



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

NOTICE OF WORKSHOP

Platte County Planning and Zoning will hold a public workshop on the Alternative Energy Rules and Regulations. The workshop will be held by Platte County Planning and Zoning on Tuesday, November 2, 2021, at 6 PM in the Town Hall Council Chambers located at 600 9th Street, Wheatland, WY. Any person(s) interested in having their opinions heard should attend the workshop or email planner@plattecountywyoming.com

39-13-103(b) (x), the area designated as open space shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b) (x) (B) (II).

18-5-404. Enforcement; rules and regulations.

If a board of county commissioners adopts the process described in this article, it shall enforce this article and, in accordance with the Wyoming Administrative Procedure Act, shall adopt rules and regulations to implement the provisions of and to insure compliance with the intent and purposes of this article.

18-5-405. Cluster development; notice to state engineer.

Within thirty (30) days after a cluster development has been approved pursuant to the conservation design process, the board of county commissioners shall notify the state engineer of the approval and shall provide the state engineer a copy of the approved cluster development plan.

ARTICLE 5 - WIND AND SOLAR ENERGY FACILITIES

18-5-501. Definitions.

(a) As used in this article:

(i) "Industrial siting council" or "council" means the council created by W.S. 35-12-104;

(ii) "Wind energy facility" means any wind powered electrical generation development consisting of an individual wind turbine or multiple wind turbines rated by the manufacturer to generate more than one-half (0.5) megawatt of electricity and includes all lands where the owner or developer has rights to erect wind turbines;

(iii) "Enlarge" or "enlargement" means adding additional wind turbines or energy capacity that is not permitted as part of an original permitting process. "Enlarge" or "enlargement" shall not include an improvement made to a permitted wind turbine that maintains the same surface space occupied by the structure that was previously permitted, regardless of the cost of the improvement;

(iv) "Owner" means the surface owner of land;

(v) "Facility" includes:

(A) A wind energy facility or a solar energy facility unless the context clearly indicates otherwise;

(B) A wind energy facility or a solar energy facility planned for construction and siting or whose ownership or business structure is organized in a way to circumvent the definition of "facility" or the requirements of this article while engaging in conduct that otherwise would be subject to the requirements of this article. A facility that meets the definition of this subparagraph shall comply with all requirements of this article before locating, erecting, constructing, reconstructing or enlarging the facility.

(vi) "Solar energy facility" means a commercial facility with a rated power capacity of more than one-half (0.5) megawatt of electricity from solar power that includes all lands where the owner or developer has rights to erect solar energy facilities, including lands for battery storage.

18-5-502. County regulation of wind or solar energy projects; exceptions.

(a) It is unlawful to locate, erect, construct, reconstruct or enlarge a facility without first obtaining a permit from the board of county commissioners in the county in which the facility is located.

(b) If a facility is to be located in two (2) or more counties, a permit shall be obtained in each county in which the facility is to be located.

(c) No wind energy facility constructed or being constructed prior to July 1, 2010 shall be required to have the permit required by this section. No wind energy facility for which an application for a permit has been made to the industrial siting council, or that has received findings of fact, conclusions of law and an order from the industrial siting council, prior to July 1, 2010 shall be required to have the permit required by this section.

(d) Any wind energy facility which is not required to have a permit pursuant to subsection (c) of this section shall be required to obtain a permit for any enlargement of the facility after July 1, 2010.

(e) No solar energy facility that has obtained final county approval where required or that is constructed or being constructed prior to July 1, 2020 shall be required to have the permit required by this section. Any solar energy facility that is not required to have a permit pursuant to this subsection shall be required to obtain a permit for any enlargement of the facility after July 1, 2020.

18-5-503. Application.

(a) To obtain the permit required by W.S. 18-5-502, the owner or developer of a facility shall submit an application to the board of county commissioners. The application shall:

(i) Certify that reasonable efforts have been undertaken to provide notice in writing to all owners of land within one (1) mile of the proposed facility, to the military installation commander or the commander's designee if there are any active federal military missile launch or control facilities within five (5) miles of the proposed facility, to the department of transportation and to all cities and towns located within twenty (20) miles of the facility. Notice shall include a general description of the project including its location, projected number and capacity of turbines or solar energy facilities, the likely routes of ingress and egress and the likely location of electric transmission and other related facilities;

(ii) Certify that notice of the proposed facility will be published in a newspaper of general circulation in all counties in which the facility will be located at least twenty (20) days prior to the public hearing required by W.S. 18-5-506. The notice shall include a brief summary of the facility, invite the public to submit comments and identify the time and date of the hearing;

(iii) Certify that the proposed facility will comply with all the standards required by W.S. 18-5-504;

(iv) Certify that the proposed facility will comply with all applicable zoning and county land use regulations, which regulations shall be no less stringent than the standards required by this article;

(v) Certify that a written emergency management plan has been submitted for review and comment to the county fire warden, county emergency management coordinator and the county

sheriff. If the permit is granted, the plan shall be supplemented and revised following construction of the facility and prior to its operation if there are any variations in the facility's construction which would materially impact the original emergency management plan;

(vi) Provide 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 facility;

(vii) Provide evidence sufficient for the board of county commissioners to determine if the proposed facility has adequate legal access. The application also shall describe how private roadways within the facility will be marked as private roadways and shall acknowledge that no county is required to repair, maintain or accept any dedication of the private roadways to the public use. The application also shall include a traffic study of any public roadways leading to and away from the proposed facility and the board of county commissioners and 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;

(viii) Provide a project plan indicating the proposed roadways, tower locations, substation locations, transmission, collector and gathering lines and other ancillary facility components. If the application is granted, the board of county commissioners shall require that the project plan be revised to show the final location of all facilities;

(ix) Certify that there shall be no advertising or promotional lettering on any solar energy facility, tower, turbine, nacelle or blade beyond the manufacturer's or the applicant's logo on the solar energy facility or the nacelle of the turbine;

(x) Provide a site and facility reclamation and decommissioning plan which indicates the planned life of the facility and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life and which certifies that any owner of land within the facility and its site who is not the applicant has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the industrial siting council under W.S. 35-12-105(d). If the

permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete;

(xi) For wind energy facilities and solar energy facilities not meeting the definition of an industrial facility as defined in W.S. 35-12-102(a)(vii)(E) or (G), provide a detailed summary of any significant adverse environmental, social or economic effects that the proposed facility may have together with any preliminary plans developed to alleviate any of the adverse effects.

(b) A facility subject to this article shall meet the requirements adopted pursuant to W.S. 35-12-105(d) and (e) regardless of whether the facility is referred to the industrial siting council pursuant to W.S. 18-5-509 or is otherwise subject to the industrial siting act.

18-5-504. Minimum standards; incorporation into other processes.

(a) No board of county commissioners shall issue a permit for a facility if that facility:

(i) Does not comply with standards properly adopted by the board of county commissioners for the construction of wind energy facilities or solar energy facilities, which standards shall not be less stringent than the standards required by this article, except as allowed by this section;

(ii) For wind energy facilities, would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;

(iii) For wind energy facilities, would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;

(iv) For wind energy facilities, would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless

this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph;

(v) For wind energy facilities, would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;

(vi) For wind energy facilities, would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town;

(vii) For solar energy facilities:

(A) Would locate the facility within three hundred (300) feet of an occupied structure or residence unless waived in writing by the owner of the structure or residence;

(B) Would locate the facility within one hundred (100) feet of any outer boundary of the facility;

(C) Would locate the facility on unzoned or agricultural zoned land less than two hundred (200) feet from any public road right-of-way or on other land less than one hundred (100) feet from any public road right-of-way.

(b) No rule, regulation or law promulgated or applied by any county in this state shall adopt a standard less stringent than the minimum standards established in subsection (a) of this section. The minimum standards stated in subsection (a) of this section shall be incorporated into every existing or future county permitting or licensing process to which they are applicable so that no applicant for a permit under this article is required to submit more than one (1) application addressing these standards to any county.

(c) Notwithstanding subsection (b) of this section, any board of county commissioners for solar facilities:

(i) May vary the location and setback requirements provided in subsection (a) of this section, either on its own or by following its land use planning, zoning or conditional use processes;

(ii) For lands within the boundaries of any incorporated municipality, shall require any setbacks recommended by the governing body of the municipality within the boundaries of that municipality;

(iii) May increase setbacks required from public road rights-of-way beyond those required in this section to accommodate known big game animal migrations and frequent local wildlife movements and to reduce the risk of motor vehicle and big game animal collisions. A board of county commissioners may consult with the:

(A) Game and fish department for setbacks from public roads;

(B) Department of transportation for setbacks from state highways;

(C) County's appropriate local entity for setbacks from county roads.

(d) No board of county commissioners shall issue a permit under W.S. 18-5-502(a) until that county has adopted rules and regulations governing the notice that the application for a permit must provide to the record owners and claimants of mineral rights located on and under lands where the facility will be constructed. The rules shall conform to rules adopted by the industrial siting council for the same purpose pursuant to W.S. 35-12-105.

(e) For a permit granted for a wind energy facility under this article, there shall be no vertical construction of a wind turbine within two (2) nautical miles of any active federal military missile launch or control facility, unless the owner or developer of the wind energy facility first obtains and furnishes documentation to the board of county commissioners of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration; and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that

resolves any potential adverse impact on military operations and readiness and that commits to implement required mitigation measures.

18-5-505. Complete applications; notice.

Upon receipt of an application, the board of county commissioners shall conduct a review of the application to determine if it contains all the information required by W.S. 18-5-503 and any applicable rules and regulations. If the board of county commissioners determines that the application is incomplete, it shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information from the board. When the board of county commissioners determines that the application is complete it shall notify the applicant that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. 18-5-506 will be conducted.

18-5-506. Hearing and public comment.

Any board of county commissioners receiving an application to permit a facility shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comment on the application shall be accepted by the board of county commissioners for not less than forty-five (45) days after determining that the application is complete.

18-5-507. Decision of the board; findings necessary.

(a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by this article. The decision shall be subject to the remedies provided in W.S. 18-5-508. The board shall grant a permit if it determines that the proposed facility complies with all standards properly adopted by the board of county commissioners and the standards required by this article.

(b) No permit shall be granted if the application is incomplete or if all notices required by W.S. 18-5-503 have not been timely given.

(c) A copy of the decision shall be served upon the applicant.

18-5-508. Remedies.

(a) Any party aggrieved by the final decision of the board of county commissioners may have the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

(b) When a decision is issued after hearing on an application for a permit under this article, the decision is final for purposes of judicial review.

18-5-509. Referral.

(a) Any board of county commissioners which receives an application to permit a wind energy facility or solar energy facility which does not meet the definition of an industrial facility as defined in W.S. 35-12-102(a)(vii)(E) or (G) may refer the facility to the industrial siting council for additional permitting consistent with the requirements of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, but the provisions of W.S. 39-15-111 and 39-16-111 shall not apply. A referral shall be made only when a board of county commissioners finds there are potentially significant adverse environmental, social or economic issues which the county board of commissioners does not have the expertise to consider or authority to address.

(b) Any facility referred to the industrial siting council under this section may apply to the council for a waiver of permit application pursuant to W.S. 35-12-107.

(c) Upon receiving a referral pursuant to this section and within fifteen (15) days after receipt of the referral, the director of the department of environmental quality may reject the referral by giving written notice of the rejection to the county making the referral and the applicant. No appeal from the decision of the director under this subsection shall be allowed.

(d) A referral made pursuant to this section shall not relieve a board of county commissioners from its obligation to

consider whether the proposed facility should be permitted under the standards required by this article.

(e) A referral made pursuant to this section shall be made no later than thirty (30) days after an application is deemed complete pursuant to W.S. 18-5-505.

18-5-510. Binding effect.

Upon referral of a facility to the industrial siting council pursuant to W.S. 18-5-509, the facility shall not be withdrawn from the council's consideration without consent of the council. Any decision by the council shall be final except as provided in this article or pursuant to the remedies provided to other facilities permitted by the council.

18-5-511. Revocation or suspension of permit.

(a) A permit may be revoked or suspended for:

(i) Any material false statement in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted the refusal to grant a permit;

(ii) Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure;

(iii) Violation of this article, the rules and regulations adopted pursuant to this article or valid orders of the board of county commissioners or the industrial siting council;

(iv) Failure of the proposed facility to receive a required permit from the industrial siting council pursuant to the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119;

(v) Failure of the permitted wind energy facility to:

(A) Transmit electricity created by wind energy for a period of two (2) consecutive years or more;

(B) Maintain land rights necessary to operate the wind energy facility.

(vi) Failure of the permitted solar energy facility to maintain land rights necessary to operate the solar energy facility.

18-5-512. Penalties for violations.

(a) No person shall:

(i) Commence to construct a wind energy facility on or after July 1, 2010 or a solar energy facility on or after July 1, 2020 without first obtaining a permit required by this article;

(ii) Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a facility, after having first obtained a permit, other than in specific compliance with the permit; or

(iii) Cause any of the acts specified in this subsection to occur.

(b) Any person violating subsection (a) of this section is liable for a civil penalty of not more than ten thousand dollars (\$10,000.00) for each violation. Each day of a continuing violation constitutes a separate offense.

(c) Any wind turbine tower, wind generator or portion thereof or any solar energy panel or facility or portion thereof erected in violation of this article shall subject the owner of the tower, generator or solar energy panel or facility to a penalty of seven hundred fifty dollars (\$750.00) per day for every tower, generator or solar energy panel or facility so erected.

(d) Any penalties collected pursuant to this section shall be paid and credited as provided by W.S. 8-1-109.

18-5-513. Fees.

(a) A board of county commissioners which receives an application under this article for the permitting of a facility may charge the applicant a reasonable fee which shall not exceed the reasonably anticipated costs of processing and considering the application and conducting public hearings.

(b) The board of county commissioners also may collect a reasonable building permit fee prior to commencement of

construction which shall not exceed the reasonably anticipated administrative costs of issuing the building permit and overseeing compliance with permit conditions and requirements.

CHAPTER 6 - Courthouses and Jails

ARTICLE 1 - GENERALLY

18-6-101. Authority to acquire and dispose of sites generally.

(a) Each board of county commissioners may purchase or receive by donation or otherwise a site for a county courthouse, jail or both at the county seat of the county or a site for a county jail at any location within the county, and may erect thereon a suitable courthouse, jail or both if in the county seat, or a suitable jail if not located in the county seat. If such a building is to replace one presently in use the board may sell the building to be replaced.

(b) If a courthouse or jail to be replaced is sold it shall be sold at public auction to the highest bidder for cash or on terms of payment as determined by the board and in case of deferred payments, security is required satisfactory to the board. No sale shall occur until public notice has been given by posting on the county's official website in the manner provided in W.S. 18-3-516(f) and by publishing in the county's designated official newspaper once a week for two (2) weeks. The notice shall specify the time, place and terms of sale. All proceeds of the sale shall be paid into the county treasury and only expended for a site or toward the erection of a new building to replace the one sold.

ARTICLE 2 - CONSTRUCTION OF JAILS

18-6-201. Construction of jails; authority of county commissioners; plans and specifications; maximum cost permitted; call for bids; limitations applicable only when costs paid from general fund.

(a) Whenever the board of county commissioners deems it in the best interest of the county to have a jail constructed they shall cause plans and specifications for a jail to be prepared by a competent architect. After the plans and specifications are prepared, reviewed and critiqued by the sheriff and adopted by the board of county commissioners they shall deposit them in the office of the county clerk for the county where they shall be

PLATTE COUNTY WIND ENERGY SITING REGULATIONS

AS ADOPTED BY THE PLATTE COUNTY COMMISSIONERS 7/17/07

INTRODUCTION

These Regulations shall amend the Platte County Zoning Rules and Regulations and be known, cited and referred to as the Platte County Wind Energy Siting Regulations.

Section 1. Purpose

This Section of regulations has been adopted for the following purposes:

- A. To assure that any development and production of wind-generated electricity in Platte County is safe and effective;
- B. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area;
- C. To facilitate economic opportunities for local residents;
- D. To promote the supply of wind energy in support of Wyoming's goal of increasing energy production from renewable energy sources.

Section 2. Authority

The Platte County Wind Energy Siting Regulations are adopted under the authority granted by the following Wyoming Statutes:

Title 18 Counties. Chapter 5 Planning and Zoning, Article 1. County Planning Commission, §§18-5-101 to 18-5-107

Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission, §§18-5-201 to 18-5-207

Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, §§9-8-101 to 9-8-302.

Section 3. Severability

If any section or provision of the Platte County Wind Energy Siting Regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person,

situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part, and to this end the provisions of these Regulations are declared to be severable.

Section 4. Definitions

- A. "Applicant(s)" means the entity or person who submits to the County, pursuant to Sections V and VI of these Regulations, an application for a preliminary plan review or the siting of any WECS, WECS Project or Substation.
- B. "Financial Assurance" means reasonable assurance, at the discretion of the County Commissioners, from a credit worthy party that the costs associated with but not limited to, construction; maintenance; consequences from an abandonment; or a failure to properly execute closure, post-closure care are recoverable from applicant(s) under these Regulations.
- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of any WECS, WECS Project or Substation, including any third party subcontractors.
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS(s) (unless the property owner has an equity interest in the WECS(s)); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.
- E. "Preliminary Plan Review" means an initial review for the purpose of providing an Applicant formal feedback about potential issues that the proposal may face. The Preliminary Plan Review expressly does not grant approval and does not negate or minimize requirements that may arise during later reviews of final proposals.
- F. "Primary Structure(s)" means structures such as residences, quonset huts, barns, commercial buildings, hospitals, and day care facilities. Primary Structure(s) excludes structures such as storage sheds and loafing sheds.
- G. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Wyoming.
- H. "Special Use Permit" see Chapter III of the Platte County Zoning Rules and Regulations.
- I. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- J. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s) and their support facilities, including transmission lines.

- K. "WECS Project" means the WECSs and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent met towers as specified in the siting approval application pursuant to Section V of these Regulations and including the project area as defined by the Owner.
- L. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- M. "WECS Tower Height" means the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

Section 5. Applicability

These Regulations govern the siting of WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 100 kW or less who locate the WECS(s) on their own property are not subject to these Regulations. Excepted facilities shall comply with Chapter XV of these Regulations, Non-Commercial WECS. Approval of any Special Use Permit does not preclude the need to obtain approved Building Certificates for individual structures, additions and changes.

Section 6. Prohibition

No WECS Project, transmission lines or Substation governed by Section III of these Regulations shall be constructed, erected, installed, or located within Platte County, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to these Regulations.

Section 7. Preliminary Plan Review Application

Approval of a WECS Project is expressly not granted by approval of a preliminary plan review and does not negate or minimize requirements of other agencies in any manner.

Any preliminary plan review process is meant to consider the land use from a local zoning and land use perspective versus the required studies and formal details of the Project. This puts Platte County, adjacent counties, neighboring property owners and the general public on notice that a property is under consideration for a potential WECS Project, gives the Applicant some awareness of potential issues associated with a particular property and minimizes costs to the Applicant until such time that a full WECS Project is planned.

- A. A Special Use Permit application shall be submitted to request approval of a preliminary plan for a site for a potential WECS Project as an approved land use whereby the concept of said use is approved without implying that a WECS Project is approved or that any particular structure will ultimately be approved. Preliminary plan applications shall not require that studies, detailed site plans, formal agreements and other information requested per these Regulations be submitted. A separate Special Use Permit application will be required at a

future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations. A Preliminary Plan application will contain financial assurance. (Cash, Corporate Bond, or Surety Bond) that the applicant is capable of constructing and operating the proposed WECS Project.

- B. The Special Use Permit application process for anemometers/meteorological towers represents a type of preliminary plan as it allows the County, neighboring landowners and the general public to be made aware that a property is being studied for a potential WECS Project with a Special Use Permit request for an anemometer/meteorological towers. Again, a separate Special Use Permit application would be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations.
- C. Upon approval of a preliminary plan anemometers/meteorological towers and other non-invasive or temporary structures may be permitted by the Board of Commissioners upon recommendation by the Planning Office.

Section 8. Siting Approval Application

- A. To obtain siting approval, the Applicant(s) must first submit a Special Use Permit application to the County.
- B. The Special Use Permit application shall contain or be accompanied by the following information:
 - 1) A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 - 2) The name(s), address(es), and phone number(s) of the Applicant(s), Owner(s) and Operator(s), and all property owner(s);
 - 3) A site plan for the installation of a WECS Project showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 - 4) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of these Regulations and with all applicable State and Federal Regulations;

- 5) Letters of consent to permit from all property owners; and
 - 6) Any other information normally required by the County as part of its Zoning Rules and Regulations.
- C. The Applicant shall notify Platte County of any changes to the information provided in Section VI.B. that occur while any approval of the Special Use Permit application is pending.

Section 9. Design And Installation

A. Design Safety Certification

- 1) WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and National Electrical Commission ("NEC"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL "), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), or an equivalent third party.
- 2) Following the granting of a Special Use Permit under these Regulations, an independent third party Professional Engineer licensed in the State of Wyoming shall certify, as part of the Building Certificate application, prior to construction, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

B. Color

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color that will help the project blend with the natural visual character of the area.

C. Signage

There shall be no signage or logo of any type allowed on the WECS tower(s) with the exception of safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the County.

D. Warnings

- 1) A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
- 2) Permanent visible, reflective, colored objects shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

E. Climb Prevention

- 1) All WECS Towers must be un-climbable by design or protected by anti-climbing devices such as:
 - a. Site appropriate security enclosures with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

F. Setbacks

- 1) All WECS Project structures shall be set back at least one-quarter mile from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height.
- 2) All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from third party transmission lines, and communication towers.
- 3) All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. This does not apply to property lines of participating property owners within WECS Projects.
- 4) All WECS Project property line structures shall be set back a distance of one-half mile from any Residential Zoning District.
- 5) All WECS Project structures shall be set back a distance of one mile from any incorporated municipality, unless waived by the municipality.
- 6) All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from all interstate and state highways.
- 7) All WECS Project structures, except transmission lines, shall be set back a distance of at least 1.10 times the WECS Tower height from public roads.
- 8) All WECS Project structures shall be set back from State Parks a minimum of one-quarter mile.
- 9) The Applicant does not need to obtain a variance from the County/Municipality upon waiver by either the County/Municipality or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.
- 10) Setback distances may be modified at the discretion of the County Commissioners if the following performance standards are met.

- a. Affected adjacent property owner(s) have provided a waiver to the setback requirement, including such recordation at the Office of the County Clerk.
- b. To minimize the degradation of the visual character of the area additional performance standards may be adopted by the County upon formal consideration, review and public hearing(s).

G. Compliance with Additional Regulations

Nothing in these Regulations is intended to preempt other applicable State and Federal laws and regulations.

H. Use of Public Roads

- 1) An Applicant(s), Owner(s), or Operator(s) proposing to use any county, municipality, township, village or State road(s), for the purpose of transporting WECS(s) or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:

- a. Identify all such public roads. Detail mapping of haul routes shall be submitted with the Special Use Permit application.
- b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
- c. Obtain new access, access modification or change of use of access permit; utility crossing permits from WYDOT for impacts to any State Highway facilities.
- d. The Applicant(s) at the discretion of the County Commissioners may be requested to provide additional studies and reports prepared by a 3rd party Wyoming licensed civil engineer to determine if impacts to public roads will occur.

If impacts are determined, a mitigation plan and/or long term road maintenance agreement will be required at the discretion of the County Commissioners.

- e. If potential road impacts are determined to extend beyond County boundaries the Applicant(s) will be responsible to contact all potentially impacted jurisdiction(s), and to provide written documentation of the contacts as well as written statements from the jurisdiction(s) that they are aware of the potential impact. All required written statements shall be provided to the Platte County Planning Department prior to the scheduling of the hearing for the WECS Project(s).
- 2) To the extent an Applicant(s), Owner(s), or Operator(s) must obtain a weight or size permit from the County, the Applicant(s), Owner(s), or Operator(s) shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and

- b. Secure Financial Assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of maintaining and repairing any damage to public roads caused by constructing, operating or maintaining for the life of the WECS Project including decommissioning.
- c. The use of public roads and other infrastructure shall be in accordance with and compliance of Federal, State and County regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same. If Platte County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project(s), including counties in other states as applicable, the Owner shall furnish proof of compliance with the requirements of any such county.

I. Additional Permitted Uses

The County may allow the Applicant(s) to include certain accessory type uses on a WECS Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind farms in general. Directional signage may be permitted by the County on individual bases. Information on local historical issues may be included, or required, with approval of such accessory uses.

Section 10. Operation

A. Maintenance

- 1) The Owner(s) or Operator(s) of the WECS must submit a yearly statement noting that all aspects of the WECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all State and Federal requirements.
- 2) Designated and declared weeds shall be controlled on permitted sites during and after the life of the operation. This shall be maintained to the satisfaction of County Weed & Pest.
- 3) Periodic maintenance will include upkeep to all structures and grounds for material state and aesthetics. Routine scheduled maintenance shall include the repainting of equipment and structures and ground work or landscaping as appropriate to the location and the installed or erected assets.

B. Interference

- 1) The Applicant(s) shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section VI.B.1. and VI.B.3. of these Regulations. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.
- 2) If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communications venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint as reasonably feasible.
- 3) That the developer(s) mitigate(s) light impact on existing residences as reasonably feasible and still meet FAA requirements.

C. Coordination with Local Fire Department

- 1) The Applicant(s), Owner(s) or Operator(s) shall submit to the local fire department and/or the Emergency Management Coordinator a copy of the site plan.
- 2) Upon request by the local fire department and/or the Emergency Management Coordinator, the Owner(s) or Operator(s) shall cooperate with the relevant agency to develop any emergency response plan.
- 3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Transfer of Applications

Applications may be transferable with appropriate documentation to be reviewed by the Planning Office, County Attorney's Office and with subsequent approval by the Board of Commissioners.

Section 11. Federal, State And Local Requirements

WECS Project facilities shall be constructed to meet, and be maintained in compliance with all Federal, State and Local requirements. Written statements providing proof that the WECS Project is in full compliance with these relevant requirements shall be provided to the Platte County Planning Office.

If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance of Federal, State and/or Local requirements, the Applicant(s) at the discretion of the County Commissioners may be requested to provide additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues.

Nothing in these Regulations is intended to preempt other applicable Federal, State and/or Local laws and regulations.

A. Federal Aviation Administration

The Applicant(s) for the WECS shall comply with all applicable FAA requirements.

B. Local Aviation Facilities

The Applicant(s) will minimize all applicable concerns and/or potential impacts with existing local public or private aviation facilities.

C. Military

The Applicant(s) for the WECS shall comply with all Military requirements whenever applicable.

D. Federal Communication Commission

The Applicant(s) for the WECS shall comply with all FCC requirements.

E. Wyoming Industrial Siting Council

The Applicant(s) for the WECS shall comply with all Wyoming Industrial Siting Council requirements.

F. Environmental

1) United States Fish and Wildlife Service (USFWS)

The Applicant(s) for the WECS Project shall comply with all applicable USFWS requirements including federal endangered species regulations as established in the Federal Endangered Species Act.

2) United States Army Corp of Engineers (COE)

The Applicant(s) for the WECS Project shall comply with all applicable COE requirements including the Federal Wetlands regulations as established in the Federal Clean Water Act.

3) Wyoming Department of Environmental Quality (DEQ)

The Applicant(s) for the WECS Project shall comply with all applicable DEQ requirements.

4) Noise Levels

The Applicant(s) for the WECS Project shall comply with all Federal, State and Local requirements.

5) Materials Handling, Storage and Disposal

a. All solid wastes related to the construction, operation and maintenance of a WECS Project shall be removed from the site promptly and disposed of in accordance with all Federal, State and Local laws.

b. All hazardous materials related to the construction, operation and maintenance of the WECS Project shall be handled, stored, transported and disposed of in accordance with all applicable Federal, State and Local laws.

6) Public Highway, Streets, Bridges or Navigable Streams

The Applicant(s) should be aware that the County will strictly enforce Wyoming Statute 35-10-401 if obstruction, injury and/or pollution occurs related to the WECS Project.

G. Any and all other Federal, State and Local Requirements

The Applicant(s) for the WECS Project shall comply with all applicable governmental requirements.

Section 12. Wyoming Game And Fish Department (WGF)

The Applicant(s) is advised to request information from WGF during initial site selection regarding any crucial or important wildlife and habitat areas that may be present. The Applicant should include annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The Applicant will need to assure access to the wind development area for the purposes of annual wildlife monitoring activities. The County will route the WGF for comment to be reviewed and incorporated into any report and approval.

Section 13. Archeological And Historical Resources

The Applicant(s) is advised to seek approval from appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant Federal, State and Local issues and to include relevant reports in the application process. The County will route the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment to be reviewed and incorporated into any report and approval.

Section 14. Liability Insurance

The Owner(s) or Operator(s) of the WECS Project(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application. If the application is approved, the Owner(s) or Operator(s) of the WECS(s) shall provide proof of insurance to the Board of County Commissioners annually.

Section 15. Decommissioning Plan

Prior to receiving siting approval under these Regulations, the County and the Applicant(s), Owner(s), and/or Operator(s) must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS Project or any portion thereof upon 18 months of continuous non-operation of the facility or of any aspect of any facility, unless by force majeure;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface down to 36 inches;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five (5) years;
- E. Financial Assurance to be secured by the Owner(s) or Operator(s), for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs at the time the application is granted;
- F. Identification of and procedures for County access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner(s) or Operator(s) and any of their successors, assigns or heirs; and
- H. A provision that the County/Municipality shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

- I. A provision that the County/Municipality shall have the right to review and reconsider the WECS Project's Decommissioning Plan at the time decommissioning, consistent with changes in the land use of the project at that time.
- J. The applicant shall provide financial assurance in one, or a combination of the following, at the discretion of the County Commissioners: self bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the County Commission as part of the permit application procedures and prior to the approval of applicant(s) application. The Platte County Commission may reject the proposed forms of assurance of financial responsibility if the evidence submitted does not adequately assure that funds will be available as required by these rules. Applicant(s) shall be notified in writing within 60 days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may be canceled by the surety only after ninety (90) days written notice to the Board of County Commissioners, and upon receipt of the Board's written consent, which may be granted only when the requirements of the bond or assurance have been fulfilled. Financial assurance amount may be recalculated on a yearly basis at the discretion of the Board of County Commissioners; and
- K. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Board of County Commissioners provides notice to the owner(s) or operators(s) and any surety that a violation(s) exists and the Board has decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or abatement, the County Attorney shall bring suit to recover the costs of performing the activities where recovery is deemed possible.

Section 16. Remedies

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under these Regulations.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner(s) and Operator(s), setting forth the alleged default(s). Such written notice shall provide the Owner(s) and Operator(s) a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County regulation provisions addressing the resolution of such default(s) shall govern.

- D. Enforcement. The provisions of these Regulations are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Section 17. Non-Commercial Wecs

Non-Commercial WECS shall be allowed as an Accessory Structure to an existing or proposed primary use in all zoning districts and shall be permitted by the issuance of an approved building certificate when applicable, as defined herein, or by the issuance of an Special Use Permit.

- A. Approval as an Accessory Structure with only a building certificate is subject to compliance with the standard applications requirements and compliance with all of the following Non-Commercial WECS as set forth below, except for manufacturer designed roof mounted units which will comply only to A-2 and A-6 through A-15 below:

- 1) Minimum Parcel Size and Total Height: The minimum parcel size to establish a Non-Commercial WECS is one acre and the maximum tower height on a parcel less than five (5) acres in size is sixty feet (60'). Parcels between five and thirty-five (5-35) acres in size shall have a maximum tower height of one hundred feet (100'). Parcels of thirty-five (35) acres and larger shall have a maximum tower height of one hundred forty feet (140'). Any proposal that will exceed these standards will require an approved Special Use Permit prior to issuance of a building certificate.
- 2) Noise: WECS shall not exceed 40 dbA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe winds storms.
- 3) Setbacks: The WECS shall be setback a distance of one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.
- 4) Clear Zone: The WECS shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.

The clear zone may be waived if the anchoring system for the structure is certified by a Wyoming Licensed Engineer.

- 5) Tower Security: Any climbing apparatus must be located at least twelve feet (12') above the ground, and the tower must be designed to prevent climbing within the first twelve feet (12').

- 6) Lighting: Wind energy systems shall not be artificially lighted with accent lighting. Wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- 7) Signs/Advertising: No tower shall have any sign, writing or picture that may be construed as advertising.
- 8) Colors: All towers shall be white or gray or other neutral color and be non-reflective.
- 9) Multiple WECS: Multiple WECS are allowed on a single parcel as long as the owner/operator complies with all Non-Commercial WECS Regulations contained herein. Units shall be installed in compliance with minimum setbacks and clear zone requirements and the minimum distance between wind energy systems shall be equivalent to one hundred and ten percent (110%) of the combined height of the tower plus the blade length.
- 10) Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI) or other small wind certification program recognized by the American Wind Energy Association.
- 11) On-site Electrical Use: On the application, the application must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.
- 12) Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 13) Utility Notification: Permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 14) Removal of Defective or Abandoned WECS: Any WECS found to be unsafe by an authorized County official, or delegated party, shall be repaired by the owner to meet federal, state and local safety standards or removed within six (6) months.
- 15) If any WECS is not operated for a continuous period of twelve (12) months, the County will notify the land owner by registered mail and provided thirty (30) days for a response. In such a response, the land owner shall set forth reasons for operational difficulty and provide a reasonable time table for corrective action. If the County deems the timetable for corrective action unreasonable, they must notify the land owner and such land owner shall remove the turbine within one hundred twenty (120) day of receipt of notice.

16) Maintaining compliance: All applicable Federal, State and local regulations shall be met and continually maintained for all WECS.

- B. A Special Use Permit is required for any Non-Commercial WECS that exceeds the standards defined in A.1. or any other standard listed herein.

CHAPTER 13 ALTERNATIVE ENERGY

13.05 GEOTHERMAL POWER PLANT

13.10 NUCLEAR POWER PLANT

13.15 SOLAR ENERGY FACILITY

13.20 WIND ENERGY SITING AND FACILITIES

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of alternative energy siting and 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 alternative energy siting and 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 residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

As adopted by the Platte County Commissioners _____

Chapter 13.05 – GEOTHERMAL POWER PLANT

13.05.010 – Purpose

13.05.020 – Applicability, Authority, and Severability

13.05.030 – Definitions

13.05.040 – Prohibition and Penalties

13.05.050 – Regulations and Design Standards—Geothermal Power Plant

13.05.060 – Permit Applications

13.05.070 – Provisions for Geothermal Power Plant Permit Review

13.05.080 – Nuisance Impact Easements

13.05.090 – Indemnification and Liability

13.05.100 – Extension and Transfer of Permits

Section 13.05.010 – Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of geothermal power plant, 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 geothermal power plant 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 residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

Section 13.05.020 – Applicability, Authority, and Severability.

- A. Applicability. This Chapter governs geothermal power plant and all associated projects and substations throughout the unincorporated areas of Platte County. Personal geothermal systems shall be considered an accessory use to a principal permitted use in any zoning district and are exempt from this chapter. Approval of any Geothermal Power Plant Permit does not preclude the need to obtain a Project Building Certificate for the project, additions, and/or updates or changes to the project.
 - a. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a geothermal power plant that is not in compliance with this chapter or

with any condition contained in a geothermal power plant permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

- B. 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
 - 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.
- C. Severability. If any section or provision of this Chapter or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part(s), and to therefore, the provisions of these Regulations are declared to be severable.

Section 13.05.030 - Definitions.

- A. "Cooling tower" An evaporative or air-cooling system designed to augment the cooling during high ambient temperature conditions.
- B. "Enlarge or Enlargement" The adding of additional energy capacity that is not permitted as part of an existing geothermal power plant permit.
- C. "Generating unit" Equipment used to convert heat provided by geothermal resources into electricity consisting of an evaporator, condenser, turbine, induction generator, cycle-pump, system controls, control valves, and piping.
- D. "Renewable 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.
- E. "Substation," The apparatus that connects the electrical collection system of the geothermal power plant and increases the voltage for connection with a utility's transmission line(s).
- F. "Switchgear" The term "switchgear," used in association with the electric power system, or grid, refers to the combination of electrical disconnects, fuses and/or circuit breakers used to isolate electrical equipment.
- G. "Transformers" A device that transfers electrical energy from one circuit to another through inductively coupled electrical conductors.

Section 13.05.040 – Prohibition and Penalties.

- A. Prohibition. It is unlawful to locate, erect, construct, or enlarge a geothermal power plant without first obtaining a Geothermal power plant Permit from the Board of County Commissioners.
- B. Penalties. Any person found to be in violation of Section 13.05.040 subsection Prohibition above, is liable for civil penalty of not more than seven hundred fifty dollars (\$750) for each violation. Each day of a continuing violation constitutes a separate offense.

Section 13.05.050 - Regulations and Design Standards—Geothermal Power Plant.

All geothermal power plants shall comply with the following minimum regulations and design standards.

- A. Permitted Locations. A geothermal power plant that complies with the provisions of this section may be permitted in Industrial districts with an approved Geothermal Power Plant Permit.
- B. Design Standards.
 - a. Minimum Lot Size. No geothermal power plant shall be erected on any lot less than twenty (20) acres in size.
 - b. Maximum Height. The maximum height of the tallest cooling tower shall not exceed ____ feet.
 - c. 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.
 - d. National Electric Code. All Geothermal power plant projects shall comply with the National Electric Code, current edition, and applicable ICC Codes.
 - e. Setbacks.
 - i. A geothermal power plant shall be set back from the nearest property line, public road right-of-way and tanks containing combustible/flammable liquids not less than 1.5 times the total height of its tallest cooling tower or highest structure.
 - ii. No geothermal power plant shall be located within one-half of a mile of the nearest existing inhabitable structure (residence), platted subdivision, or public building or gathering place (park, church, hospital, library, school, playground, etc.), unless first obtaining a nuisance impact easement, from the property owner of such property located within one-half of a mile of the proposed geothermal power plant.

- C. 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.
- D. Safety/Access.
- a. An eight-foot fence shall be placed around the perimeter of the geothermal power plant and electrical equipment shall be locked.
 - b. Appropriate warning signage shall be placed on towers, electrical equipment, and geothermal power plant entrances.
 - c. Shall provide the following at all locked entrances:
 - i. A visible "High Voltage" warning sign.
 - ii. Name(s) and contact number(s) for the electric utility provider.
 - iii. Name(s) and contact number(s) for the site operator.
 - iv. The facility's 911 address and GPS coordinates.
 - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- E. Noise. No operating geothermal power plant 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. Sixty-five (65) 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:
 - i. The owner of a neighboring property that would otherwise be protected by the sixty-five (65) 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 geothermal power plant developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the geothermal power plant 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 Geothermal Power Plant Permit application and if authorized by the County,

must be filed with the County Recorder upon issuance of the Geothermal Power Plant Permit.

F. Visual Appearance.

- a. Geothermal power plants shall be finished and maintained as manufactured.
- b. Geothermal power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- c. Appropriate landscaping and/or screening materials may be required to help screen the geothermal power plant and accessory structures from major roads and adjacent residences.
- d. Geothermal power plant tower and/or other tall structure associated with a geothermal power plant shall be lighted as 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.
- e. Lighting of the geothermal power plant 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.
- f. No advertising or promotional lettering shall be displayed on any geothermal power plant beyond the non-illuminated manufacturers or applicant's logo.

G. 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.

H. Fire Protection. All geothermal power plant shall have a defensible space for fire protection and if required by the Platte County Fire Chief, on-site water storage compatible with county equipment.

I. Local, State and Federal Permits. A geothermal power plant 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.

J. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the geothermal power plant 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 geothermal power plant development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the Geothermal Power Plant Permit.

Section 13.05.060 - Permit Applications.

An application for a Geothermal Power Plant Permit to establish a geothermal power plant shall include the following:

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within one (1) mile of the proposed geothermal power plant, 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 geothermal power plant.
- B. Notices shall include a summary of the proposed geothermal power plant project including its location, projected capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission, invite the public to submit comments and identify the time, date, and location of the hearing.
- C. Notice shall be provided to the record owners and claimants of mineral rights located on or under the lands where the proposed geothermal power plant will be constructed. Notice shall include the location of the proposed geothermal power plant project and underground wiring. Notice may be made by publication.
- D. Affidavit of Publication to certify that notices of the proposed geothermal power plant 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.
 - a. 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. The name(s), address(es), and contact number(s) of the owner and/or operator.
- F. A site plan showing:
 - a. Boundaries of the site.
 - b. All proposed geothermal power plant 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.

- G. Elevations of the site to scale showing the height, design and configuration of the geothermal power plant and the height and distance to all existing structures, buildings, electrical lines, and property lines.
- H. Standard drawings and engineering analysis of the geothermal power plant.
- I. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.
- J. Specific information on the type, size, rated power output, performance, safety, and noise characteristics of the system, including the name and address of the manufacturer, and model identifier.
- K. A line drawing of the electrical components of the geothermal power plant in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- L. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid. If applicable, prior to final approval, the applicant shall provide evidence that the net-metering interconnection application has been applied for, or:
 - a. A work order number from the utility company has been acquired (for net-metering), and/or
 - b. Proof that an application for tax credit or rebate has been submitted to the state of Wyoming or applicable utility.
- M. A complete description of the proposed geothermal power plant project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.05.050 will be met.
- N. 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
- O. 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.

- P. For geothermal power plant located within an established airport zone or within approach zones of an airport, applicants shall complete and provide the results of the FAA Part 77 building permit application.
- Q. Emergency Management and Shutdown Plan for review and comment to county fire, county emergency management, and the county sheriff.
- R. 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 geothermal power plant. 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.
- S. Evidence of adequate legal access and describe how private roadways within the geothermal power plant 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.
- T. Traffic Study of any public roadways leading to and away from the proposed facility.
- U. Project Plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- V. 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 geothermal power plant 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 Geothermal Power Plant 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 geothermal power plant every (5) years under the same conditions as forth above.

Supporting documentation for addressing the review criteria of Sections 13.05.070 of this Chapter and Section 1.35.060 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 Geothermal Power Plant Permit applications for substations or transmission lines be considered in conjunction with the Geothermal Power Plant Permit application for the geothermal power plant; however, if the details of those improvements are not available at the time of application, they may be considered later, through subsequent Geothermal Power Plant 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 geothermal power plant.

Due to the complexity geothermal power plant 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 geothermal power plant 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 13.05.070 - Provisions for Geothermal Power Plant Permit Review.

Following the provisions of Chapter 1 Section 1.35, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed geothermal power plant 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.

- A. Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, likely buyers or markets for the generated energy, and possible future expansions.
- B. 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.

- C. Site and Development Plans. Site and development plans drawn to scale, which identify and/or locate all existing and proposed structures; setbacks; access, access routes; proposed road improvements; existing inhabitable structures and residentially zoned lots one-half mile of a geothermal power plant 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.
- D. Economic Analysis. Economic cost/benefit analysis describing estimated: project building certificate revenue, generated property taxes, sales taxes, other taxes, percent of construction dollars to be spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on road and other county infrastructure in the area.
- E. Emergency Management and Shutdown Plan. The Emergency Management and Shutdown Plan shall be supplemented and revised following construction of the geothermal power plant and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management and Shutdown Plan.
- F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as 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, 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 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.
- G. 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.

- H. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project, 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.
- I. 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.
- J. 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.
- K. 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)— Identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc., and 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/or 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.
- L. 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.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.05.050 E.

- N. 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 geothermal power plant project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Geothermal Power Plant 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 geothermal power plant every five (5) years under the same conditions as forth above.
- O. 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 geothermal power plant. This report shall include:
- a. Any physical modifications to the geothermal power plant 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 geothermal power plant, 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.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. 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 13.05.080 - Nuisance Impact Easements.

The following standards shall apply for all nuisance impact easements within Platte County relating to geothermal power plants.

- A. The easement must be recorded with the Platte County recorder's office.
- B. The easement shall provide that it runs with the land.
- C. The easement shall state that the current and subsequent owners are put on notice of the actual proximity of any geothermal power plant and are within the prescribed separation distance area of the proposed geothermal power plant, as well as stating any potential or

reasonably anticipated impacts to the property from the proposed geothermal power plant.

- D. The easement shall state that it precludes all owners of the property from suing to remove or close the geothermal power plant without proving in the suit that the impacts present a detriment to the health and welfare of the surrounding landowners within the prescribed separation distance area and is not merely a nuisance to the occupants of an appropriate residence or public gathering place located within a separation distance area.
- E. The easement shall be signed and dated by the owner, board of trustees, or governing body of the subject property and shall be in a form that can be recorded in the office of the Platte County recorder.

Section 13.05.090 – Indemnification and Liability.

- A. Indemnification. The applicant, owner, and/or operator of the geothermal power plant 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 geothermal power plant project.
- B. Liability. The applicant, owner, and/or operator of the geothermal power plant 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 13.05.100 – Extension and Transfer of Permits.

- A. Extension of Permit: If construction of the geothermal power plant 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.

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

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Chapter 13.10 – NUCLEAR POWER PLANT

13.05.010 – Purpose

13.05.020 – Applicability, Authority, and Severability

13.05.030 – Definitions

13.05.040 – Prohibition and Penalties

13.05.050 – Regulations and Design Standards— Nuclear Power Plant

13.05.060 – Permit Applications

13.05.070 – Provisions for Nuclear Power Plant Permit Review

13.05.080 – Nuisance Impact Easements

13.05.090 – Indemnification and Liability

13.05.100 – Extension and Transfer of Permits

Section 13.10.010 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of nuclear power plant, 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 nuclear power plant 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 residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

Section 13.10.020 – Applicability, Authority, and Severability.

- A. Applicability. This Chapter governs nuclear power plant and all associated projects and substations throughout the unincorporated areas of Platte County. Personal Nuclear systems shall be considered an accessory use to a principal permitted use in any zoning district and are exempt from this chapter. Approval of any Nuclear Power Plant Permit does not preclude the need to obtain a Project Building Certificate for the project, additions, and/or updates or changes to the project.
 - a. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a nuclear power plant that is not in compliance with this chapter or with

any condition contained in a nuclear power plant permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

- B. 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
 - 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.
- C. Severability. If any section or provision of this Chapter or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part(s), and to therefore, the provisions of these Regulations are declared to be severable.

Section 13.10.030 - Definitions.

- A. "Cooling tower" An evaporative or air-cooling system designed to augment the cooling during high ambient temperature conditions.
- B. "Enlarge or Enlargement" The adding of additional energy capacity that is not permitted as part of an existing nuclear power plant permit.
- C. "Generating unit" Equipment used to convert heat provided by nuclear resources into electricity consisting of an evaporator, condenser, turbine, induction generator, cycle-pump, system controls, control valves, and piping.
- D. "Renewable 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.
- E. "Substation," The apparatus that connects the electrical collection system of the nuclear power plant and increases the voltage for connection with a utility's transmission line(s).
- F. "Switchgear" The term "switchgear," used in association with the electric power system, or grid, refers to the combination of electrical disconnects, fuses and/or circuit breakers used to isolate electrical equipment.
- G. "Transformers" A device that transfers electrical energy from one circuit to another through inductively coupled electrical conductors.

Section 13.10.040 – Prohibition and Penalties.

- A. Prohibition. It is unlawful to locate, erect, construct, or enlarge a nuclear power plant without first obtaining a Nuclear power plant Permit from the Board of County Commissioners.
- B. Penalties. Any person found to be in violation of Section 13.10.040 subsection Prohibition above, is liable for civil penalty of not more than seven hundred fifty dollars (\$750) for each violation. Each day of a continuing violation constitutes a separate offense.

Section 13.10.050 - Regulations and Design Standards—Nuclear Power Plant.

All Nuclear power plants shall comply with the following minimum regulations and design standards.

- A. Permitted Locations. A Nuclear power plant that complies with the provisions of this section may be permitted in Industrial districts with an approved Nuclear Power Plant Permit.
- B. Design Standards.
 - a. Minimum Lot Size. No Nuclear power plant shall be erected on any lot less than twenty (20) acres in size.
 - b. Maximum Height. The maximum height of the tallest cooling tower shall not exceed ____ feet.
 - c. 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.
 - d. National Electric Code. All Nuclear power plant projects shall comply with the National Electric Code, current edition, and applicable ICC Codes.
 - e. Setbacks.
 - i. A Nuclear power plant shall be set back from the nearest property line, public road right-of-way and tanks containing combustible/flammable liquids not less than 1.5 times the total height of its tallest cooling tower or highest structure.
 - ii. No Nuclear power plant shall be located within one-half of a mile of the nearest existing inhabitable structure (residence), platted subdivision, or public building or gathering place (park, church, hospital, library, school, playground, etc.), unless first obtaining a nuisance impact easement, from the property owner of such property located within one-half of a mile of the proposed nuclear power plant.
- C. 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.

D. Safety/Access.

- a. An eight-foot fence shall be placed around the perimeter of the nuclear power plant and electrical equipment shall be locked.
- b. Appropriate warning signage shall be placed on towers, electrical equipment, and nuclear power plant entrances.
- c. Shall provide the following at all locked entrances:
 - i. A visible "High Voltage" warning sign.
 - ii. Name(s) and contact number(s) for the electric utility provider.
 - iii. Name(s) and contact number(s) for the site operator.
 - iv. The facility's 911 address and GPS coordinates.
 - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

E. Noise. No operating nuclear power plant 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. Sixty-five (65) 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:
 - i. The owner of a neighboring property that would otherwise be protected by the sixty-five (65) 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 nuclear power plant developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the nuclear power plant 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 Nuclear Power Plant Permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the Nuclear Power Plant Permit.

F. Visual Appearance.

- a. Nuclear power plants shall be finished and maintained as manufactured.
 - b. Nuclear power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
 - c. Appropriate landscaping and/or screening materials may be required to help screen the nuclear power plant and accessory structures from major roads and adjacent residences.
 - d. Nuclear power plant tower and/or other tall structure associated with a nuclear power plant shall be lighted as 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.
 - e. Lighting of the Nuclear power plant 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.
 - f. No advertising or promotional lettering shall be displayed on any nuclear power plant beyond the non-illuminated manufacturers or applicant's logo.
- G. 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.
- H. Fire Protection. All Nuclear power plant shall have a defensible space for fire protection and if required by the Platte County Fire Chief, on-site water storage compatible with county equipment.
- I. Local, State and Federal Permits. A Nuclear power plant 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.
- J. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the nuclear power plant 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 nuclear power plant development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the Nuclear Power Plant Permit.

Section 13.10.060 - Permit Applications.

An application for a Nuclear Power Plant Permit to establish a nuclear power plant shall include the following:

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within two (2) miles of the proposed nuclear power plant, 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 nuclear power plant.
- B. Notices shall include a summary of the proposed nuclear power plant project including its location, projected capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission, invite the public to submit comments and identify the time, date, and location of the hearing.
- C. Notice shall be provided to the record owners and claimants of mineral rights located on or under the lands where the proposed nuclear power plant will be constructed. Notice shall include the location of the proposed nuclear power plant project and underground wiring. Notice may be made by publication.
- D. Affidavit of Publication to certify that notices of the proposed nuclear power plant 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.
 - a. 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. The name(s), address(es), and contact number(s) of the owner and/or operator.
- F. A site plan showing:
 - a. Boundaries of the site.
 - b. All proposed nuclear power plant 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.
- G. Elevations of the site to scale showing the height, design and configuration of the nuclear power plant and the height and distance to all existing structures, buildings, electrical lines, and property lines.
- H. Standard drawings and engineering analysis of the nuclear power plant.

- I. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.
- J. Specific information on the type, size, rated power output, performance, safety, and noise characteristics of the system, including the name and address of the manufacturer, and model identifier.
- K. A line drawing of the electrical components of the nuclear power plant in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- L. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid. If applicable, prior to final approval, the applicant shall provide evidence that the net-metering interconnection application has been applied for, or:
 - a. A work order number from the utility company has been acquired (for net-metering), and/or
 - b. Proof that an application for tax credit or rebate has been submitted to the state of Wyoming or applicable utility.
- M. A complete description of the proposed nuclear power plant project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.10.100 will be met.
- N. 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
- O. 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.
- P. For Nuclear power plant located within an established airport zone or within approach zones of an airport, applicants shall complete and provide the results of the FAA Part 77 building permit application.
- Q. Emergency Management and Shutdown Plan for review and comment to county fire, county emergency management, and the county sheriff.

- R. 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 nuclear power plant. 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.
- S. Evidence of adequate legal access and describe how private roadways within the nuclear power plant 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.
- T. Traffic Study of any public roadways leading to and away from the proposed facility.
- U. Project Plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- V. 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 nuclear power plant 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 Nuclear Power Plant 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 nuclear power plant every (5) years under the same conditions as forth above.

Supporting documentation for addressing the review criteria of Sections 13.10.070 of this Chapter and Section 1.35.060 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 Nuclear Power Plant Permit applications for substations or transmission lines be considered in conjunction with the Nuclear Power Plant Permit application for the nuclear power plant; however, if the details of those improvements are not available at the time of application, they may be considered later, through subsequent Nuclear Power Plant 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 nuclear power plant.

Due to the complexity nuclear power plant 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 nuclear power plant 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 13.10.070 - Provisions for Nuclear Power Plant Permit Review.

Following the provisions of Chapter 1 Section 1.35, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed nuclear power plant 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.

- A. Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, likely buyers or markets for the generated energy, and possible future expansions.
- B. 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.
- C. Site and Development Plans. Site and development plans drawn to scale, which identify and/or locate all existing and proposed structures; setbacks; access, access routes; proposed road improvements; existing inhabitable structures and residentially zoned lots one-half mile of a Nuclear power plant 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.

- D. Economic Analysis. Economic cost/benefit analysis describing estimated: project building certificate revenue, generated property taxes, sales taxes, other taxes, percent of construction dollars to be spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on road and other county infrastructure in the area.
- E. Emergency Management and Shutdown Plan. The Emergency Management and Shutdown Plan shall be supplemented and revised following construction of the nuclear power plant and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management and Shutdown Plan.
- F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as 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, 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 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.
- G. 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.
- H. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project, 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.

- I. 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.
- J. 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.
- K. 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)— Identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc., and 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/or 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.
- L. 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.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.10.100 E.
- N. 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 nuclear power plant project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Nuclear Power Plant 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 nuclear power plant every five (5) years under the same conditions as forth above.

- O. 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 nuclear power plant. This report shall include:
 - a. Any physical modifications to the nuclear power plant 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 nuclear power plant, 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.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. 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 13.10.080 - Nuisance Impact Easements.

The following standards shall apply for all nuisance impact easements within Platte County relating to nuclear power plants.

- A. The easement must be recorded with the Platte County recorder's office.
- B. The easement shall provide that it runs with the land.
- C. The easement shall state that the current and subsequent owners are put on notice of the actual proximity of any nuclear power plant and are within the prescribed separation distance area of the proposed nuclear power plant, as well as stating any potential or reasonably anticipated impacts to the property from the proposed nuclear power plant.
- D. The easement shall state that it precludes all owners of the property from suing to remove or close the nuclear power plant without proving in the suit that the impacts present a detriment to the health and welfare of the surrounding landowners within the prescribed separation distance area and is not merely a nuisance to the occupants of an appropriate residence or public gathering place located within a separation distance area.

- E. The easement shall be signed and dated by the owner, board of trustees, or governing body of the subject property and shall be in a form that can be recorded in the office of the Platte County recorder.

Section 13.10.090 – Indemnification and Liability.

- A. Indemnification. The applicant, owner, and/or operator of the Nuclear power plant 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 Nuclear power plant project.
- B. Liability. The applicant, owner, and/or operator of the nuclear power plant 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 13.10.100 – Extension and Transfer of Permits.

- A. Extension of Permit: If construction of the nuclear power plant 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.
- B. Transfer of Permit: Nuclear Power Plant Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may transfer a Nuclear Power Plant Permit upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the Nuclear Power Plant Permit by the prospective transferee.

Chapter 13.15 - SOLAR ENERGY FACILITIES

13.15.010 – Purpose

13.15.020 – Applicability, Authority, and Severability

13.15.030 – Definitions

13.15.040 – Prohibition and Penalties

13.15.050 – Regulations and Design Standards—Solar Energy Facilities

13.15.060 – Permit Applications

13.15.070 – Provisions for Solar Energy Facility Permit Review

13.15.080 – Indemnification and Liability

Section 13.15.090 – Extension and Transfer of Permits

Section 13.15.010 - 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 residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

Section 13.15.020 – Applicability, Authority, and Severability.

- A. 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. Approval of any Solar Energy Facility Permit does not preclude the need to obtain a Project Building Certificate for the project, additions, and/or updates or changes to the project.
 - 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.

- B. 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.
- C. Severability. If any section or provision of this Chapter or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part(s), and to therefore, the provisions of these Regulations are declared to be severable.

Section 13.15.030 - 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 13.15.040 – Prohibition and Penalties.

- A. 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).
- B. Penalties. Any person found to be in violation of Section 13.15.040 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 13.15.050 - Regulations and Design Standards—Solar Energy Facilities.

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

- A. 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.
- B. 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, and applicable ICC Codes.
- C. 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.
- D. 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:
 - i. A visible "High Voltage" warning sign.
 - ii. Name(s) and contact number(s) for the electric utility provider.
 - iii. Name(s) and contact number(s) for the site operator.
 - iv. The facility's 911 address and GPS coordinates.
 - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- E. 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:
 - i. 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.

F. 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.

G. 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.

- H. Fire Protection. All solar energy facilities shall have a defensible space and on-site water storage for fire protection with the design approved by the Platte County Fire Chief.
- I. 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.
- J. 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 13.15.060 - 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 summary of the proposed 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, invite the public to submit comments and identify the time, date, and location of the hearing.
- 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 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. The name(s), address(es), and contact number(s) of the owner and/or operator.
- F. 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.
- G. A complete description of the proposed solar energy facility project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.15.050 will be met.
- H. 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
- I. 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.
- J. 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.
- K. 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.
- L. Emergency Management Plan for review and comment to county fire, county emergency management, and the county sheriff.
- M. 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.
- N. 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.
- O. Traffic Study of any public roadways leading to and away from the proposed facility.
- P. Project Plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- Q. 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 13.15.070 of this Chapter and Section 1.35.060 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 13.15.070 – Provisions for Solar Energy Facility Permit Review.

Following the provisions of Chapter 1 Section 1.35, 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.

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

- B. 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.
- C. Site and Development Plans. Site and development plans drawn to scale, which identify and/or locate all existing and proposed structures; setbacks; access, access routes; proposed road improvements; 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.
- D. Economic Analysis. Economic cost/benefit analysis describing estimated: project building certificate revenue, generated property taxes, sales taxes, other taxes, percent of construction dollars to be spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on road and other county infrastructure in the area.
- E. 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.
- F. 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.

- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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.

- L. 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.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.15.050 E.
- N. 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 five (5) years under the same conditions as forth above.
- O. 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.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. 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 13.15.080 – Indemnification and Liability.

- A. Indemnification. 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.
- B. Liability. 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 13.15.090 – Extension and Transfer of Permits.

- A. 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.
- B. 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.

Chapter 13.20 - WIND ENERGY SITING AND FACILITIES

13.20.010 – Purpose

13.20.020 – Applicability, Authority, and Severability

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13.20.110 – Remedies

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Section 13.20.010 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of wind energy siting and 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 wind energy siting and 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 residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

Section 13.20.020 – Applicability, Authority, and Severability.

Applicability. This Chapter governs Wind Energy Siting and Facilities, the siting of WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets, and all associated projects throughout the unincorporated areas of Platte County. Non-commercial WECS's shall be considered an accessory use to a principal permitted use in any zoning district and are covered in Section 13.20.120 of this Chapter. Approval of any Wind Energy Siting and Facilities Permit does not preclude the need to obtain a Project Building Certificate for the project, additions, and/or updates or changes to the project.

- A. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a wind energy facility that is not in compliance with this chapter or with any condition contained in a wind energy siting and 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 1. County Planning Commission, W.S. §§ 18-5-101 to 18-5-107, Article 2. Planning and Zoning Commission. W.S. §§ 18-5-201 to 18-5-207 and Article 5. Wind and Solar energy siting and 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 this Chapter or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part(s), and to therefore, the provisions of these Regulations are declared to be severable.

Section 13.20.030 - Definitions.

- A. "Applicant(s)." The entity or person who submits to the County, pursuant to Sections 13.20.020 and 13.20.040 of these Regulations, an application for a preliminary plan review or the siting of any WECS, WECS Project or Substation.
- B. "Financial Assurance." Reasonable assurance, at the discretion of the County Commissioners, from a credit worthy party that the costs associated with but not limited to, construction; maintenance; consequences from an abandonment; or a failure to properly execute closure, post-closure care are recoverable from applicant(s) under these Regulations.
- C. "Operator," The entity responsible for the day-to-day operation and maintenance of any WECS, WECS Project or Substation, including any third-party subcontractors.
- D. "Owner," The entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS(s) (unless the property owner has an equity interest in the WECS(s)); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.

- E. "Preliminary Plan Review," An initial review for the purpose of providing an Applicant formal feedback about potential issues that the proposal may face. The Preliminary Plan Review expressly does not grant approval and does not negate or minimize requirements that may arise during later reviews of final proposals.
- F. "Residential Dwelling and Occupied Structure(s)," Structures such as residences, quonset huts, barns, commercial buildings, hospitals, and day care facilities. Primary Structure(s) excludes structures such as storage sheds and loafing sheds.
- G. "Professional Engineer," A qualified individual who is licensed as a professional engineer in the State of Wyoming.
- H. "Substation," The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- I. "Wind Energy Conversion System (WECS)," All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the substation(s) and their support facilities, including transmission lines.
- J. "WECS Project" The WECSs and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent met towers as specified in the siting approval application pursuant to Section 13.20.020 of these Regulations and including the project area as defined by the owner.
- K. "WECS Tower" The support structure to which the nacelle and rotor are attached. "WECS Tower Height" means the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

Section 13-20-040 – Prohibition and Penalties.

- A. Prohibition. It is unlawful to locate, erect, construct, install or enlarge a wind energy siting and facility without first obtaining a Wind Energy Siting and Facility Permit from the Board of County Commissioners; W.S. §§18-5-502(a)., unless prior siting approval has been obtained for each individual WECS and Substation pursuant to these Regulations.
- B. Penalties.
 - a. Any person found to be in violation of 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.
 - b. Any wind turbine tower, wind generator or portion thereof or facility or portion thereof erected in violation of this article shall subject the owner of the tower, generator or solar energy panel or facility to a penalty of seven hundred fifty dollars (\$750.00) per day for every tower, generator or solar energy panel or facility so erected.

Section 13-20-050 - Regulations and design standards - Commercial.

All wind energy siting and facilities shall be constructed to meet, and be maintained in compliance with all Federal, State and Local requirements. Written statements providing proof that the WECS Project is in full compliance with these relevant requirements shall be provided to the Platte County Planning Office.

If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance of Federal, State and/or Local requirements, the applicant(s) at the discretion of the County Commissioners may be requested to provide additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues.

Nothing in these Regulations is intended to preempt other applicable Federal, State and/or Local laws and regulations.

- A. Permitted Locations. A wind energy siting and facility that complies with the provisions of this section may be permitted in Commercial, Industrial, and Agricultural Classification districts with an approved Wind Energy Siting and Facility Permit.
- B. Design Standards.
 - a. Minimum Lot Size. No WECS Tower shall be erected on any lot less than five acres in size.
 - b. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be thirty feet above the ground and fifteen feet above any structure or obstacle within the fall zone of the tower.
 - c. Maximum Height. The maximum height for all structures shall be established through the Wind Energy Siting and Facility Permit process, provided a structure height of thirty feet, or less shall always be permitted.
 - d. Color. Towers and blades shall be green or tan FAA approved, non-reflective, unobtrusive color that will help the project blend with the natural visual character of the area.
 - e. 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.
 - f. National Electric Code. All Wind energy siting and 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.

- g. Signage. There shall be no signage or logo of any type allowed on the WECS tower(s) except for safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the County.

C. Safety Certification.

- a. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and National Electrical Commission ("NEC"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL "), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), or an equivalent third party.
- b. Following the granting of a Wind Energy Siting and Facility Permit under these Regulations, an independent third-party Professional Engineer licensed in the State of Wyoming shall certify, as part of the Building Certificate application, prior to construction, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

D. Setbacks. In determining the required separation of a commercial WECS Project from the uses listed, all applicable setbacks are to be followed. Where multiple setbacks are applicable, the most restrictive applies.

- a. All WECS Project structures shall be set back at least one-quarter ($\frac{1}{4}$) mile from any residential dwelling or occupied structure. The distance for the above setback shall be measured from the point of the residential dwelling or occupied structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The landowner of the residential dwelling or occupied structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a residential dwelling or occupied structure less than 5.5 times the WECS Tower Height.
- b. All WECS Project structures shall be set back at least 5.5 times the WECS Tower Height from third party transmission lines, and communication towers.
- c. All WECS Project structures shall be set back at least 1.10 times the maximum WECS Tower Height from any property line contiguous or adjacent to the facility, unless waived in writing by the landowner of every property which would be located closer than the minimum distance.
- d. All WECS Project property line structures shall be set back a distance of at least 5.5 times the maximum WECS Tower Height and no less than one-quarter ($\frac{1}{4}$) mile from any platted subdivision or Residential District.

- e. All WECS Project structures shall be set back one mile from any incorporated municipality, unless waived by the municipality.
 - f. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter (¼) mile from any public road right-of-way.
 - g. All WECS Project structures shall be set back from State Parks a minimum of one-quarter (¼) mile.
 - h. The applicant does not need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.
 - i. Setback distances may be modified at the discretion of the County Commissioners if:
 - i. Affected adjacent property owner(s) have provided a waiver to the setback requirement, including such recordation at the Office of the County Clerk.
 - ii. To minimize the degradation of the visual character of the area additional performance standards may be adopted by the County upon formal consideration, review, and public hearing(s).
 - iii. Required from public road rights-of-way beyond those required in this section to accommodate known animal migrations and frequent local wildlife movements and to reduce the risk of motor vehicle and big game animal collisions.
- E. Military Facility. No vertical construction of a WECS Tower within two (2) nautical miles of any active federal military missile launch or control facility.
- F. 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.
- G. Safety/Access.
- a. A minimum eight-foot fence shall be placed around the perimeter of the wind energy siting and/or facility.
 - b. All WECS Towers must be un-climbable by design or protected by anti-climbing devices.
 - i. Site appropriate security enclosures with locking portals at least six feet high.
 - ii. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.
 - c. Appropriate warning signage shall be placed at the entrance, base of all pad-mounted transformers, substations, and perimeter of the wind energy siting and facility project.

- d. Permanent visible, reflective, colored objects shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- e. Shall provide the following at all locked entrances:
 - i. A visible "High Voltage" warning sign.
 - ii. Name(s) and contact number(s) for the electric utility provider.
 - iii. Name(s) and contact number(s) for the site operator.
 - iv. The facility's 911 address and GPS coordinates.
 - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- H. Noise. No operating wind energy siting and 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:
 - i. 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 wind power facility developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the wind 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 Wind energy siting and Facility Permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the Wind Energy Siting and Facility Permit.
- I. Visual Appearance.

- a. WECS Project 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 wind energy siting and facility and accessory structures from major roads and neighboring residences.
 - c. No WECS tower or other tall structure associated with a WECS Project 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 WECS 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 advertising or promotional lettering shall be displayed on any wind energy siting and facility beyond the non-illuminated manufacturers or applicant's logo.
 - f. 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.
- J. Fire Protection. All WECS Project shall have a defensible space for fire protection.
- K. Local, State and Federal Permits. A WECS Project 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.
- L. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the WECS Project 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 WECS Project development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the Wind Energy Siting and Facility Permit.
- M. Use of Public Roads. Any applicant(s), owner(s), or operator(s) proposing to use any county, municipality, township, village or State Road(s), for the purpose of transporting WECS(s),

substation parts, and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s), shall:

- a. Identify all such public roads, by submitting a detail mapping of haul routes shall be submitted with the Wind Siting and Facility Permit application.
- b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
- c. Obtain new access, access modification, or change of use of access permit; utility crossing permits from WYDOT for impacts to any State Highway facilities.
- d. The applicant(s), at the discretion of the County Commissioners, may be requested to provide additional studies and reports prepared by a 3rd party Wyoming licensed civil engineer to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long-term road maintenance agreement will be required.
- e. If potential road impacts are determined to extend beyond County boundaries the applicant(s) will be responsible to contact all potentially impacted jurisdiction(s), and to provide written documentation of the contacts as well as written statements from the jurisdiction(s) that they are aware of the potential impact. All required written statements shall be provided to the Platte County Planning Department prior to the scheduling of the hearing for the Wind Energy Siting and Facility Permit.
- f. To the extent an applicant(s), owner(s), or operator(s) must obtain a weight or size permit from the County, the applicant(s), owner(s), or operator(s) shall:
 - i. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - ii. Secure Financial Assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of maintaining and repairing any damage to public roads caused by constructing, operating, or maintaining for the life of the WECS Project including decommissioning.
 - iii. The use of public roads and other infrastructure shall be in accordance with and compliance of Federal, State and County regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation, or maintenance of WECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same. If Platte County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project(s), including counties in other states as applicable, the owner shall furnish proof of compliance with the requirements of any such county.

N. Additional Permittable Uses. The County may allow the applicant(s) to include certain accessory type uses on a WECS Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind energy facilities in general. Directional signage may be permitted by the County on individual bases. Information on local historical issues may be included, or required, with approval of such accessory uses.

O. Operation.

a. Maintenance.

- i. The owner(s) or operator(s) of the WECS must submit a yearly statement noting that all aspects of the WECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all State and Federal requirements.
- ii. Designated and declared weeds shall be controlled on permitted sites during and after the life of the operation. This shall be maintained to the satisfaction of County Weed & Pest.
- iii. Periodic maintenance will include upkeep to all structures and grounds for material state and aesthetics. Routine scheduled maintenance shall include the repainting of equipment and structures and groundwork or landscaping as appropriate to the location and the installed or erected assets.

b. Interference.

- i. The applicant(s) shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s). The applicant(s) shall take reasonable measures to mitigate such anticipated interference.
- ii. If, after construction of the WECS(s), the owner(s) or operator(s) receive a written complaint related to interference with emergency services communications, local broadcast of residential television or other communications venues, the owner(s) or operator(s) shall take steps to respond to the complaint as reasonably feasible.
- iii. That the developer(s) mitigate(s) light impact on existing residences as reasonably feasible and still meet FAA requirements.

c. Materials Handling, Storage, and Disposal

- i. All solid wastes related to the construction, operation, and maintenance of a WECS Project shall be removed from the site promptly and disposed of in accordance with all Federal, State and Local laws.

- ii. All hazardous materials related to the construction, operation, and maintenance of the WECS Project shall be handled, stored, transported, and disposed of in accordance with all applicable Federal, State and Local laws.
- P. Coordination with Local Fire Department and Emergency Management Coordinator.
 - a. The applicant(s), owner(s) or operator(s) shall submit to the local fire department and/or the Emergency Management Coordinator a copy of the site plan.
 - b. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- Q. Federal, State and Local Requirements.
 - a. Federal Aviation Administration (FAA) The applicant(s) for the WECS shall comply with all applicable FAA requirements.
 - b. Local Aviation Facilities The applicant(s) will minimize all applicable concerns and/or potential impacts with existing local public or private aviation facilities.
 - c. Military The applicant(s) for the WECS shall comply with all military requirements whenever applicable.
 - d. Federal Communication Commission (FCC) The applicant(s) for the WECS shall comply with all FCC requirements.
 - e. Wyoming Industrial Siting Council The applicant(s) for the WECS shall comply with all Wyoming Industrial Siting Council requirements.
 - f. United States Fish and Wildlife Service (USFWS) The applicant(s) for the WECS Project shall comply with all applicable USFWS requirements including federal endangered species regulations as established in the Federal Endangered Species Act.
 - g. United States Army Corp of Engineers (COE) The applicant(s) for the WECS Project shall comply with all applicable COE requirements including the Federal Wetlands regulations as established in the Federal Clean Water Act.
 - h. Wyoming Department of Environmental Quality (DEQ) The applicant(s) for the WECS Project shall comply with all applicable DEQ requirements.
 - i. Noise Levels The applicant(s) for the WECS Project shall comply with all Federal, State and Local requirements.
 - j. Public Highway, Streets, Bridges or Navigable Streams The applicant(s) should be aware that the County will strictly enforce Wyoming Statue 35-10-401 if obstruction, injury and/or pollution occurs related to the WECS Project.
 - k. Any and all other Federal, State and Local Requirements The applicant(s) f or the WECS Project shall comply with all applicable governmental requirements.
- R. Compliance with Additional Regulations. Nothing in these regulations is intended to preempt other applicable State and Federal laws and regulations.

Approval of a Wind Energy Siting and Facility Permit is expressly not granted by approval of a preliminary plan review and does not negate or minimize requirements of other agencies in any manner. Any preliminary plan review process is meant to consider the land use from a local zoning and land use perspective versus the required studies and formal details of the project. This puts Platte County, adjacent counties, neighboring property owners and the public on notice that a property is under consideration for a potential WECS Project, gives the applicant some awareness of potential issues associated with a particular property and minimizes costs to the applicant until such time that a Wind Energy Siting and Facility Permit application is submitted.

- A. A Preliminary Plan Review application shall be submitted to request approval of a preliminary plan for a site for a potential WECS Project as an approved land use whereby the concept of said use is approved without implying that a WECS Project is approved or that any structure will ultimately be approved. Preliminary plan applications shall not require that studies, detailed site plans, formal agreements and other information requested per these Regulations be submitted. A separate Wind Energy Siting and Facility Permit application will be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations. A Preliminary Plan application will contain financial assurance. (Cash, Corporate Bond, or Surety Bond) that the applicant can construct and operating the proposed WECS Project.
- B. The Alternative Energy Permit application process for anemometers/meteorological towers represents a type of preliminary plan as it allows the County, neighboring landowners, and the general public to be made aware that a property is being studied for a potential WECS Project with a Alternative Energy Permit request for any anemometer/meteorological towers. Again, a separate Wind Siting and Facility Permit application would be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations.
- C. Upon approval of a preliminary plan anemometers/meteorological towers and other non-invasive or temporary structures may be permitted by the Board of Commissioners.

Section 13.20.070 - Wind Siting and Facility Permit Applications.

An application for a Wind Energy Siting and Facility Permit to establish a WECS Project 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 wind energy siting and facility, to the military installation commander of the commander's designee, to military installation commander of the commander's designees, federal, state, and local departments utilizing

airspace above, to the WYDOT District Engineer, and to all cities and towns located within twenty (20) miles of the proposed wind energy siting and facility.

- B. Notices shall include a general description of the WECS 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 WECS Project will be constructed. Notice shall include the location of the proposed WECS 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. Notice shall include a summary of the proposed WECS Project, invite the public to submit comments and identify the time, date, and location of the hearing.
- E. Affidavit of Publication to certify that that notices of the proposed WECS Project 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.
- F. The name(s), address(es), and contact number(s) of the applicant(s), owner(s) and operator(s), and all property owner(s);.
- G. A site plan showing:
 - a. Boundaries of the site.
 - b. Property lines, including identification of adjoining properties.
 - c. Setback lines.
 - d. All proposed wind energy siting and facility structures.
 - i. Including guy lines and anchor bases (if any).
 - ii. Electric cabling from the WECS Tower to the substation(s).
 - iii. Ancillary equipment and transmission lines.
 - e. Location of all existing structures with their uses identified.
 - f. Easements, public access roads, turnout locations, points-of-delivery, staging areas, and rights-of-way.
 - g. Copy of the current FEMA FIRM map that shows the subject property.
- H. A complete description of the proposed WECS Project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.20.050 will be met.

- I. Certification that the proposed facility will comply with all federal, state, and local standards.
- J. 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
- K. When land will not be dual use (i.e., wind with agricultural or wind 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.
 - c. Description of changes to agricultural production as a consequence of the facility, if applicable.
- L. 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.
- M. For WECS Project 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 Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Wind energy siting and Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- N. A written emergency management plan for review and comment to county fire, county emergency management, and the county sheriff.
- O. 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 wind energy siting and 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.

- P. Evidence of adequate legal access and describe how private roadways within the WECS Project 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.
- Q. A traffic study of any public roadways leading to and away from the proposed facility.
- R. A project plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- S. 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 planned life of the facility.
 - b. Provisions describing the triggering events for decommissioning the WECS Project or any portion thereof upon 18 months of continuous non-operation of the WECS Project or of any aspect of any facility, unless by force majeure.
 - c. A description of the plan to remove the WECS Project equipment and to restore the land to its previous use upon the end of the facility's life.
 - d. Provisions for the removal of structures, debris, associated equipment, and cabling on and below the surface to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur.
 - e. Provisions for the restoration of the soil and vegetation.
 - f. 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.
 - g. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration.
 - i. Financial Assurance. The applicant shall provide financial assurance in one, or a combination of the following, at the discretion of the County Commissioners: self-bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the County Commission as part of the permit application procedures and prior to the approval of applicant(s) application. The Platte County Commission may reject the proposed forms of assurance of financial responsibility if the evidence submitted does not adequately assure that funds will be available as required by these rules. Applicant(s) shall be notified in writing within sixty (60) days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may

be canceled by the surety only after ninety (90) days written notice to the Board of County Commissioners, and upon receipt of the Board's written consent, which may be granted only when the requirements of the bond or assurance have been fulfilled. Financial assurance amount may be recalculated on a yearly basis at the discretion of the Board of County Commissioners.

- ii. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Board of County Commissioners provides notice to the owner(s) or operators(s) and any surety that a violation(s) exists, and the Board has decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or abatement, the County Attorney shall bring suit to recover the costs of performing the activities where recovery is deemed possible.
- h. Identification of and procedures for County access to financial assurances.
- i. Provisions that the terms of the decommissioning plan shall be binding upon the owner or operator and any other successors, assigns, or heirs.
- j. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning
- k. A provision that the County shall have the right to review and reconsider the WECS Project's Decommissioning Plan at the time of decommissioning, consistent with changes in the land use of the project at that time
- l. Upon review of the Wind Energy Siting and 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.
- m. The applicant shall provide the county with a new estimate of decommissioning of the WECS Project every (5) years under the same conditions as forth above.
- T. Wyoming Game and Fish Department (WGF) request for information; the applicant(s) is advised to request information from WGF during initial site selection regarding any crucial or important wildlife and habitat areas that may be present. The applicant should include annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The applicant will need to assure access to the wind development area for the purposes of

annual wildlife monitoring activities. The County will route the WGF for comment to be reviewed and incorporated into any report and approval.

- U. Archeological and Historical Resources request for approval; the applicant(s) is advised to seek approval from appropriate agencies for matters concerning archaeology studies, historical importance, and any other relevant Federal, State and Local issues and to include relevant reports in the application process. The County will route the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment to be reviewed and incorporated into any report and approval.
- V. Proof of liability insurance; the owner(s) or operator(s) of the WECS Project(s) 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. If the application is approved, the owner(s) or operator(s) of the WECS(s) shall provide proof of insurance to the Board of County Commissioners annually.

Supporting documentation for addressing the review criteria of Sections 13.20.070 of this Chapter and Section 1.35.060 of Chapter 1 is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this chapter.

Due to the complexity of commercial WECS Project, 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 wind 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 13.20.080 - Provisions for Wind Energy Siting and Facility Permit Review.

Following the provisions of Chapter 1 Section 1.35, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed WECS 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.

- A. Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
- B. 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.
- C. 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-half (½) mile of a commercial WECS 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.
- D. 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.
- E. Emergency Management Plan. The Emergency Management Plan shall be supplemented and revised following construction of the WECS Project and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management Plan.
- F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as wind 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, 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 visual 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., wind 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.

- G. 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.
- H. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project, 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.
- I. 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.
- J. Height Restrictions and Hazard Review. Compliance with any applicable airport overlay zone requirements and the ability to comply with FAA and military regulations pertaining to hazards to air navigation must be demonstrated.
- K. 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.

- L. 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.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.20.050 H. Noise.
- N. 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 wind energy siting and facility project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Wind Energy Siting and 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 wind energy siting and facility every (5) years under the same conditions as forth above.
- O. 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 WECS Project. This report shall include:
 - a. Any physical modifications to the WECS Project 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 wind energy siting and 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.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. 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 13.20.090 – Indemnification and Liability.

- A. The applicant, owner, and/or operator of the wind energy siting and 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 wind energy siting and facility project.
- B. The applicant, owner, and/or operator of the wind energy siting and 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 13.20.100 – Extension and Transfer of Permits.

- A. Extension of Permit: If construction of the wind energy siting and 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.
- B. Transfer of Permit: Wind Energy Siting and Facility Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may transfer a Wind Energy Siting and 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 Wind Energy Siting and Facility Permit by the prospective transferee. Request for transfer will be reviewed by the Planning Office, County Attorney's Office, Planning and Zoning Commission, and Board of Commissioners.

Section 13.20.110 – Remedies.

- A. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under these Regulations.

- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner(s) and operator(s), setting forth the alleged default(s). Such written notice shall provide the owner(s) and operator(s) a reasonable time, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County regulation provisions addressing the resolution of such default(s) shall govern.
- D. When a decision is issued after hearing on an application for a permit under this article, the decision is final for purposes of judicial review.
- E. Any party aggrieved by the final decision of the board of county commissioners may have the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.
- F. The provision of these Regulations is enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Section 13.20.120 – Regulations and Design Standards - Non-Commercial.

Non-Commercial WECS shall be allowed as an Accessory Structure to an existing or proposed primary use in all zoning districts and shall be permitted by the issuance of an approved building certificate when applicable, as defined herein, or by the issuance of a Special Use Permit.

- A. Approval as an Accessory Structure with only a building certificate is subject to compliance with the standard applications requirements and compliance with all the following Non-Commercial WECS as set forth below, except for manufacturer designed roof mounted units which will comply only to A-2 and A-6 through A-15 below:
 - a. Minimum Parcel Size and Total Height. The minimum parcel size to establish a Non-Commercial WECS is one acre and the maximum tower height on a parcel less than five (5) acres in size is sixty feet (60'). Parcels between five (5) and thirty-five (35) acres in size shall have a maximum tower height of one hundred feet (100'). Parcels of thirty-five (35) acres and larger shall have a maximum tower height of one hundred forty feet (140'). Any proposal that will exceed these standards will require an approved Special Use Permit prior to issuance of a building certificate.
 - b. Noise. WECS shall not exceed 40 dbA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe winds storms.
 - c. Setbacks. The WECS shall be setback one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.

- d. Clear Zone. The WECS shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines. The clear zone may be waived if the anchoring system for the structure is certified by a Wyoming Licensed Engineer.
- e. Tower Security. Any climbing apparatus must be located at least twelve feet (12') above the ground, and the tower must be designed to prevent climbing within the first twelve feet (12').
- f. Lighting. Wind energy systems shall not be artificially lighted with accent lighting. Wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- g. Signs/Advertising. No tower shall have any sign, writing or picture that may be construed as advertising.
- h. Colors. All towers shall be an FAA approved neutral color and be non-reflective.
- i. Multiple WECS. Multiple WECS are allowed on a single parcel as long as the owner/operator complies with all Non-Commercial WECS Regulations contained herein. Units shall be installed in compliance with minimum setbacks and clear zone requirements and the minimum distance between wind energy systems shall be equivalent to one hundred and ten percent (110%) of the combined height of the tower plus the blade length.
- j. Approved Wind Turbines. At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI) or other small wind certification program recognized by the American Wind Energy Association.
- k. On-site Electrical Use. On the application, the application must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.
- l. Compliance with FAA Regulations. Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- m. Utility Notification. Permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- n. Removal of Defective or Abandoned WECS. Any WECS found to be unsafe by an authorized County official, or delegated party, shall be repaired by the owner to meet federal, state, and local safety standards or removed within six (6) months.
 - o. Cessation of Operation. If any WECS is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provided thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) day of receipt of notice.
 - p. Maintaining compliance. All applicable Federal, State, and local regulations shall be met and continually maintained for all WECS.
- B. A Special Use Permit is required for any Non-Commercial WECS that exceeds the standards defined in A.1. or any other standard listed herein.