on getting the required permits in place before wasting money on an engineer if the project is not going to move forward.

In relation to inedibles: Commission Member Lockhart asked if there is a backup plan in place Mr. Philipps stated utilizing a rendering plant out of Colorado, but has not yet contacted them.

Motion by Commission Member Lockhart was seconded by Commission Member Klein to approve Mr. Philipps's request to rezone from Agricultural to Industrial classification with the following conditions:

1. Rezone will not go into effect until the subdivision plat has been recorded with the Platte County Recorder's Office
2. Rezone will not go into effect until the slaughterhouse Special Use Permit is approved

Upon roll call the vote on the MOTION was:

YES: Commission Member Brockman, Commission Member Klein, Commission Member Lockhart

NO: none

MOTION DECLARED CARRIED

Motion by Commission Member Brockman was seconded by Commission Member Klein to postpone Mr. Philipps request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming located in the NW4SW4 of Section 1 of T24N, R68W, Platte County until July 13, 2021.

Upon roll call the vote on the MOTION was:

YES: Commission Member Brockman, Commission Member Klein, Commission Member Lockhart

NO: none

MOTION DECLARED CARRIED

Final Plat Review of Shepard Farms Simple Subdivision

Planner Clark noted that the Planning Office sent two requests for revisions to Steil Surveying before approving for printing. Commission Members did not have any questions or concerns, and Chairman Shepard signed the plat.

Final Plat Review of Tract 12 of Guernsey Lake Retreat Subdivision

Planner Clark noted that the Planning Office working in conjunction with the Assessor's Office and through correspondence with the State Engineer's Office and the State Archives was able to add clarity to the north boundary of Guernsey Lake Retreat Record of Survey and thus proceed with the review and printing of Mr. Wheeler's subdivision. Commission Members did not have any questions or concerns, and Chairman Shepard signed the plat.

Approval of Minutes

Approval of Minutes – May 11, 2021

Motion by Commission Member Klein with a second by Commission Member Lockhart was made to approve the minutes of the previous May 11, 2021 meeting as presented.

Upon roll call the vote on the MOTION was:

YES: Commission Member Klein, Commission Member Lockhart, Commission Member Brockman

NO: None

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted the next regular meeting will be July 13th with two items on the agenda: rezone and simple subdivision.

Planner Clark noted that they will be starting construction on the courthouse and starting in August the Commission will be meeting in the Town Hall Council Chambers until the new Commissioner Chambers are completed and will send out a reminder prior to the meetings. Planner Clark updated the Commission on the progress of the vacation and replat of Y-O Ranch Filing #3; the Town of Wheatland in conjunction with Lori and Don Hale are working with Steil Surveying on the reconfiguration of the parcels. The first draft submitted by Steil Surveying is missing components that were included in the scope of work and will be sent back for revisions. Planner Clark asked the Commission to have their notes for solar energy back to the Planning Office by the end of June.

Planner Clark noted with the designation of the Wheatland Downtown Historic District by the National Park Service the Wheatland Historic Preservation Commission is now working on



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wayfinding signs for the area and the first one will be WYDOT Community signs at both Wheatland exits. These signs have to be approved by both the Town Council and the County Commissioners and the proposal will go to both the Council and Commissioners next week. The proposed signs will include the Wheatland Downtown Historic District and the Platte County Fair and Rodeo Grounds.

Chairman Shepard adjourned the meeting at 9:00 PM.

Approve:

Attest:

Chairman Planning & Zoning Commission

Planning Director

DRAFT

Chapter - SOLAR ENERGY FACILITIES

Section 1 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of solar energy facilities, as defined herein, while promoting the safe, effective, and efficient use of such energy systems. In addition, the purpose of this Chapter is to oversee the permitting of solar energy facilities for the purpose of preserving and protecting public health and safety, to reasonably preserve and protect natural, cultural, and wildlife resources, to protect the quality of life for nearby property owners, to facilitate economic opportunities for both County and local residents, and to allow for the orderly development of land.

Section 2 – Applicability, Authority, and Severability.

Applicability. This Chapter governs Solar Energy Facilities and all associated projects and substations throughout the unincorporated areas of Platte County. Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district and are exempt from this chapter.

- A. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a solar energy facility that is not in compliance with this chapter or with any condition contained in a solar energy facility permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

Authority. Authority granted by the following Wyoming Statutes:

- A. Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission. W.S. §§ 18-5-201 to 18-5-207 and Article 5. Wind and Solar Energy Facilities W.S. §§ 18-5-501 to 18-5-513.
- B. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, W.S. §§9-8-101 to 9-8-302.

Severability. If any section or provision of the this Chapter is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations. These Regulations are declared to be severable.

Section 3 - Definitions.

- A. "Accessory Solar Energy Systems," include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or

meeting on-site energy needs. Accessory Solar Energy Systems may be permitted as described in Section 7, Building Certificates, and are not subject to this Chapter.

- B. "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power facility, such as a steam power facility, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.
- C. "Enlarge or Enlargement," is the adding of additional energy capacity that is not permitted as part of an existing solar energy facility permit.
- D. "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar panels have been around for several years, although concentrated photovoltaic (CPV) technologies are now being developed. Both PV systems and CPV systems are included within this definition.
- E. "Renewable Energy Easement, Solar Energy Easement," An easement that limits the height or location, or both, or permissible development, on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefitted land to sunlight passing over the burdened land.
- F. "Solar Power Facility," also known as "Solar Energy Facility," means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
- G. "Solar Storage Unit," A component of a solar energy device that is used to store solar generated electricity or heat for later use.
- H. "Substation," is the apparatus that connects the electrical collection system of the solar energy facility and increases the voltage for connection with a utility's transmission line(s).

Section 4 – Prohibition and Penalties.

Prohibition. It is unlawful to locate, erect, construct, or enlarge a solar energy facility without first obtaining a Solar Energy Facility Permit from the Board of County Commissioners; W.S. §18-5-502(a).

Penalties. Any person found to be in violation of Section 4 subsection Prohibition above, is liable for civil penalty of not more than ten thousand dollars (\$10,000) for each violation. Each day of a continuing violation constitutes a separate offense.

Section 5 - Regulations and design standards—Solar Energy Facilities.

All solar energy facilities shall comply with the following minimum regulations and design standards.

Permitted Locations. A solar energy facility that complies with the provisions of this section may be permitted in Commercial, Industrial, and Agricultural Classification districts with an approved Solar Energy Facility Permit.

Design Standards.

- A. Minimum Lot Size. No concentrated solar energy facility shall be erected on any lot less than forty acres in size. No photovoltaic solar energy facility shall be erected on any lot less than five acres in size.
- B. Maximum Height. The maximum height for all structures shall be established through the Solar Energy Facility Permit process, provided a structure height of thirty feet, or less shall always be permitted.
- C. Setbacks. Solar energy facility structures shall be set back from all property lines at least one hundred (100) feet, set back from public road rights-of-way at least two hundred (200) feet within an Agriculture District and one hundred (100) feet within Commercial and Industrial Districts. In addition, solar energy facility structures must be located at least three hundred (300) feet from all residentially zoned lots and existing residences and/or occupied structures. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.
- D. Potable Water and Sanitary Sewer. All permanent occupied operation and maintenance buildings must have approved potable water and sanitary sewer systems. Approval shall be obtained from the State of Wyoming Engineer's Office for water and State of Wyoming Department of Environmental Quality for sewer/septic.
- E. National Electric Code. All Solar Energy Facility projects shall comply with the National Electric Code, current edition, applicable ICC Codes, and shall comply with the standards of the Wyoming Department of Fire Prevention and Environmental Safety.

Drainage, Erosion, Dust Control, Grading and Vegetation. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer based on a 25-year storm event unless the location, terrain and topography dictate a high amount.

Safety/Access.

- A. An appropriate security/livestock fence (height and material to be established through the Solar Energy Facility Permit process) shall be placed around the perimeter of the solar energy facility.
- B. Appropriate warning signage shall be placed at the entrance and perimeter of the solar energy facility project.

- C. Shall provide the following at all locked entrances:
 - a. A visible "High Voltage" warning sign.
 - b. Name(s) and contact number(s) for the electric utility provider.
 - c. Name(s) and contact number(s) for the site operator.
 - d. The facility's 911 address and GPS coordinates.
 - e. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Noise. No operating solar energy facility shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.

- A. Fifty (50) dBA, as measured at the property line of any neighboring residentially zoned lot;
- B. Forty-five (45) dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
- C. Sixty (60) dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level, as follows:
 - a. The owner of a neighboring property that would otherwise be protected by the sixty (60) dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar power facility developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the solar power facility developer, the agreement shall only be effective and reflected in the County's authorization of the project when it has been reviewed and determined acceptable to the County. The County shall consider the likely impacts and consequences of the modified noise limit requested, based on the specific circumstances of the situation, in determining whether to grant the request. Any such noise agreement must be submitted with the Solar Energy Facility Permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the Solar Energy Facility Permit.

Visual Appearance.

- A. Solar energy facility buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- B. Appropriate landscaping and/or screening materials may be required to help screen the solar energy facility and accessory structures from major roads and neighboring residences.

- C. No solar energy facility tower or other tall structure associated with a solar energy facility shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
- D. Lighting of the solar energy facility and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.
- E. No solar energy facility shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
- F. No advertising or promotional lettering shall be displayed on any solar energy facility beyond the non-illuminated manufacturers or applicant's logo.

Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the County because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

Fire Protection. All solar energy facilities shall have a defensible space for fire protection.

Local, State and Federal Permits. A solar energy facility shall be required to obtain all necessary permits from the Wyoming Department of Environmental Quality, including the Wyoming Division of Air Quality and the Wyoming Division of Water Quality, applicable permits required by Platte County, and applicable Federal permits.

Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy facility development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar energy facility development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the Solar Energy Facility Permit.

Section 6 - Permit applications.

An application for a Solar Energy Facility Permit to establish a solar energy facility shall comply with all the requirements identified in W.S. §§18-503 and shall include:

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within one (1) mile of the proposed solar energy facility, to the military installation commander of the commander's designee, to the WYDOT District Engineer, and to all cities and towns located within twenty (20) miles of the proposed solar energy facility.
- B. Notices shall include a general description of the solar energy facility project including its location, projected number and capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission.
- C. Notice shall be provided to the record owners and claimants of mineral rights located on or under the lands where the proposed solar energy facility will be constructed. Notice shall include the location of the proposed solar energy facility project and underground wiring. Notice may be made by publication. The certification of notice shall be submitted with the application and shall comply with all standards and requirements adopted by the Wyoming Industrial Siting Council.
- D. Affidavit of Publication to certify that that notices of the proposed solar energy facility have been published in a newspaper of general circulation at least twenty (20) days prior to the public hearing and included the applicant's name and contact information, a general summary/description of the project, place, date and time of the public hearings, and an invitation to attend public hearings and/or submit written comments to the Planning Office. Failure of the applicant to provide for the Affidavit of Publication for such notice(s) may, result in removal of the application from the Planning and Zoning Commission and Board of County Commissioners agenda and cancellation of public hearings.
- E. Notice shall include a summary of the proposed solar energy facility, invite the public to submit comments and identify the time, date, and location of the hearing.
- F. The name(s), address(es), and contact number(s) of the owner and/or operator.
- G. A site plan showing:
 - a. Boundaries of the site.
 - b. All proposed solar energy facility structures.
 - c. Property lines.
 - d. Setback lines.
 - e. Location of all existing structures with their uses identified.
 - f. Easements and rights-of-way.
 - g. Copy of the current FEMA FIRM map that shows the subject property.
- H. A complete description of the proposed solar energy facility project and documentation to sufficiently demonstrate that the requirements set forth in Section 5 will be met.
- I. Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs

- J. When land will not be dual use (i.e., solar with agricultural or solar with grazing) the application shall include:
 - a. Weed/Grass Control Plan for property inside and outside the fenced area for the entire property.
 - b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This plan shall be for all other areas of the solar energy facility that will not interfere with the solar arrays.
 - c. Description of changes to agricultural production as a consequence of the facility, if applicable.
- K. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer with drainage calculations based on a 25-year storm event unless the location, terrain and topography dictate a higher amount. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
 - a. Existing and proposed contours.
 - b. Existing wetlands and floodways.
 - c. Water management structures.
 - d. Drainage flow direction.
 - e. Effects on downstream and upstream properties.
 - f. Effects on irrigation.
 - g. Erosion mitigation and runoff control.
 - h. Dust control plan.
- L. For solar energy facilities located within five hundred (500) feet of an airport or within approach zones of an airport, applicants shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- M. A written emergency management plan for review and comment to county fire, county emergency management, and the county sheriff.
- N. A waste management plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation, and eventual decommissioning of the proposed solar energy facility. In addition, as applicable, plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
- O. Evidence of adequate legal access and describe how private roadways within the solar energy facility will be marked, acknowledge that Platte County is not required to repair, maintain, or accept any dedication of the private roadways to the public use.
- P. A traffic study of any public roadways leading to and away from the proposed facility.

- Q. A project plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- R. A site and facility reclamation and decommissioning plan which indicates the planned life of the facility and how the facility and its site will be decommissioned and reclaimed.
 - a. A description of the plan to remove the solar energy facility equipment and to restore the land to its previous use upon the end of the facility's life.
 - b. Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur.
 - c. Provisions for the restoration of the soil and vegetation.
 - d. An estimate of the decommissioning costs in future dollars at the time of filing certified by a Wyoming Licensed Engineer who shall use professional standards in compliance with the State of Wyoming law.
 - e. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration.
 - f. Provisions that the terms of the decommissioning plan shall be binding upon the owner or operator and any other successors, assigns, or heirs.
 - g. Upon review of the Solar Energy Facility Permit Application, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility owner/operator shall provide Platte County with Financial Assurance to cover the estimated costs of decommissioning and that the County shall have access to the facility and to the funds to effect or complete decommissioning one (1) year after cessation of operations.
 - h. The applicant shall provide the county with a new estimate of decommissioning of the solar energy facility every (5) years under the same conditions as forth above.

Supporting documentation for addressing the review criteria of Sections 7 of this Chapter and Section 6 of Chapter 1 is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this chapter.

It is preferred that any related Solar Energy Facility Permit applications for substations or transmission lines be considered in conjunction with the Solar Energy Facility Permit application for the solar energy facility; however, if the details of those improvements are not available at the time of application for the solar energy facility, they may be considered later, through subsequent Solar Energy Facility Permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the solar energy facility.

Due to the complexity of large-scale solar energy facility projects, the County may require a development agreement or other appropriate instrument to address taxing, land use, property assessment, and other issues related to the project. For example, the County is interested in preventing large tax shifts that may otherwise be incurred by county residents each year a centrally assessed solar power facility is depreciated; therefore, cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solution, may be necessary. A development agreement may be required as a condition of the permit and must be approved by the board of county commissioners prior to commencing construction.

Section 7 - Provisions for Solar Energy Facility Permit review.

Following the provisions of Chapter 1 Section 6, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed solar energy facility project. Through the Platte County application review and approval process, the Planning and Zoning Commission and the Board of County Commissioners have the option to approve in whole or in part, approve with conditions or remand the recommendations back to the applicant for consultation with a particular governing body or agency, deny with or without prejudice, postpone to a specific date, or postpone indefinitely.

Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.

Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.

Site and Development Plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-quarter mile of a photovoltaic solar project or one-half mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.

Analysis of Local Economic Benefits. Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.

Emergency Management Plan. The Emergency Management Plan shall be supplemented and revised following construction of the solar energy facility and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management Plan.

Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components (e.g., exposed mirrors), or that propose structures taller than thirty (30) feet must provide a viewshed analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four (4) vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., solar power towers or exposed mirrors in sensitive viewsheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred sixty-degree (360°) computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) and Wyoming Game and Fish will be necessary.

Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may require an analysis of impacts to historic, cultural, and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.

Solid Waste or Hazardous Waste. As applicable, plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration. The Board of County Commissioners and the State of Wyoming Department of Transportation may require the applicant to enter into a reasonable road use agreement for the use of county roads or state highways prior to construction of the facility.

Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.

Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 5 Noise.

Decommissioning Plan. Describe the decommissioning and final land reclamation plan to be followed the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy facility project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Solar Energy Facility Permit and review of the decommissioning plan, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility owner/operator shall provide Platte County with Financial Assurance to cover the estimated costs of decommissioning and that the county shall have access to the facility and to the funds to effect or complete decommissioning one (1)

year after cessation of operations. In addition, the applicant shall provide the county with a new estimate of decommissioning of the solar energy facility every (5) years under the same conditions as forth above.

Annual Review and Reporting. The applicant, owner, and/or operator shall submit to the Platte County Planning Office on the first Monday of July each year following project approval a report regarding maintenance and operation of the permitted Solar Energy Facility. This report shall include:

- A. Any physical modifications to the solar energy facility and/or its infrastructure.
- B. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the solar energy facility, and the resolution of such complaints.
- C. Calls for emergency services, including the nature of the emergency and how it was resolved.
- D. Status of liability insurance.
- E. Any other information that the county may reasonably request.

Other probable and significant impacts, as identified through the review process.

If approved, an as-built project plan shall be submitted to the Planning Office to show the final location of all facilities, easements, rights-of-way, and transmission lines.

Section 8 – Indemnification and Liability.

The applicant, owner, and/or operator of the solar energy facility project shall defend, indemnify, and hold harmless the County of Platte and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney’s fees, without limitations, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the solar energy facility project.

The applicant, owner, and/or operator of the solar energy facility project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to the Platte County Planning Office on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

Section 9 – Extension and Transfer of Permits.

Extension of Permit: If construction of the solar energy facility has not been commenced or the facility has not become operational as required, the Permittee may request the Board of County Commissioners to extend the permit for a period of up to twelve (12) months upon a showing of good cause. The Permittee shall provide such information as is necessary for the Board of County Commissioners to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the facility from other agencies with regulatory jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Permittee. The Permittee may request not more than two (2) separate extensions, with such total extension period not to exceed twenty-four (24) months.

Transfer of Permit: Solar Energy Facility Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may transfer a Solar Energy Facility Permit upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the Solar Energy Facility Permit by the prospective transferee.

#2013- 13

RESOLUTION ADOPTING FEES

Amendment to Resolution #2009-14

WHEREAS, it is the desire of Platte County to adopt the following fee schedule:

Zoning Certificate for construction or location of each Structure

0.1% of cost of construction or cost of Structure (minimum fee of \$10.00)

Zoning Certificate for initiation of Use/Project, not involving a Structure

0.1% of cost of Project (minimum fee of \$10.00)

Fees shall be rounded to the nearest whole dollar and rounded up at the half dollar

Zoning Certificate for Demolition/Removal (no fee)

Structures and/or Projects that exceed fees of \$1,000.00 may have one half the fee paid upon application; the second half to be determined by the Board of Commissioners as to schedule and manner of payment.

The Board shall review the submitted costs of the project to determine if the proposed costs are reasonable to the project, structure or use. The Board may deny the application if the submitted costs are not consistent with actual costs associated with the proposal.

Request for Extension of Zoning Certificate

First \$ 10.00

Additional \$ 20.00

Address application included in Zoning Certificate fee if fee equals or exceeds \$50.00 (minimum fee for address \$50.00)

Flood Plain Development Permit/Variance	\$ 50.00
Encroachment License	\$100.00
Special Permit to Rezone	\$200.00
Special Use Permit	\$200.00

Variance Request	\$100.00
Simple Subdivision	\$100.00
Subdivision per Statute, plus	\$100.00
Fees for additional simultaneous applications	One half of lesser fee

Petitioner/Applicant shall be responsible for all advertising and notification costs greater than the above set fees.

Additional costs for constructing or location prior to County Commissioner's approval – Double standard application fee, plus \$10.00 for any certified mailing

Additional costs if letter is sent by County Attorney's office – Re-doubled (4 times original fee), plus \$10.00 for any certified mailing

Additional costs for initiating use or construction prior to approval of Special Permit or Variance – \$100.00 plus \$10.00 for any certified mailing, in addition to standard fees

Additional costs for subdividing prior to County Commissioner's approval -\$100.00, plus an additional \$100.00 if Non-filing paperwork is filed, plus \$10.00 for any certified mailing, in addition to standard fees


Additional costs if letter is sent by County Attorney's office - \$200.00 plus \$10.00 for any certified mailing, in addition to standard fees

DATED this 19th day of November 2013.

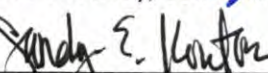
PLATTE COUNTY COMMISSIONERS




 Tim Millikin, Chairman



 Steve Shockley, Commissioner



 Sandy Kontour, Commissioner

Attest:


 Chris Kanwischer, County Clerk



PLATTE COUNTY RESOLUTION 2021-__

A RESOLUTION ADOPTING THE 2021-2022 PLANNING AND ZONING FEE SCHEDULE

WHEREAS, the Planning and Zoning Fee Schedule has not been updated since November 19, 2013, and;

WHEREAS, the Planning and Zoning Commission held a public meeting for the Planning and Zoning Fee Schedule on July 13, 2021, and;

WHEREAS, the Planning and Zoning Commission approved the 2021-2022 Planning and Zoning Fee Schedule at its August 10, 2021 meeting, and;

WHEREAS, the Planning and Zoning Commission will review and update if necessary the Planning and Zoning Fee Schedule on an annual basis during the first regularly scheduled meeting of Planning and Zoning Commission following the annual election of the Commission Chairman, and;

WHEREAS, The Platte County Board of Commissioners has determined that the fees included within the attached 2021-2022 Fee Schedule are appropriate and are reasonable for the purpose for which such fees are charged.

NOW, THEREFORE, BE IT RESOLVED by the Platte County Board of Commissioners as follows:

The fees set forth in Exhibit "A" attached hereto and made part hereof, be in full force and effect in all matters relating to fees from and after adoption by the Platte County Board of Commissioners.

That any Resolution or provision thereof which is inconsistent with this Resolution is hereby repealed.

From and after _____, 2021 the 2021-2022 Planning and Zoning Fee Schedule shall be in effect until reviewed and updated if necessary, in 2022.

APPROVED and ADOPTED this _____ day of _____, 2021.

Platte County Commissioners

Steve Shockley, Chairman

Ian Jolovich, Commissioner

Kayla Mantle, Commissioner

Attest:

Platte County Clerk Ervin

EXHIBIT A

PLATTE COUNTY PLANNING & ZONING FEE SCHEDULE

Building Certificate - Structure	0.2% of cost of construction or cost of structure (minimum \$50.00)
Building Certificate - Use/Project	0.2% of cost of use/project (minimum \$50.00)
Building Certificate - Extension	First Extension \$25.00 Second Extension \$50.00
Engineering/Other Professional Reviews (for technical reviews as allowed by County Regulations)	Actual Cost
Floodplain Development Permit	\$300 plus certified mailing postage and notice publication fees
Notice Publication Fee (applies to all permits requiring a public hearing)	\$100.00 minimum
Physical Address/Address Verification	\$100 per address \$50 per address if applied for with Building Certificate
Re-plat	\$250 plus certified mailing postage and notice publication fees
Rezone	\$300 plus certified mailing postage and notice publication fees
Special Use Permit	\$200 plus certified mailing postage and notice publication fees
Subdivision - Large Acreage	\$300 plus \$20 per lot, certified mailing postage and notice publication fees
Subdivision - Simple	\$200 plus \$10 per lot, certified mailing postage and notice publication fees
Subdivision	\$500 plus \$50 per lot, certified mailing postage and notice publication fees
Variance	\$200 plus certified mailing postage and notice publication fees
Zoning Certificate	\$10 per certificate

* The Platte County Board of Commissioners shall review the submitted costs of the structure, use, and/or project to determine if the proposed costs are reasonable to the structure, use, and/or project. Taking into account the current material market costs. The Board may deny any application if the submitted costs are not consistent with actual costs associated with the proposal.

EXHIBIT A

VIOLATIONS

In the event of violation, per Planning and Zoning Rules and Regulations the following fines may be imposed. This list is not all inclusive.

Constructing or locating a structure prior to obtaining a Building Certificate

fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage

Violation letter sent by County Attorney

fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage

Initiating use and/or project prior to obtaining the corresponding permit, rezone, or variance

fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage

Subdividing prior to obtaining approval from the Board of Commissioners

fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage