



AGENDA

Tuesday, January 11, 2022
6:00 PM

NOTICE MEETING LOCATION CHANGE

Town Council Chambers
600 9th Street, Wheatland, Wyoming

-
- A. Call to Order – Roll Call
 - B. Citizen Comments
 - C. Declaration of Conflicts of Interest
 - D. New Business
 - I. **Request:** A request to rezone from Commercial to Agricultural Classification
 - i. **Applicant:** Delton Tinsley
 - ii. **Location:** 67 El Rancho Road, Wheatland, Wyoming
 - II. **Review:** 2022 Platte County Planning and Zoning Fee Schedule
 - III. **Resolution:** Alternative Energy Rules and Regulations
 - IV. **Resolution:** Agricultural Classification Rules and Regulations
 - E. Approval of minutes from the October 12, 2021 Regular Meeting
 - F. Board Discussion (if any)
 - G. Adjournment



Meeting Dates: Planning and Zoning, Tuesday, January 11, 2022, at 6:00 PM
County Commissioners, Tuesday, January 18, 2022, at 10:00 AM

Applicant: Delton Tinsley

Request: Request to Rezone from Commercial to Agricultural Classification

Location: 67 El Rancho Road, Wheatland, Platte County, Wyoming



Request Details:

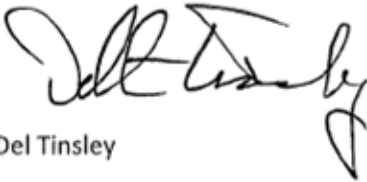
Delton Tinsley has filed an application to request to rezone 67 El Rancho Road, Wheatland, Wyoming from Commercial Classification to Agricultural Classification. Mr. Tinsley is requesting to rezone due to transforming the commercial property into a residential property and to allow for better financing options. The existing RV spaces on the property will not be rented out but may be utilized by visiting relatives from time to time.

November 30, 2021

County Commissioners,

I am requesting to rezone the commercial property that we are using as a residence. We do not plan to use the property as commercial in any way. There are a few RV spots on the property that may be utilized by family from time to time, but they will never be rented out. I am wanting to rezone the residence for better financing options.

Best regards,

A handwritten signature in black ink, appearing to read "Del Tinsley". The signature is stylized and cursive.

Del Tinsley

Neighbor Comments:

None received.

Agency Comments:

None received.

Analysis:

Mr. Tinsley is requesting to rezone 67 El Rancho Road, Wheatland, Wyoming from Commercial Classification to Agricultural Classification. Due to the property being utilized as a residence and the parcel being 1.5-acres in size it could be utilized for agricultural purposes in addition to the single-family dwelling. In addition, returning this parcel to its previous classification of Agricultural would remove a spot zone from the zoning map.

The RV spaces on the property could be a concern in the future. Although, Mr. Tinsley does not intend on utilizing them in a business capacity currently, this does not prevent future owners from doing so. Should future owners wish to operate a travel trailer business a rezone and special use permit with the required design criteria and permitting through DEQ will be required.

If approved, Mr. Tinsley should be aware of the requirements to operate a travel trailer business on the property and the penalties for operating one without going through the proper procedures; should he wish to operate a travel trailer business on this parcel in the future. In addition, any existing special use permits for 67 El Rancho Road shall be considered expired upon approval of

this rezone by the County Commissioners and thereby starting their five year retention per the records retention schedule.

The opinion of the Planning Office is if Mr. Tinsley's request is approved returning this parcel to its previous classification of Agricultural would remove a spot zone from the county zoning map.

Planning and Zoning Options:

In reviewing requests, the Commission may:

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

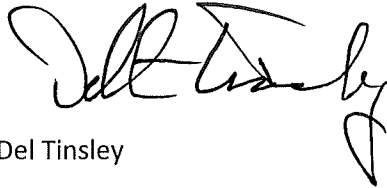
** Failure to achieve a quorum results in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

November 30, 2021

County Commissioners,

I am requesting to rezone the commercial property that we are using as a residence. We do not plan to use the property as commercial in any way. There are a few RV spots on the property that may be utilized by family from time to time, but they will never be rented out. I am wanting to rezone the residence for better financing options.

Best regards,

A handwritten signature in black ink, appearing to read "Del Tinsley". The signature is stylized with a large initial "D" and a long horizontal stroke.

Del Tinsley

67 El Rancho Road



RESOLUTION 2022-____

A RESOLUTION OF THE PLATTE COUNTY BOARD OF COUNTY COMMISSIONERS, ADOPTING THE ATTACHED PLANNING AND ZONING FEE SCHEDULE FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY PLATTE COUNTY PLANNING AND ZONING RULES AND REGULATIONS; AND PROVIDING FOR THE EFFECTIVE DATE OF ALL FEES.

WHEREAS pursuant to the Platte County Planning and Zoning Rules and Regulations regarding Planning and Zoning fees for services and fee increases; and

WHEREAS the Planning and Zoning fees for services require updating to include applicable alternative energy fees; and

WHEREAS the Platte County Board of Commissioners has determined that the fees included within the attached fee schedule are appropriate and are reasonably related to the purpose for which such fees are charged.

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

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

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

ADOPTED by the Platte County Board of County Commissioners on this _____ day of _____, 2022.

Commissioner Chairman Shockley

ATTEST:

County Clerk Ervin

PLATTE COUNTY PLANNING & ZONING FEE SCHEDULE

Building Certificate - Structure	0.5% of cost of construction or cost of structure (minimum \$50.00)
Building Certificate - Use/Project	0.5% of cost of use/project (minimum \$50.00)
Building Certificate - Extension	First Extension \$100.00 Second Extension \$200.00
Certified Postage Fee (applies to all applications requiring a public hearing)	Actual Cost
Encroachment License	\$200.00
Engineering/Other Professional Review (for technical reviews)	Actual Cost
Floodplain Development Permit	\$300 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Geothermal Power Plant Permit	\$2,000 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Nuclear Power Plant Permit	\$4,000 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Publication and Notice Sign Fee (applies to all applications requiring a public hearing)	\$250.00 per application
Physical Address/Address Verification	\$100 per address \$50 if applied for with Building Certificate
Pre-application meeting for Floodplain Development, Special Use Permit, Simple Subdivision, and Subdivision applications	\$60 per hour
Solar Energy Facility Permit	\$2,000 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Re-plat	\$250 plus certified mailing postage, publication, and notice sign fees
Rezone	\$300 plus certified mailing postage, publication, and notice sign fees
Special Use Permit	\$250 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Subdivision - Simple	\$300 plus \$10 per lot, plus certified mailing postage, publication, notice sign, and any engineering/professional fees

Subdivision	\$500 plus \$100 per lot, certified mailing postage, publication, notice sign, and any
Variance	\$500 plus certified mailing postage, publication, and notice sign fees
Wind Energy Siting and Facility Permit	\$2,000 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Wind Energy Siting and Facility Preliminary Plan Review	\$1,500 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Zoning Certificate	\$20 per certificate

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

VIOLATIONS

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

Constructing or locating a structure prior to obtaining a Building Certificate	fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage
Violation letter sent by County Attorney	fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage
Initiating use and/or project prior to obtaining the cooresponding permit, rezone, or variance	fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage
Subdividing prior to obtaining approval from the Board of Commissioners	fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$10 fee for certified mailing postage

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 50 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 500 feet without FAA approval.
 - 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

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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 is 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 Statute 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) for 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.

Section 13.20.060 - Preliminary Plan Review Application.

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.

Chapter VIII – Class V – AGRICULTURAL CLASSIFICATION

Section 1. Purpose

These regulations serve to help define and control development in the Agricultural District and may include multiple family occupation in either separate accessory structures or incorporated within the business structure for property owner/manager families and employees. When additional uses are requested, but not listed in sections 2 or 3, the Planning Commission and the Board of Commissioners will determine whether the use meets the intent of either Section 2 or 3 below.

Section 2. Allowed uses

Allowed uses, which may include associated outbuildings, such as, but not limited to, garages, shops, barns and storage buildings. When additional uses are identified but not listed below, the Planning Commission and the Board of Commissioners will make a determination of whether the use meets the intent of Section 2 or 3 below.

- A. Farming/ranching;
- B. Hunting camps;
- C. Dude ranches, fish hatcheries, wild game refuges, fish and game farms, and bed and breakfast facilities;
- D. Agricultural support business;
- E. Seasonal sales stand for products produced on the premises;
- F. Agricultural research and development;
- G. Sawmills producing fewer than 50,000 board feet per year;
- H. Dairies – milking fewer than 500 head per day;
- I. Non-commercial gravel pits – under two acres;
- J. Home based occupation;
- K. Single family residential use;
- L. Dwellings for family members or employed labor in support of the operation.
- M. Storage of derelict vehicles and equipment as necessary to support the agricultural activity.

Section 3. Land uses which require a Special Use Permit

- A. Dairies – milking 500 head or more per day;
- B. Commercial gravel pits over 2 acres;
- C. Wireless Communication Towers; and Advertising Billboards;
- D. Feedlots (See definition page 10)

Section 4. Minimum Requirements for Special Use Permit Approval

- A. The following minimum submittal requirements for a Special Use Permit Application in Class V Agricultural Classification will be included with each applicant. The Planning Office will return incomplete applications for completion prior to scheduling any official review:
 - 1) A letter stating purpose and intent of special use permit application;
 - 2) A completed permit application;
 - 3) Conditional approval may be granted where required to obtain approval of a required state permit. However, final approval will not be granted until issuance of required state permits;
 - 4) A copy of all permit applications needed to meet the requirements of Wyoming Department of Environmental Quality for the review of feedlot wastewater retention systems and any other required permits, including N.P.D.E.S.;
 - 5) A vicinity map showing the distance to the nearest existing or proposed confinement livestock operation.

Section 5. Animal Equivalency

For purposes of these regulations, the following Animal Equivalency Table shall apply:

Animal Equivalency Table

Cattle	Cow with or without unweaned calf at side, or heifer 2 years old or older.	1.0
	Bull, 2 years old or older	1.3
	Mature dairy cattle	1.4
	Young cattle, 1 to 2 years	0.8
	Weaned calves to yearlings	0.6
Horses	Horse, Mature	1.3
	Horse, yearling	1.0
	Weanling colt of filly	0.75
Sheep	5 mature Ewes, with or without unweaned lambs at side	1.0
	5 Rams, 2 years old or over	1.3
	5 yearlings	0.8
	5 weaned lambs to yearlings	0.6
Swine	Sow	0.4
	Boar	0.5
	Pigs or Hogs to 300 pounds	0.2
	Hogs over 300 pounds	0.4
Chickens		0.02
Turkeys		0.03

CHAPTER 8 RANCHING, AGRICULTURAL AND MINING DISTRICT (RAM)

8.05 RANCHING, AGRICULTURAL AND MINING

8.10 MINERAL AND OIL AND GAS EXTRACTION LAND USE PLAN

8.15 MINING PACKET/AGGREGATE EXTRACTION LAND USE PLAN

The purpose of this Chapter is to preserve historic uses and open space areas of the County while permitting ranching, agriculture, animal husbandry, and mining in a manner that attains this purpose. While ensuring that future land development is fiscally responsible, to strengthen existing communities and maximize use of services already established for police and fire protection, refuse collection, snow removal, and utility access.

Residential uses accessory to a preexisting Commercial, Industrial, or General Agricultural operation are permitted in this zone. If residential uses not covered above are desired, a zone change should be sought. The Platte County Development Plan encourages the development of new residential development and commercial sites near municipalities and developed areas.

All the unincorporated area of the County not otherwise zoned is designated as the Ranching, Agriculture and Mining Zone.

As adopted by the Platte County Commissioners _____

Chapter 8.05 – RANCHING, AGRICULTURE AND MINING

8.05.010 – Allowed Uses

8.05.020 – Special Use Permit Uses

8.05.030 – Temporary Use Permit Uses

8.05.040 – Building Setbacks

8.05.050 – Minimum Lot Area

8.05.060 – Other Regulations and Design Standards

Section 8.05.010 – Allowed Uses.

- A. Agricultural Support Business; including but not limited to non-commercial nurseries and greenhouses; sales stand for products produced on the premises; meat processing facilities under 25,000 square feet, processing less than 60 head a day with proof of state and/or federal permits and only processing Wyoming raised brand inspected livestock; feed storage, processing, and shipping; riding and accessory shop; riding arena; florist; delicatessen; grain elevator with approved engineering design for safety protocols.
- B. Animal Crematorium – when located on-site and accessory to an agricultural operation.
- C. Cemeteries.
- D. Commercial, Industrial, or General Agriculture including ranching, farming, their related uses and facilities, and relative animal husbandry.
- E. Community Centers, Churches and Schools with plan approval from the State Fire Marshal per §35-9-108 <https://wsfm.wyo.gov/fire-prevention/plan-review>
- F. Dairies, milking fewer than 500 head per day.
- G. Golf Course - public, private, or miniature or driving range.
- H. Habitat Management and Agricultural Research and Development.
- I. Hunting camps, dude ranches, fish hatcheries, wild game refuges, game and fish farms, dwellings for family members or employed labor in support of the operation.
- J. Kennels on parcels 10 acres or larger.
- K. Non-industrial gravel mines and accessory facilities under two acres with proof of state permit.
- L. Public Fire Department Fire Protection Facilities.
- M. Public parks, playground, highway construction facilities and rest rooms.
- N. Railroad Facilities including shops and yards.
- O. Residential uses that are accessory to a preexisting Commercial, Industrial, or General Agricultural operation, including accessory dwelling unit(s), bed and breakfast facility, home occupation, and cottage industries.

- P. Storage of derelict vehicles and equipment as necessary to support the agricultural operation.
- Q. Subsurface Record Storage, i.e., physical and microfilm records.
- R. Timber production/sawmill producing fewer than 50,000 board feet per year, but not including wood pulp mills or paper processing.

Section 8.05.020 – Special Use Permit Uses.

- A. Advertising Billboard(s).
- B. Agricultural Industrial Uses, including but not limited to meat processing plants over 25,000 square feet or processing 60 or more head per day.
- C. Aircraft Landing Site/Strip and Heliport.
- D. Animal Crematorium – when not located on-site of an agricultural operation and not accessory to an agricultural operation.
- E. Asphalt and/or Concrete Mixing or Batch Plant.
- F. Commercial Evaporation Ponds.
- G. Commercial Nurseries and Greenhouses.
- H. Commercial recreation areas and facilities, including campgrounds, recreational vehicle park, trailer camp, travel trailer park, etc. (Travel Trailer Park Development Regulations apply)
- I. Commercial Scale Alternative Energy Facility.
- J. Commercial Storage – Indoor and Outdoor.
- K. Compressor, regulator, testing and distribution stations, and gas processing plants.
- L. Correctional Facility.
- M. Crypto and Data Mining.
- N. Dairies milking 500 head or more per day.
- O. Digital and/or Data Storage Facility.
- P. Drive-In Theater.
- Q. Electrical Substations and Transmission Lines.
- R. EV Charging Stations.
- S. Extraction or production of mineral resources.
- T. Feedlots.
- U. Guest Ranch, boarding house, labor/work camps, temporary living facilities, resort, or recreation lodge.
- V. Industrial gravel mining over two acres.
- W. Industrial Uses, processing plants and related uses.
- X. Kennels on parcels less than 10 acres.
- Y. Low Hazard – Low Volume Treatment, Processing, Storage and Transfer Facility.
- Z. Meteorological (MET) Tower(s).

- AA. Oilfield Wastewater Disposal Facilities.
- BB. Public and Utility facilities limited to above ground structures conforming to Wyoming Department of Environmental Quality requirements, i.e., water supply facilities, municipal solid waste landfill, sewage treatment facility, substations, etc.
- CC. Public Fire Department Fire Protection Training Facilities.
- DD. Radio transmitting stations.
- EE. Recycling Center and/or Recycling Plant.
- FF. Restaurant, cafeteria, café, and/or diner.
- GG. Rifle, Pistol, Skeet or Trap Range.
- HH. Track, Trail, Course or Speedway.
- II. Veterinary Clinics and Hospitals.
- JJ. Wireless and/or Telecommunication Communication Tower(s).

Section 8.05.020 – Temporary Use Permit Uses.

- A. Fair, Festival, Market, or Carnival.
- B. Heavy Equipment Storage Yard.
- C. Off-site Construction Yard.
- D. Off-site Seasonal Sales, i.e., Fireworks, Firewood, Farmer’s Markets, Trees, etc.
- E. Temporary Dwelling.
- F. Temporary Event Camp.
- G. Temporary Storage.
- H. Temporary Work Camp.

Section 8.05.040 – Building Setbacks.

- A. All permanent buildings shall be set back at minimum distance of thirty (30) feet from public roadway easements and/or rights-of-way and 25 feet from property lines.

Section 8.05.050 – Minimum Lot Area.

- A. Minimum lot area is 10 acres.

Section 8.05.060 - Other Regulations and Design Standards.

The below exemptions do not apply when the intent of the creation of smaller parcel(s) is to evade the purpose of this Chapter.

- A. Lot of Record/Pre-existing Parcels:
 - a. Any lot of record, less than 10 acres in size created by any legal means prior to February 1, 2022, may continue to be used in accordance with Chapter 1 Section 1.25.

B. Exemptions from Minimum Parcel Size:

- a. The division of land into smaller than 35-acre parcels in accordance with § 18-5-303 Exemption from Provisions and the exemption provisions contained within the Platte County Subdivision Regulations may not require a zone change when the division is not the beginning of a subdivision, or it is not the beginning of the general conversion of the use of the subject lands. The purpose of the minimum parcel/lot size exception is to retain ranching, farming, and agriculture as the preferred land use in rural areas of Platte County.

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Chapter 8.10 – MINERAL AND OIL AND GAS EXTRACTION

LAND USE PLAN

8.10.010 – Preamble to Mineral and Oil & Gas Extraction Regulations

8.10.020 – Required Information and Documents

8.10.030 – Supplemental Information

8.10.040 – Mineral and Oil & Gas Extraction Regulations

Section 8.10.010 – Preamble to Mineral and Oil & Gas Extraction Regulations.

Platte County has a long history of mineral extraction. Platte County looks to the future with the growth of the mineral industry balanced with the current Land Use Plan. A Special Permit will be required for mineral and oil & gas extraction activities. The following regulations will apply when:

- A. The activity is not reasonably necessary in the use or occupancy to the extraction or production of mineral resources; and
- B. The activity is not regulated by the Department of Environmental Quality or Wyoming Environmental Quality Act or Wyoming Oil & Gas Conservation Commission.

Section 8.10.020 – Required Information and Documents.

READ CAREFULLY THE REQUIRED INFORMATION BELOW AND SUBMIT PERTINENT INFORMATION/DOCUMENTS:

- A. Describe the intent of the project (mining, exploration, drilling, etc.) and type of material or mineral.
- B. Attach Proof/Verification of Surface Ownership and any applicable Mineral Rights Ownership. Include Access Route Ownership(s) and relevant leases, if applicable.
- C. Attach site plan, including location of haul routes to a paved public road. (Attach additional pages, as necessary.)
- D. Submit soils information report from Platte County Resource Conservation District.
- E. Submit information on proposed sewage treatment for site employees, visitor facilities, etc.
- F. Submit information on plans for run-off water and any other items that may assist the County in reviewing the application.
- G. Will your proposed operation require access upgrade, road upgrade, additional road maintenance, fencing, etc.? Please explain any consideration you may have in this matter to work with Platte County for health and safety reasons as well as for road upkeep. Discussion and communication on these matters with the Platte County Engineer and the

Platte County Road & Bridge Superintendent prior to submittal of applications may lessen the possibility that an application is continued at a hearing.

- H. Submit any request and rationale for extended hours of operation with this packet.
- I. Submit any request and rationale for reduced setbacks.
- J. Submit any request and rationale for varying other standards.
- K. Please indicate location of proposed operation, facilities, equipment siting, berms, stockpiles, ponds, etc. to indicate that care is taken to minimize impact on surrounding properties. Describe any plans proposed for public protection including protection of surface owner's use, protection from nuisances, public safety, animal safety, habitat, fencing, signage, etc. If applicable, describe efforts to preserve archaeological, cultural and historic resources.
- L. Provide list of all State permitted water wells and/or adjudicated water rights within the permit area and ½ mile out.
- M. If blasting is proposed, please describe plans to minimize potential impact on wells and structural foundations on neighboring properties.

Section 8.10.020 – Supplemental Information.

- A. Please expound upon any future plans you may have for additional mineral or oil & gas extraction within one mile of the proposed operation to be considered in this application.
- B. Please expound upon any future plans you may have for developing the property after reclamation. This could include future development such as subdivisions, wetlands or simply returning the land to grazing or tilling.
- C. All information that can be offered concerning future plans is appreciated. Acknowledgement of future plans, or lack thereof, could affect the ability to gain approval of future plans to expand permitted operations.

Section 8.10.040 – Mineral and Oil & Gas Extraction Regulations.

Allowed with an approved Special Permit in Ranching, Agricultural and Mining District and Industrial District.

- A. A completed Mineral or Oil & Gas Extraction Land Use Plan must accompany a Special Permit application.
- B. Minimum setbacks for operation.
 - a. One quarter (1/4) mile from any occupied, or occupiable, dwelling.
 - b. One half (1/2) mile from Residential District boundaries and incorporated Town limits.
 - i. The required setbacks include any haul road, except for public roads, however the required setback for the haul road can be lessened to three

hundred feet (300') from residences, Residential District boundaries and Town limits when conditions merit.

- ii. Affected landowners or communities can waive the above-referenced setbacks with a notarized statement filed at the Office of the County Clerk.
 - iii. Setbacks can be more restrictive if warranted on a case-by case basis.
 - iv. Setbacks from property lines and public rights-of-way will be determined on a case-by case basis.
 - v. Where required setbacks may prevent any use or occupancy reasonably necessary to the extraction or production of mineral resources in or under any lands the applicant shall submit rationale for reducing or waiving said setbacks to the Planning Office, whereupon the Board of Commissioners shall review said rationale and ensure that local regulations do not exceed local authority granted per Statute. (Waiver by BOC Review)
- C. Standard hours of operation for processes that create visual or audible impacts at the property line shall occur between 7:00 a.m. and 7:00 p.m., or daylight hours, whichever is lengthier, Monday through Friday and between 7:00 a.m. and noon on Saturdays. If no residences are within one mile, except any that formally waive the requirement, hours of operation shall not be limited, unless expressly required by the Board of Commissioners. Notwithstanding, an extension of hours shall be granted based upon the applicant's request when conditions merit, or when reasonably necessary to the extraction or production of mineral resources. (Waiver by BOC Review as noted above shall apply as necessary.) Hours of operation shall not apply when the operator is responding to a bona fide emergency.
- D. Projected traffic impacts shall be addressed and a maintenance agreement for public roads may be required to ensure that the developer is responsible as deemed appropriate (The following items may be considered, at a minimum):
- a. Public safety
 - b. Encroachment Licenses
 - c. Merger lane construction
 - d. Road upgrade at turning zones
 - e. Road upgrade in general
 - f. Road maintenance
 - g. Road damage
 - h. Fencing/Cattle guards
 - i. Dust control
- E. Consultation with the Platte County Resource Conservation District to recognize soil classification may be required, not to constrain development, but to assist in design, construction and maintenance.

- F. The County may require bonding where deemed applicable and not duplicative of State bonding requirements. A copy of any State requirements shall be submitted to the County.
- G. The County may require liability insurance where deemed applicable and not duplicative of State requirements. A copy of any State requirements shall be submitted to the County.
- H. Per the minimum requirements for Special Permit application approval, conditional zoning approval may be granted where required to obtain approval of required State and/or Federal permits. However, in these instances, final approval is expressly not granted until issuance of required State and/or Federal permits and acceptable bonding instrument are provided, if applicable. Copies of required State and/or Federal approved permits and plans shall be submitted to the County to verify said final approval and to make public review available locally.
- I. Letter denoting verification of all relevant applications to a State and/or Federal Agency shall be submitted to the County with the Special Permit application.
- J. The County may review an approved Special Permit upon a condition of approval or upon complaint. Sufficient evidence of violations of County rules and regulations or failure to maintain conditions of Special Permit approval may be cause for revocation of an approved Special Permit. In addition to revoking a Special Permit the County may seek monetary fines and other penalties as described in the Platte County Zoning Rules and Regulations.
- K. The County may send a formal request to DEQ for enforcement of violations of applicable State and/or Federal rules and regulations.
- L. An approved Special Permit becomes void in two years after it is granted unless use is made thereof. Use may include site development, design and permitting processes and other nonextraction activities, including funding delays, at the discretion of the Board of Commissioners; the project must be initiated in the first two years and be continuous. Requests for extensions may be considered if application for said extension request is submitted to the Planning Office at least forty-five (45) days prior to the expiration date.
- M. Derelict vehicles and miscellaneous junk may not be stored on the permitted site during the life of the operation.
- N. 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 Platte County Weed & Pest. Access for inspection will be granted upon reasonable notice by the County Weed & Pest Supervisor for the purpose of determining if designated and/or declared weeds are present on permitted sites.
- O. Consideration must always be given to locating equipment, facilities, berms, stockpiles, ponds, etc., in a manner to minimize impact on surrounding properties by using the natural and operational features of the project. Consideration must also be given to control fugitive dust on cleared areas.

- P. Upon approval of a Special Permit the applicant must obtain a Building Certificate prior to initiation of approved use and for any structures per Wyoming Statute 18-5-203. Applicable Building Certificate application fees shall apply per County Resolution.
- Q. The County reserves the right to hire experts and/or specialists to determine if the Waiver by BOC review is applicable. If the Board determines that such hiring is applicable, a decision on the application may be delayed at the Board's discretion for up to five weeks.
- R. Support facilities also require an approved Special Permit, unless included and permitted within another Special Permit.
- S. Modifications to approved projects may be granted by the Planning Office upon submittal of modification plans to the Planning Office for an administrative review. The Planning Office may forward approval requirements to the Board of Commissioners who may approve at their next regularly scheduled meeting or the Board may determine that an advertised public hearing is required prior to consideration of approval. Emergency modifications may be allowed with after-the-fact submittal of plans to be reviewed by the Board at their next regularly scheduled meeting.

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Chapter 8.15 – MINING PACKET/AGGREGATE EXTRACTION

LAND USE PLAN

8.15.015 – Required Information

8.15.020 – Supplemental Information

8.15.030 – Aggregate Extraction Section

Section 8.15.015 – Required Information.

- A. Attach Proof/Verification of Surface Ownership and Materials Rights Ownership. Include Access Route Ownership(s) and relevant leases, if applicable
- B. Attach site plan, including location of haul route to a paved public road. (Attach additional pages, as necessary.)
- C. Submit information on plans for run-off water and any other items that may assist the County in reviewing the application.
- D. Will your proposed operation require access upgrade, road upgrade, additional road maintenance, fencing, etc.? Please explain any consideration you may have in this matter to work with the County for health and safety reasons as well as for road upkeep. Discussion and communication on these matters with the County Engineer and the County Road & Bridge Superintendent prior to submittal of applications may lessen the possibility that an application is continued at a hearing.
- E. Submit any request and rationale for extended hours of operation with this packet.
- F. Submit any request and rationale for reduced setbacks.
- G. Submit any request and rationale for varying other standards.
- H. Please indicate location of proposed crushing operation, topsoil berms, aggregate stockpiles, etc. to indicate that care is taken to minimize impact on surrounding properties.
- I. Provide list of all State permitted wells within one mile.
- J. If blasting is proposed, please describe plans to minimize potential impact on neighboring properties.

Section 8.15.020 – Supplemental Information

- A. Please expound upon any future plans you may have for additional aggregate extraction within one mile of the proposed operation to be considered in this application.
- B. Please expound upon any future plans you may have for developing the property after reclamation. This could include future development such as subdivisions, wetlands or simply returning the land to grazing or tilling.

- C. All information that can be offered concerning future plans is appreciated. Acknowledgement of future plans, or lack thereof, could affect the ability to gain approval of future plans to expand permitted operations.

Section 8.15.020 – Aggregate Extraction Section.

Allowed with an approved Special Use Permit in Ranching, Agricultural and Mining District and Industrial District.

- A. A completed Mining Packet/aggregate extraction land use plan must accompany a Special Use Permit application. (See attached Mining Packet/aggregate extraction land use plan.)
- B. Minimum setbacks for operation.
 - a. One quarter (1/4) mile from any occupied dwelling on other properties.
 - b. One half (1/2) mile from Residential District boundaries.
 - i. The required setbacks include the haul road, except for public roads, however the required setback for the haul road can be lessened to three hundred feet (300') from residences and Residential District boundaries when conditions merit.
 - ii. Affected landowners can waive the above-referenced setbacks with a notarized statement filed at the Office of the County Clerk.
 - iii. Setbacks can be more restrictive if warranted on a case-by case basis.
 - iv. Setbacks from property lines and public rights-of-way will be determined on a case-by case basis.
- C. Standard hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property line, shall occur between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. No crushing or blasting may occur on Saturday. Notwithstanding, an extension of hours may be granted based upon the applicant's request when conditions merit. Hours of operation shall not apply when the operator is responding to a bona fide public emergency.
- D. Projected traffic impacts shall be addressed and a maintenance agreement for public roads may be required (The following items may be considered, at a minimum):
 - a. Encroachment License
 - b. Merger lane construction
 - c. Road upgrade at turning zones
 - d. Road upgrade in general
 - e. Road maintenance
 - f. Fencing
- E. The County may require baseline well testing and other inspections. (This becomes a condition on a special use permit)

- F. Per the minimum requirements for Special Use Permit application approval conditional zoning approval may be granted where required to obtain approval of required State permits. However, in these instances, final approval is expressly not granted until issuance of required State permits. Copies of required State approved permits and plans shall be submitted to the County to verify said final approval and to make public review available locally.
- G. Copies of all relevant applications to the State shall be submitted to the County with the Special Use Permit application.
- H. The County may review an approved Special Use Permit upon a condition of approval or upon complaint. Sufficient evidence of violations of County rules and regulations or failure to maintain conditions of Special Use Permit approval may be cause for revocation of an approved Special Use Permit. In addition to revoking a Special Use Permit the County may seek monetary fines and other penalties as described in the Platte County Zoning Rules and Regulations.
- I. The County may send a formal request to DEQ for enforcement of violations of applicable State rules and regulations.
- J. An approved Special Use Permit becomes void in two years after it is granted unless use is made thereof. Use may include site development, design and permitting processes and other non-extraction activities, including funding delays, at the discretion of the County; the project must be initiated in the first two years and be continuous. Requests for extensions may be considered if application for said extension request is submitted to the Planning Office at least forty-five (45) days prior to the expiration date
- K. No Special Use Permit submitted under this Section which has been denied in whole or in part by the Board of Commissioners may be resubmitted for a period of twelve months, except on the grounds of new evidence or proof of a change in conditions.
- L. 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.
- M. Consideration must always be given to locating crushers, berms, stockpiles, etc. in a manner to minimize impact on surrounding properties by using the natural and operational features of the project. (Crushers can be placed in depressions, berms and stockpiles can create visual and audible screening, wind direction should be considered, etc.)

RESOLUTION 2022-____

A RESOLUTION AMENDING THE PLATTE COUNTY PLANNING AND ZONING RULES AND REGULATIONS TO ENCOURAGE GROWTH, AGRICULTURAL BUSINESS, AND ECONOMIC DEVELOPMENT IN PLATTE COUNTY.

WHEREAS, after the passage of this resolution, all parcels currently zoned Agricultural Classification will be zoned Ranching, Agricultural, and Mining District (RAM); and

WHEREAS, the inclusion of additional uses within the RAM District will assist in preventing spot zoning within Platte County; and

WHEREAS, the addition of additional special use and temporary use permit options will proactively support business diversification in Platte County; and

WHEREAS, the Planning and Zoning Commission held an alternative energy workshop on November 2, 2021; and

WHEREAS, the Planning and Zoning Commission held a public meeting on January 11, 2022 to review the proposed updates to the Platte County Planning and Zoning Rules and Regulations and during the public hearing the Commission voted to recommend to the Platte County Commissioners to approve the proposed updates; and

WHEREAS, the Platte County Commissioners held a public meeting on January 18, 2022 to review the proposed updates to the Platte County Planning and Zoning Rules and Regulations and during the public hearing the Commissioners voted to recommend to approve the proposed updates.

NOW, THEREFORE, BE IT RESOLVED by the Platte County Board of County Commissioners of Platte County, Wyoming to update the Platte County Planning and Zoning Rules and Regulations as included on the attached Exhibit "A".

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

ADOPTED by the Platte County Board of County Commissioners on this

_____ day of _____, 2022.

Commissioner Chairman Shockley

ATTEST:

County Clerk Ervin

Reordering of Platte County Planning and Zoning Rules and Regulations as follows:

Chapter 1 – General Provisions

Chapter 2 – Definitions

Chapter 3 – Procedures for Rezoning and Special Use Permit Applications

Chapter 4 – Class I - Single-Family Residential Classification

Chapter 5 – Class II - Multi-Family Residential Classification

Chapter 6 – Class III - Commercial Classification

Chapter 7 – Class IV - Industrial Classification

Chapter 8 – Ranching, Agriculture and Mining District (Combine Ag, Mineral and Oil & Gas Extraction Land Use Plan, and Mining Packet/Aggregate Extraction Land Use Plan into one chapter)

Chapter 9 – Mobile Home Park Development Regulations

Chapter 10 – Travel Trailer Park Development Regulations

Chapter 11 – Reserved

Chapter 12 – Reserved

Chapter 13 – Alternative Energy

Chapter 14 – Subdivisions

Cross reference amendments are as follows:

CHAPTER 8 RANCHING, AGRICULTURAL AND MINING DISTRICT (RAM)

8.05 RANCHING, AGRICULTURAL AND MINING

8.10 MINERAL AND OIL AND GAS EXTRACTION LAND USE PLAN

8.15 MINING PACKET/AGGREGATE EXTRACTION LAND USE PLAN

The purpose of this Chapter is to preserve historic uses and open space areas of the County while permitting ranching, agriculture, animal husbandry, and mining in a manner that attains this purpose. While ensuring that future land development is fiscally responsible, to strengthen existing communities and maximize use of services already established for police and fire protection, refuse collection, snow removal, and utility access.

Residential uses accessory to a preexisting Commercial, Industrial, or General Agricultural operation are permitted in this zone. If residential uses not covered above are desired, a zone change should be sought. The Platte County Development Plan encourages the development of new residential development and commercial sites near municipalities and developed areas.

All the unincorporated area of the County not otherwise zoned is designated as the Ranching, Agriculture and Mining Zone.

As adopted by the Platte County Commissioners _____

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 _____



Planning & Zoning

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

PLATTE COUNTY PLANNING & ZONING COMMISSION
RECORD OF PROCEEDINGS
TUESDAY, OCTOBER 12, 2021

Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 6:08 PM on Tuesday, October 12, 2021, by Vice Chairman Klein in the Wheatland Town Council Chambers.

Members Present: Commission Member Lockhart (by phone), Commission Member Brockman, Vice Chairman Klein

Members Absent: Commission Member Tiltrum, Chairman Shepard

Staff Present: Planning Director Clark

Citizen Comments

Vice Chairman Klein asked if there were any citizen comments for items not on tonight's agenda. No public comments.

Declaration of Conflicts of Interest

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

None noted.

New Business

Request for a Simple Subdivision at 4829 Palmer Canyon Road

Carolyn Laffitte has filed an application for a Simple Subdivision to divide approximately 20-acres into two parcels over 5-acres located within one mile of town limits located at 4829 Palmer Canyon Road, in the E1/2SW1/4SW1/4 of Section 15, T24N, R68W, Platte County, Wheatland, Wyoming. This request was approved by both the Wheatland Planning and Zoning Commission and the Wheatland Town Council. Ms. Laffitte's 20-acre parcel is in an agricultural zoning district and her request meets the requirements of a Simple Subdivision as described within Platte County Planning and Zoning Rules and Regulations. Ms. Laffitte is working with the irrigation district to appropriate her irrigation rights to another property owner which takes a little bit of time per Wheatland Irrigation District Manager Arrington. Ms. Laffitte's surveyor has provided a preliminary plat which will be sent out for review upon commissioner approval of this request.

If approved; per Platte County Rules and Regulations, Ms. Laffitte shall, within one year, submit the final plat to the Planning and Zoning Commission and the Board of County Commissioners for final review and approval, and within one year of approval record the plat with the Platte County Recorder's Office. If approved, the Planning Office recommends that the division be contingent upon the approval of the irrigation rights appropriation by the Wheatland Irrigation District.

Motion by Commission Member Lockhart was seconded by Commission Member Brockman to approve Mrs. Laffitte's for a Simple Subdivision to divide approximately 20-acres into two parcels located at 4829 Palmer Canyon Road, Wheatland, Wyoming with one condition as recommended by the Planning Office.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Approval of Minutes

Approval of Minutes – September 14, 2021

Planner Clark noted amending the meeting location.

Motion by Commission Member Brockman with a second by Commission Member Lockhart was made to approve the minutes of the previous September 14, 2021, meeting as amended.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted that there will not be a regular meeting in November.

Planner Clark asked the commission for dates that would work for them to schedule workshops for Alternative Energy and Subdivisions. Commission members and Planner Clark discussed possible workshop dates and schedule conflicts. November 2, 2021, at 6:00 pm worked best for the schedule and the Commission directed Planner Clark to accomplish as much as possible in relation for alternative energy regulations ahead of the workshop. Subdivision workshop date will be determined later.

Planner Clark noted sending the Commission an overview of Impact Ministries request for de-annexation from the Town of Wheatland should the Commission be approached with questions. The Commission discussed the de-annexation and asked how the property is currently zoned and some history on the parcel. Planner Clark noted that there are some real estate disclosures on the plat that explain how and when the parcel will be required to connect to town utilities. The parcel is currently zoned Planned Unit Development and during the rezoning process to Planned Unit Development additional support from the Town and/or negotiations to have some of the infrastructure costs covered should have been included in the agreement with the Town, as this is part of the process in rezoning to a Planned Unit Development and the negotiations with the Town in 2018 did not result in additional infrastructure funding from the Town to this parcel. Vice Chairman Klein stated that it wouldn't be a benefit to the county if this parcel came back into the county and believes the parcel should stay in town limits. Commission Members Brockman and Lockhart asked if the owners knew about the issues in advance? Planner Clark noted that between the Planned Unit Development process and the real estate disclosures on the final recorded plat that the owners should have been aware of the additional infrastructure needed to connect to town utilities. Commission Members asked if there would be any benefit to the county if the de-annexation was to be approved? Planner Clark noted that Impact Ministries is a non-profit



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organization and therefore does not pay taxes. The county could possibly receive funds from building certificate fees unless the fees are requested to be waived and the waiver is approved by the County Commissioners. Overall opinion of the Commission Members was that the parcel should stay in the town limits. Planner Clark reviewed the de-annexation procedure and per the state statute and let the commission know that the planning office is working on a de-annexation report for the commissioners.

Commission Members asked about the railroad project that Mr. Bilka has been presenting and sending information out about and what he needed from the county at this time. Planner Clark noted that Mr. Bilka is working with Town Clerk Wright to set up a workshop in relation to the railroad project and once it is scheduled will share that information. At this point in time, Mr. Bilka is providing information and looking for support to expand passenger rail in the area. From speaking with members of the community there have been several questions if this could be an option for passenger rail from Casper, Wyoming to Denver International Airport. This question would be for Mr. Bilka and probably wouldn't be answered until the project receives funding and advances to the route design phase. I will continue to keep the Commission informed as the planning office receives additional information.

Vice Chairman Klein adjourned the meeting at 6:45 PM.

Approve:

Attest:

Chairman Planning & Zoning Commission

Planning Director Clark