



# **LAND USE RULES AND REGULATIONS**

**Approved by the Platte County Board of Commissioners on March 20, 2012.**

**Amended by the Platte County Board of Commissioners on January 18, 2022**

## **PREFACE TO PLATTE COUNTY ZONING RESOLUTION**

### **RIGHT TO FARM AND RANCH**

Platte County has a deep and rich agricultural history and tradition. The rural areas of Platte County may be open and spacious, but they are intensively used for agriculture. Persons moving to a rural area must recognize that there are drawbacks, including potential conflicts with longstanding agricultural practices and lower level of services than in town or more urban areas.

Beginning in the 1880's with the Swan Land and Cattle Co. and the Wyoming Development Company, our ancestors came to Wyoming with a vision and made it a reality. The Wheatland Irrigation District is the oldest operator-owned irrigation project in the United States, and it covers 54,000 acres of central Platte County. An integral part of the District's irrigation water delivery system includes laterals, ditches, and pipelines. With the coming of the pivot sprinkler systems, Platte County farmers and ranchers increased their production to broaden this vision. In addition, Platte County has nearly 90,000 acres of dry land farming producing thousands of bushels of high-grade grains. Platte County also has over a million acres of rangeland, producing all types and breeds of cattle. Platte County ranks third in the State of Wyoming in value of total crop production and livestock inventories.

Recognizing culture and history, agricultural producers should not be expected to change their established agricultural practices to accommodate different uses of rural areas. Agricultural activities will generate off-site impacts, including noise from farm machinery and equipment; dust from field work, animal pens, gravel roads and harvest activities; odor from animal confinement, manure and silage; smoke from ditch burning or clean-up activities; flies and mosquitoes; the use of pesticides and fertilizers, including the use of aerial spraying. Irrigation delivery systems including ditches, pits and pipelines, are important fixtures and cannot be simply "moved" to accommodate development without affecting efficient delivery of water, which is essential for production.

Platte County covers a land area of 1,337,000 acres, which is more than twice the size of the state of Rhode Island. There are a total of 837 miles of roads outside of the incorporated towns found in Platte County, including 490 miles of gravel or dirt county roads. With a current county population of less than 10,000 people, population density in many areas is very low. The magnitude of the area served often stretches available resources. Law enforcement is often based on responses to needs or complaints rather than on patrols. Due to the sparse population and long distances between towns, all emergency responses including law enforcement, ambulances and fire may be delayed due to travel time. All fire protection and many emergency medical services in the county are provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are graded, will not provide the same kind of surface and travel expected from paved roads. Snow removal priorities

mean that roads in some areas may not be cleared for several days after a major snowstorm. Snow removal in driveways and many subdivisions is not provided by the county and is the responsibility of landowners or homeowners. Services in rural areas, in many cases, will not be the equivalent to "living in town"

Rural landowners need to be aware of their responsibilities regarding their pets and potential impacts on wildlife and livestock.

We welcome all who wish to settle in Platte County. We believe it is one of the most beautiful places on earth, and one of the best places to raise a family, and we want those who do live here to be happy with their surroundings as they are.

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# CHAPTER I - GENERAL PROVISIONS

## 1.05.010 – Purpose

## 1.05.020 – Statement of Purpose

## 1.05.030 – Legal Status

## 1.05.040 – Rules of Language

## 1.05.050 – Enforcement, Violations and Penalty

## 1.05.060 – Special Use Permits

## 1.05.070 – Building Certificates

## 1.05.080 – Flood Plain

### Section 1.05.010 – Purpose

These regulations are hereby established to provide for the administration, enforcement, and amendments, thereof, in accordance with the provisions of Wyoming Statutes. These regulations shall be known and may be cited as Platte County Planning and Zoning Regulations. Nothing in these regulations is meant to supersede local or state health and safety regulations applicable to Platte County.

#### A. Land Use Approach

These regulations recognize the landowner's rights to use their property for business, personal enjoyment and private recreation as an inherent right for all property owners in Wyoming. It is also understood that the allowed land uses under each of the zoning categories are provided as examples and are not to be interpreted as all inclusive. The County Commissioners, Planning Commission, and the Planning Office will endeavor to apply each request for land use as allowed by these regulations.

### Section 1.05.020 – Statement of Purpose

The purpose of these regulations are to:

- A. Provide for uniform development standards;
- B. Provide space to prevent and fight fires;
- C. Help prevent physical hazards for the community, such as flood, geologic, and soils hazards;
- D. Conserve the environment from noxious and unhealthy abuse;
- E. Promote the public health, safety, morals and general welfare of the residents of Platte County;
- F. Preserve, protect, and enhance the rights of private landowners;
- G. Preservation of the use of the land.

### Section 1.05.030 – Legal Status

- A. Interpretation: Whenever the provisions of these regulations are found to be inconsistent with any other regulations, the regulations imposing the more restrictive standards shall control. The provisions of these regulations are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law.
- B. Amendment and Repeal: The repeal of any resolutions does not revive any other resolutions or portion thereof repealed by said resolutions. Such repeals do not affect nor prevent the prosecution or punishment of any person for the violation of any resolution repealed hereby for an offense committed prior to the repeal.
- C. Severability: Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolutions as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.
- D. Effective Date: These regulations shall be in effect from the date of adoption by the Board of County Commissioners.
- E. Authority for Revision: Revisions to these regulations require review by the Planning Commission and approval by the Platte County Commissioners. The pages of these regulations shall reflect the current revision. A revision summary page will reflect a summary of each revision the date approved by the Platte County Commissioners.

#### Section 1.05.040 – Rules of Language

- A. The particular controls the general.
- B. The word “shall” is always mandatory and not directory. The word “may” is permissive. The word “should” is directory.
- C. Words used in the present tense include the future, unless the context clearly indicates the contrary.
- D. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- E. Any definitions used in the applicable Wyoming Statutes may be used in these regulations, and if so the Statutory definitions shall govern.

#### Section 1.05.050 – Enforcement, Violations and Penalty

- A. Enforcement: The Planning Officer will monitor and process all parts of these regulations. The County Attorney shall conduct prosecution of violations, as directed by the Platte County Commissioners.
- B. Violation and Penalty: The owner or agent of a building or premises in or upon which a violation of any provision of this resolution has been committed shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, or any other person who knowingly commits, takes part or assists in any violation or who maintains any building or premises in or upon which

violation has been committed or shall exist, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred and fifty dollars (\$750.00) for each and every day that such violation continues after notification by certified mail or personal service of the violation.

When any structure is erected, constructed, altered, repaired, converted or maintained, or any structure or land is used in violation of these regulations, the Board, in addition to the above remedies may institute legal action seeking injunctions, or other appropriate relief to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

#### Section 1.05.060 – Special Use Permits

- A. Permits shall be transferable if the property is sold or transferred by will, or gifted to a family member, unless specifically documented in the permit.
- B. Complaints regarding Special Use Permits will not be cause for revocation of a permit unless referenced to violation of state statute or law.
- C. Inactivity for any period of time in the use of a permit shall not be cause for revocation of a permit.
- D. Conditions for permits that control hours of operation, vehicle traffic limits or similar items are not applicable to service vehicles or maintenance activities at the property.

#### Section 1.05.070 – Building Certificates

- A. A building certificate is required for the erection of structures as authorized by the Wyoming State Statutes Article I, Section 18-5-203 as defined in the sections below:
  - a. Structures do not require a building certificate when all of the following conditions apply. All other State regulations and requirements for structures within these regulations are applicable, and the landowner is responsible for compliance.
    - i. Total construction costs are less than \$50,000.
    - ii. Total square footage of the structure is less than or equal to 2,500 square feet.
    - iii. The structure is not used for human habitation.
    - iv. DEQ approval required if sewer or septic is included.

#### Section 1.05.080 – Flood Plain

Development in an area of special flood hazard shall be subject to Plate County Resolution #2001-04, Resolution Applying for Flood Insurance, and FEMA, Title 44, Chapter 1, Code 60.3(b)

## CHAPTER 2 - DEFINITIONS

### 2.05.010 – Meaning of Terms

#### Section 2.05.010 – Meaning of Terms

The following terms are defined to these regulations:

- A. Accessory Structure: Any structure which is clearly incidental or subordinate to the principal structure and which is located on the same plot. Any building or structure attached to a primary building or structure is deemed to be part of such primary building or structure in applying the Zoning Regulations.
- B. Adjacent: Land in the immediate vicinity which shares a boundary line with the land in question or which would share a boundary line were it not for the separation caused by an existing roadway.
- C. Agricultural: Land used in the production of food and fiber.
- D. Agricultural Support Business:
  - a. Fertilizer, irrigation equipment, seed, grain or farm implement sales, and feed storage and sales operations.
  - b. Irrigation facilities and structures.
  - c. Livestock and crop shipping facilities.
  - d. Crop storage facilities.
- E. Appeal: The request for a review of the County's interpretation of any provision of these regulations or a request for a variance.
- F. Area of Special Flood Hazard: Land in the flood plain subject to a 1% or greater chance of flooding in a given year designates as a Zone A on the Flood Hazard Boundary Map.
- G. Bed and Breakfast Facility: A facility in an owner or manager occupied dwelling that offers temporary accommodation to lodging guests for a fee.
- H. Billboard: A sign structure advertising an establishment, a message, merchandise, service, or entertainment, which is not located, sold, produced, manufactured or furnished at the property on which the sign is located.
- I. Board: The Board of County Commissioners of Platte County, Wyoming.
- J. Building Certificate: A permit required for any structure built, placed or erected within Platte County. (See 1.05.070)
- K. Commercial: Land used predominantly for the sale of non-agriculture products and services.
- L. Cul-De-Sac: A street open at one end only and providing at the other end special facilities for the turning around of vehicular traffic.

- M. Day Care:
- a. *Child daycare*. Any person who operates a business to keep or care for any minor at the request of the parents, legal guardian or an agency which is responsible for the child.
  - b. *Adult daycare*. Any facility not otherwise licensed or certified that is engaged in the business of providing activities of daily living, support and supervision services based on a social model for four (4) or more persons 21 years of age or older with physical or mental disabilities.
- N. Derelict Vehicle: A bus, truck, or passenger car, that is inoperable (unable to move under its own power); or is partially or totally dismantled; or has all or portions of its body work missing or substantially damaged.
- O. Farming: The cultivation of land, growing of crops and/or the raising of livestock including production of livestock products.
- P. Feedlot: Any operation greater than 1,000 animal units where the density exceeds 1 animal unit per 100 square feet and where animals are fed more than 45 days.
- Q. Flood Hazard Boundary Map: The official map on which FEMA has designated areas of special flood hazard.
- R. Home Occupation: Any nonresidential use conducted entirely within a dwelling or its accessory building and which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- S. Industrial: Land to be used for manufacturing or refining of products.
- T. Junkyard: An open or enclosed area where any waste, junk or used second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled commercially, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard also includes the storage or keeping of derelict vehicles for commercial purposes.
- U. Lagoons:
- a. *Municipal*. A water storage facility to hold effluent (human waste) collected by the municipal sewage system.
  - b. *Industrial*. A water storage facility to hold effluent (industrial waste) for future disposal or containment.
  - c. *Agricultural*. A water storage facility designed to hold effluent (animal waste) for future disposal or containment.
- V. Land Use Districts: The geographical area defined in the "Land Use District Map" which identifies the uses for which the land contained therein can be utilized.
- W. Livestock: Cattle, bison, mules, burros, llamas, (domestic) rabbits, horses, swine, sheep, goats, poultry, rabbits.
- X. Manmade: Constructed by man.

- Y. Mobile Home: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own chassis running gear and designed to be used as a dwelling unit(s) without a permanent foundation(s) and which is at least eight (8) feet wide and thirty-three (33) feet long.
- Z. Mobile Home Park: A parcel of land upon which three (3) or more mobile homes are harbored for the purpose of being occupied for revenue purposes and shall include any building structure, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
- AA. Mobile Home Subdivision: A parcel of land subdivided into lots with each lot individually owned and utilized as the site for a single-family mobile home and its facilities.
- BB. Multi-Family Residential: A land used for housing more than one family-unit, a family unit being an individual or two or more persons living together permanently, and each unit having a separate address, apt. number, etc., and the family having a separate living facilities.
- CC. N.P.D.E.S.: National Pollutant Discharge Elimination System; a permit necessary for any feeding operation, regardless of size, if the runoff for the facility has the potential to be a contributor of pollution to surface waters of the State.
- DD. Non-Personal Use: An activity or event for monetary gain. Examples are but not limited to, cooking/selling food for profit, using ATV's where admissions are charged, performing repairs on non-property owner equipment and/or vehicles where fees are charged for work performed.
- EE. Nursing Home: A facility providing assisted living care, nursing care, rehabilitative services and other related services.
- FF. Personal Use: The use of land by the property owner, family and friends where the use is not for commercial monetary gain. Examples are but not limited to, having a barbeque/ picnic, riding ATV's, graduation parties and equipment and vehicle repairs.
- GG. Pipeline: Any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives. Pipeline regulated licenses or permitted under Federal regulations, as interstate transmission lines shall be exempt from regulation under this Resolution.
- HH. Planning Commission: The Platte County Planning Commission; also, the Platte County Planning and Zoning Commission.
- II. Property Screening: The screening of property using materials sufficient to restrict the view of the property from public rights of way or neighboring properties.
- JJ. Resolution: The laws enacted by the Board of County Commissioners.
- KK. Rezoning Certificate: A certificate issued upon approval of an application to rezone property.

- LL. Right to Farm: A resolution establishing the importance of ranching, farming and other agricultural operations in Platte County.
- MM. Salvage, Scrap or Recycling Businesses: A property where materials are extracted from non-usable equipment, structures, or vehicles, and stored for commercial resale.
- NN. Setback: The minimum distance between the lot line and a line parallel with that lot line in which certain development is not permitted.
- OO. Simple Subdivision: A simple subdivision is a subdivision of one unit/parcel of land into four (4) total pieces of land or less. No piece of land shall be smaller than 5 acres and each shall have a direct contiguous access to a publicly maintained road. All simple subdivisions require a subdivision permit and shall meet all requirements of this Section. A subdivision shall not be classified as a simple subdivision if any of the following conditions exist:
- a. The subdivision will be served by a central sewage disposal system or central water supply system which is not owned and operated by a public entity;
  - b. The land to be subdivided is a parcel created by exempt division after July 1, 2001;
  - c. The land to be subdivided is within a platted subdivision, or record of survey;
  - d. The land to be subdivided is located within one mile of any municipal boundaries and has the municipality approval;
  - e. The land to be subdivided is unsuitable for subdivision; or
  - f. The land to be subdivided is contiguous to other land on which the same applicant has platted a subdivision.
- PP. Single Family Residential: A zoned area planned primarily for single family use.
- QQ. Site Plan: A plan of the land showing the existing and proposed features for the property.
- RR. Special Use Permit: A permit to use a parcel of land bearing certain conditions and restrictions.
- SS. Street: A road, highway or other public or private thoroughfare, which afford a primary means of access to abutting property.
- TT. Structure: Any structure used or intended for supporting or sheltering any use or continuous occupancy.
- UU. Subdivision: The creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.
- VV. Travel Trailer: A vehicle used and so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensed as such and which is constructed in such a manner as will permit occupancy thereof as a temporary seasonal dwelling.

- WW. Truck Camper: Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and which is constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle. Such facilities may be either permanently or temporarily attached.
- XX. Use: Any purpose for which a structure or a tract of land may be designed, arranged, intended or occupied; also, any activity, occupation, business or operation which is carried on in or on a structure or on a tract of land.
- YY. Variance: A process to request a deviation from established requirements in these regulations, such as setbacks, easements, etc.
- ZZ. Yard, Front: The shortest distance between any building or mobile home and the front lot line or unit space boundary. Corner lots are considered front yards on both streets.
- AAA. Yard, Rear: The area between the primary structure and the rear lot or unit space boundary.
- BBB. Yard, Side: The shortest distance between any building and the side lot line. For mobile home spaces, the distances from the mobile home to the side lot line.
- CCC. Zoning: The classification of land into separate land uses, each of which identifies the various uses for which the land contained therein may be developed.

## CHAPTER 3 – PROCEDURES FOR REZONING AND SPECIAL USE PERMIT APPLICATIONS

### 3.05.010 – When Required

### 3.05.020 – Administrative Procedures

### 3.05.030 – Variance Procedure

#### Section 3.05.010 – When Required

- A. A Rezoning Certificate is required from the Board of County Commissioners (referenced in this document as “Board”) to change the zoning of property within Land Use Districts in the unincorporated part of Platte County and for issuance of special permits where applicable.

The zoning classifications of land use are:

- a. Single-family residential
- b. Multi-family residential
- c. Commercial
- d. Industrial
- e. Ranching, Agriculture and Mining (RAM)

Landowners shall use the unincorporated land of Platte County accordingly and only in compliance with these regulations.

- B. At the sole discretion of the applicant, the applicant may begin the process for a re-zoning permit and a preliminary subdivision plat approval simultaneously.
- C. The purpose of rezoning is to change the zoning of the land and allow uses specifically allowed in a Land Use District; the purpose of a special use permit is to authorize a use which is regulated in a Land Use 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 new allowed uses are approved for land development, the new use may be documented and an action by the commissioners may require the new use to be incorporated in the next revision of the Platte County Planning and Zoning Rules and Regulations including public review. The documentation of the new allowed use shall be forwarded to the Planning Office. The Planning Office shall allow the new allowed use without requiring any special use permit and will maintain the record of the new allowed use.

#### Section 3.05.020 – Administrative Procedures

A. Submission Deadline and Filing Fee:

- a. The Planning Commission shall hear no requests for special use permits or re-zoning, unless it has been submitted at least thirty (30) days prior to the scheduled meeting date and all supplementary materials required by these regulations are included.
- b. All rezoning and special use applications require that the prescribed permit forms be filled out on or before the final submittal date. Forms are available at the Planning Office or electronically.
- c. Requests for rezoning and special use permits, shall be accompanied by a filing fee. A fee schedule is determined periodically by the Board. This fee is necessary to cover postage, reproductions, materials, advertising and mileage for staff and Planning Commission.
- d. Applications for special use permits must meet submission requirements contained in each district regulation. If no specific requirements are stated minimum submission requirements shall be the same as Chapter III, Section 2.B below.
- e. Public complaints of violations to these regulations will be made to the Planning Office on a complaint form provided by the Planning Office and are considered as a public record.

B. Minimum Submission Requirements: The following information shall be supplied to change the zoning of property or for the issuance of a special use permit.

- a. Complete permit application;
- b. A letter stating the purpose for the zoning use change or special use permit;
- c. Applicable fees.
- d. A site plan, drawn to scale and which contains at minimum the following:
  - i. A general vicinity map for ease in locating the property by Section, Township and Range (USGS Quad maps are acceptable):
    1. The specific property showing the subject boundaries along with adjoining landowners within one mile;
    2. Access to public streets, roads or highways; and
    3. Location of any natural hazards and historic features.
- e. Describe availability to utilities;
- f. If the lands involved in an application for a Land Use change will change the zoning of that land from Agricultural to a different classification and said lands fall within the boundaries of the Wheatland Irrigation District ("District"), the applicant shall accompany the application with approval from the District on a form adopted by the District regarding the Wheatland Irrigation District's water which is appurtenant to the subject lands.

- g. A report which addresses the minimum siting requirements of Chapter VII Industrial Classification, if applicable;
  - h. All applications shall contain the signature(s) of each person possessing a surface interest in the property and proof of such legal interest shall be required in the form of an Ownership and Encumbrance Report, the purpose of which is to provide adequate notice to all parties of interest;
  - i. Any other information the applicant considers important.
- C. Public Notice:
- a. Posting a plain notice, not less than two (2) square feet in size, of the date and place of hearing of all applications shall be posted in a conspicuous place on the property site by the Planning Office at least two (2) weeks prior to the Planning Commission meeting.
  - b. After submitting the filing, the applicant shall cause a certified letter to be sent to each adjoining property owner by the Planning Office. The letter shall state that the adjoining property owner or his representative shall appear in person at the Planning Commission Hearing if he desires to make comments regarding proposed development. Furthermore, if the subject land lies within the boundaries of the Wheatland Irrigation District, the applicant shall also prepare a certified letter to be sent by the Planning Commission to make comments regarding future use of the water and/or relinquishment of those water rights back to the Wheatland Irrigation District pursuant to paragraph B.(6) above.
  - c. The agenda of the Planning Commission meeting shall be made available to the news media and public no later than seven (7) days prior to the meeting.
  - d. The Planning Office shall cause the filing and general location of the subject area to be published at least thirty (30) days before the hearing by the Planning Commission in the official county newspaper and in the local paper of the community concerned.
- D. Action and Procedure of the Planning Official
- a. The Planning Official shall review each filing to determine if it is consistent with the standards set forth in these regulations and shall investigate the relationship between the proposed land use and existing or planned land uses.
  - b. Upon completion of its review, but no later than five (5) days prior to the Planning Commission meeting, the Planning Official shall submit its report and recommendations to the applicant and the Planning Commission and inform the applicant that he or his representative must be at the hearing.
  - c. The Planning Official shall present each filing and its report and recommendations to the Planning Commission at its public hearing.
- E. Action and Procedures of the Planning Commission:

- a. The Planning Commission shall review each application at a scheduled public meeting. Prior to any action, the Planning Commission shall review the plans, reports, recommendations and comments of the Planning Office. The applicant or his representative shall be present at the hearing. Failure to appear will be grounds for rejecting the application.
  - b. Unless postponed at the request of the applicant, the Planning Commission shall vote for or against the application and transmit both its vote and findings to the applicant. The Planning Commission may postpone the decision, for reasonable cause, for a maximum of thirty-five (35) days; if action is not taken within thirty-five (35) days, the application shall be referred directly to the Board of Commissioners.
  - c. The Planning Commission actions shall be based upon the purpose and intent of these regulations and input received at the public hearing in addition to the fulfillment of the minimum standards herein.
  - d. Upon any of the above actions, or at the expiration of the maximum period for taking action, the application shall be placed on the agenda of the next regularly scheduled meeting of the Board of County Commissioners, which allows for the proper notice requirements. The results of voting and Planning Commission recommendations shall be forwarded to the Board of County Commissioners.
- F. Action and Procedure of the Board of County Commissioners:
- a. The Board of County Commissioners shall hold a hearing on each application at a regularly scheduled public meeting.
  - b. Upon receipt of a recommendation from the Planning Commission, and input from the public, the Board shall consider the matter and approve, approve subject to certain conditions, or deny the application. A written statement outlining the findings and a decision shall be completed within ten (10) days of the public hearing and placed on the public record.
  - c. A permit, to include conditions, shall be issued to the applicant by the Planning Official within ten (10) working days of the hearing.
  - d. The Planning Office shall be responsible for modifying the Comprehensive Land Use Zoning Plan and duly noting the revision both in its records and upon the Official Zoning District Map.

#### Section 3.05.030 – Variance Procedure

##### A. Purpose

The Board of County Commissioners shall have the power to authorize or deny variances from the terms of the regulations as will not be contrary to the public welfare, where, owing to special conditions, a literal enforcement of the provision of the regulation will result in unnecessary hardship and so that the spirit of the regulations shall be observed and

substantial justice done.

**B. Applicant Process**

A request for a variance to any requirements contained in these regulations may be requested by any property owner. The written request shall be submitted to the planning office and shall contain:

- a. Reference to the specific requirement in these regulations for which the applicant is requesting the variance.
- b. The reason(s) why the variance would avoid a hardship to the applicant.
- c. Reference to any properties in the vicinity where a similar condition currently exists, if applicable.

**C. Approval/Documentation/Rejection of Variances**

- a. No such variances in the application of any provision of these regulations may be granted by the Board unless it finds and states in the minutes of the Board proceedings as noted below.
  - i. That the applicants circumstances or conditions applying to the land, building or neighborhood for which the variance is sought, including existing similar uses, which circumstances or conditions are peculiar to the land, building or neighborhood.
  - ii. That the justification/circumstances/conditions provided by the applicant are such that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or building, that the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board will accomplish this purpose.
  - iii. That the granting of the adjustment will be in harmony with the general purposes and intent of the regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- b. Action of the Board
  - i. Upon review of all relevant documentation, arguments or briefs by the concerned parties, the Board will then take under advisement the facts pertaining to the variance and render a decision.
  - ii. In the event of denial of the variance by the Board, appeal by the applicant shall be to the District Court. The applicant shall file formal application of appeal with the District Court within thirty (30) days of action.

**D. Planning Office Filing Requirements**

- a. Variance requests shall be made in writing to the Planning Department, accompanied by fees per fee schedule in the Planning Department to cover administrative and advertising costs.

b. Public Notices

- i. Postings will be not less than two (2) square feet in size, of the date and place of hearing of all filings shall be posted in a conspicuous place on the property site by the Planning Office at least two (2) weeks prior to the meeting date.

c. Adjoining Property Owners

- i. After submitting the application, the applicant shall either contact the adjoining property owners for their signatures on the notification form, or cause a certified letter to be sent to said owners by the Planning Office.
- ii. The letter shall state that the adjoining property owner or their representative is required to appear in person at the hearing if there is any objection to the variance. If in support of the variance, they may attend the meeting, or if unable, submit a signed statement further expressing his or her opinions and comments on the variance.
- iii. The Planning Office shall cause notice of the variance to be advertised in the local newspaper at least fifteen (15) days prior to the scheduled meeting date.

## CHAPTER 4 – Class I Single-Family Residential Classification

### 4.05.010 – Purpose

### 4.05.020 – Allowed Uses

### 4.05.030 – Minimum Net Lot Area

### 4.05.040 – Building Setback Requirements

### 4.05.050 – Mobile Home Subdivision Regulations

### 4.05.060 – Addresses

### 4.05.070 – Building Height

#### Section 4.05.010 – Purpose

These regulations specify development requirements in Class I – Single-Family Residential Land and Mobile Home Subdivisions (see below). Class 1 – Single-Family land may also include equipment, recreational vehicles, and accessory structures. When additional uses are requested, but not listed in Section 4.05.020 the Planning Commission and the Board of Commissioners will make a determination of whether the use meets the intent of Section 4.05.020.

#### Section 4.05.020 – Allowed Uses

- A. One (1) single-family dwelling unit per lot
- B. One (1) mobile home per lot
- C. Child Care Facilities not subject to State Regulations
- D. Parks
- E. Storage of a maximum of 2 derelict vehicles for personal use; additional derelict vehicles must be screened.
- F. Home occupations, provided that on site customer parking is expected to be no more than 3 customer vehicles at one time
- G. Bed and Breakfast (limited to 2 customer units)

#### Section 4.05.030 – Minimum Net Lot Area

Seven thousand (7,000) square feet with public water and wastewater systems. If individual water or wastewater systems are proposed, the lot area shall be of adequate size for the soil to handle the effluent without causing surface or groundwater pollution, but minimum lot area shall be one-half (1/2) acre. If both individual water and wastewater systems are proposed, the lot area shall then also depend on soil capability, but minimum lot area shall be one (1) acre.

#### Section 4.05.040 – Building Setback Requirements (to be applied to structures and Mobile Homes)

*(See Chapter 9 and Section 4.05.060, below, for Mobile Home Parks and Subdivisions.)*

- A. Front yard – 25 feet from public right-of-way
- B. Side yard – 10 feet
- C. Rear yard – 6 feet

#### Section 4.05.050 – Mobile Home Subdivision Regulations

*(By Special Use Permit)*

- A. Purposes: These regulations specify development requirements for those developments where lots are individually owned for mobile home occupancy (Class I zoning required).
- B. Platting: All mobile home subdivisions shall comply with the Platte County Subdivision Regulations
- C. Development Requirements:
  - a. All mobile homes shall be skirted all around.
  - b. Minimum lot size.
    - i. Seven thousand (7,000) square feet with public water and wastewater systems. If individual water or wastewater systems are proposed, the lot area shall be of adequate size for the soil to handle the effluent without causing surface or groundwater pollution. Minimum lot area shall then also depend on soil capability, but minimum lot area shall be one (1) acre.
  - c. Setback requirements:
    - i. Front yard – 25 feet.
    - ii. Side yard – 10 feet.
    - iii. Rear yard – 6 feet.
  - d. All lots shall front on the interior streets of the subdivision.

#### Section 4.05.060 – Addresses

Houses and mobile homes shall be clearly numbered so that postal, emergency and police services can easily identify them.

#### Section 4.05.070 – Building Height

Buildings will be subject to fire-fighting capabilities of the fire-fighting organization, except by special permit.

## CHAPTER 5 – CLASS II MULTI-FAMILY RESIDENTIAL CLASSIFICATION

### 5.05.010 – Purpose

### 5.05.020 – Allowed Uses

### 5.05.030 – Minimum Lot Area

### 5.05.040 – Setback Requirements

### 5.05.050 – Addresses

### 5.05.060 – Building Height

#### Section 5.05.10 – Purpose

These regulations specify minimum requirements for development on Class II land. When additional uses are requested, but not listed in Section 5.05.020, the Planning Commission and the Board of Commissioners will make a determination of whether the use meets the intent of Section 5.05.020 below.

#### Section 5.05.020 – Allowed Uses

- A. Single-family dwelling units
- B. Duplexes
- C. Apartment Complexes
- D. Condominiums
- E. Parks
- F. Day Care Facilities not subject to State Regulations
- G. Bed and Breakfast

#### Section 5.05.030 – Minimum Lot Area

Seven thousand (7,000) square feet with public water and wastewater systems. If individual water or wastewater systems are proposed, the lot areas shall be of adequate size for the soil to handle the effluent without causing surface or groundwater pollution, but minimum lot area shall be one-half (1/2) acre (21,680 square feet). If both individual water and wastewater systems are proposed, the lot area shall then also depend on soil capability, but minimum lot area shall be one (1) acre (43,560 square feet).

#### Section 5.05.040 – Setback Requirements

- A. Front yard – 25 feet from public right-of-way
- B. Side yard – 20 feet
- C. Rear yard – 20 feet

#### Section 5.05.050 – Addresses

All multi-family dwellings shall be clearly numbered so that postal, emergency and police services can easily identify them.

#### Section 5.05.060 – Building Height

Buildings will be subject to fire-fighting capabilities of the fire-fighting organization (no building over 40 feet tall) except by special permit.

## CHAPTER 6 – CLASS III COMMERCIAL CLASSIFICATION

### 6.05.010 – Purpose

### 6.05.020 – Allowed Uses

### 6.05.030 – Off-Street Parking Requirements

### 6.05.040 – Minimum Lot Areas

### 6.05.050 – Building Setback Requirements

### 6.05.060 – Addresses

### 6.05.070 – Building Height

#### Section 6.05.10 – Purpose

These regulations specify development requirements on lots in commercial districts to allow for firefighting capability, good circulation, parking and a compatible living and working environment and may include multiple dwellings in separate housing or incorporated within the business structure in support of the business. When additional uses are requested, but not listed in Section 6.05.020, the Planning Commission and the Board of Commissioners will determine whether the use meets the intent of Section 6.05.020 below.

#### Section 6.05.020 – Allowed Uses

- A. Retail store or shop; business center development
- B. Office building for financial institution, real estate or insurance office, professional services such as lawyer, doctor, dentist, studio or agency; medical office buildings or hospital
- C. Barber shop, beauty shop, self-service laundry or dry cleaning establishment or pick-up agency, tailor or dressmaking shop or other personal service shops
- D. General appliance servicing and appliance repair shop
- E. Restaurant, café, tavern or other place servicing food and beverage
- F. Membership club, theater, churches
- G. Day care centers, nursing, rest and convalescent homes
- H. Hotels, motels and lodges
- I. Automotive service station, repair garage, repair shop and similar type uses
- J. Warehouse, distribution center, terminal, lumber yard
- K. Drive-in theaters
- L. Travel trailer court; mobile home or trailer courts
- M. Printing and publishing establishments
- N. Car washing facilities, bus passenger station

- O. Storage of derelict vehicles for use in support of the commercial business
- P. Bed and Breakfast

#### Section 6.05.030 – Off-Street Parking Requirements

- A. Hotels, motels, travel trailer parks: 1 space/unit
- B. Museums: 1 space/500 sq. ft. floor area
- C. Offices: 1 space/300 sq. ft. floor area
- D. Retail service facilities: 1 space./200 sq. ft. floor area
- E. Restaurants, cocktail lounges, etc.: 1 space/2 seats
- F. Retail: 1 space/200 sq. ft. gross leasable area
- G. Theaters: 1 space/2 seats
- H. Retail warehouses: 1 space/800 sq. ft.

#### Section 6.05.040 – Minimum Lot Areas

Ten thousand (10,000) square feet with public water and wastewater systems. If individual water or wastewater systems are proposed, the lot area shall be of adequate size for the soil to handle the effluent without causing surface or groundwater pollution, but minimum lot area shall be one-half (1/2) acre (21,680 sq. ft.). If both individual water and wastewater systems are proposed, the lot areas shall then also depend on soil capability, but minimum lot area shall be one (1) acre (43,560 sq. ft.).

#### Section 6.05.050 – Building Setback Requirement

All permanent buildings shall be set back at least thirty (30) feet from public roadway easements or rights-of-way and 10 feet from adjacent property lines.

#### Section 6.05.060 – Addresses

All buildings shall be clearly numbered so that postal, emergency and police services can easily identify them.

#### Section 6.05.070 – Building Height

Buildings will be subject to fire-fighting capabilities of the fire-fighting organization (no buildings over 40 feet tall) except by special permit.

## CHAPTER 7 – CLASS IV APPLICABLE TO INDUSTRIAL CLASSIFICATION

7.05.010 – Purpose

7.05.020 – Allowed Uses

7.05.030 – Uses Allowed with Special Use Permit

7.05.040 – Building Setback Requirements

7.05.050 – Minimum Submittal Requirements for Approval of a Special Use Permit

### Section 7.05.10 – Purpose

These regulations specify minimum requirements for development of Class IV land and may include multiple family dwellings in separate housing or incorporated within the business structure in support of the business. When additional uses are requested, but not listed in Sections 7.05.020 or 7.05.030, the Planning Commission and the Board of Commissioners will determine whether the use meets the intent of either Section 7.05.020 or 7.05.030 below.

### Section 7.05.020 – Allowed Uses

The following uses are examples of uses allowed in Class IV Districts:

- A. Warehousing
- B. Saw/Lumber Mills (except when as an accessory use on a tree farm)
- C. Building material storage
- D. Manufacturing (except those listed in Section 3, below)
- E. Assembly plants
- F. Research and development
- G. Bakery plants
- H. Meat packing (without slaughtering)
- I. Concrete Batch Plant
- J. Storage of derelict vehicles for use in support of the business

### Section 7.05.030 – Uses Allowed with Special Use Permit (including but not limited to)

(Note: Projects in existing Industrial Districts which were underway prior to adoption of these regulations do not require a Special Use Permit to develop.)

- A. Storage of any Waste Products
- B. Commercial slaughterhouses

- C. Mineral production processing facilities (except oil and gas wells)
- D. Crushing plants
- E. Rendering plants
- F. Cement manufacture
- G. Fertilizer manufacture
- H. Tanneries
- I. Commercial Junkyards, Recycling and Salvage Yards
  - a. May require screening
- J. Other industries, which emit significant dust, smoke, odor, or noise beyond property lines, as determined by Platte County Planning Commission or the Board.

#### Section 7.05.040 – Building Setback Requirements

All permanent buildings shall be set back at least thirty (30) feet from public roadway easements or rights-of-way and 10 feet from adjacent property lines.

#### Section 7.05.050 – Minimum Submittal Requirements for Approval of a Special Use Permit

- A. The following minimum submittal requirements shall be met prior to approval of a special use permit. The Planning Commission will return any incomplete application submitted, for completion prior to scheduling any official review.
  - a. Completed permit application.
  - b. A letter stating purpose and intent of Special Use Permit application.
  - c. A copy of all approved permits needed to meet the requirements of Wyoming State Agencies for their review of proposed development (i.e. Department of Environmental Quality).
  - d. An engineering design report developed by a qualified engineer licensed to practice in Wyoming which specifies the proposed design for the facility.
  - e. The engineer's report shall at a minimum also specify the following areas:
    - i. A description of facility site and location along with a scaled map(s) which will depict at a minimum the following:
      1. Present & proposed facility property boundaries;
      2. Present & proposed access to a public road, street or highway;
      3. A vicinity map showing distance from current habitations within one (1) mile;
      4. Prevailing wind direction;
      5. Proposed fencing and/or security improvements;
      6. Topographic features and contours with indicated datum;

7. On a vicinity map, landowners within one mile of facility property;
  8. Location of existing permitted wells within one mile of facility property.
- ii. A detailed description of the proposed water supply including, but not limited to, quantifying the amount of water needed for consumption and other uses;
  - iii. A detailed description of the proposed technique for effluent and solids, if applicable. For lagoons, indicate whether the discharge (if any) is a seasonal or non-seasonal discharge;
  - iv. Measures to be employed for ground and surface water protection, if applicable;
  - v. Measures designed to mitigate climatic conditions;
  - vi. Odor control features, if applicable;
  - vii. Traffic impact analysis;
  - viii. Estimated work force for the facility.
- f. Notification to property owners shall include those within one quarter mile radius of the property's boundaries.
- B. The continuance of a Special Use Permit for Industrial Uses shall be subject to, but not limited to, the following conditions;
- a. The continued use of the premises will be limited to the uses of the facility as specified in the application for Special Use Permit. A change of use, not including increase or decrease of business activity, shall require a new application;
  - b. These conditions will apply to any successor of interest of the applicant;
  - c. The applicant is responsible to meet all permitting requirements of Wyoming State Agencies which are applicable to the development (i.e., Wyoming Department of Environmental Quality);
  - d. At the direction of the Board of County Commissioners, an adequate bond to cover possible clean up and/or restoration of the surface acreage may be required; and
  - e. All additions, expansions, or new construction beyond the initial site plan of commercial junkyards, salvage or recycling yards may be totally enclosed within a building or structure or visually screened from adjacent properties and public rights-of-way.

# **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 on January 18, 2022

## Chapter 8.05 – RANCHING, AGRICULTURE AND MINING

### 8.05.010 – Allowed Uses

### 8.05.020 – Special Use Permit Uses

### 8.05.030 – Building Setbacks

### 8.05.040 – Minimum Lot Area

### 8.05.050 – 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 8.05.030 – 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 8.05.040 – Minimum Lot Area.

- A. Minimum lot area is 10 acres.

#### Section 8.05.050 - 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.

# 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.

# 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.)

## CHAPTER 9 – MOBILE HOME PARK DEVELOPMENT REGULATIONS

9.05.010 – Purpose

9.05.020 – Platting

9.05.030 – Uses Requiring a Special Use Permit

9.05.040 – Mobile Home Park Requirements

9.05.050 – Mobile Home Space Requirements

9.05.060 – Roadways and Walkways

9.05.070 – Landscaping

9.05.080 – Addressing

9.05.090 – Water and Wastewater Facilities

### Section 9.05.10 – Purpose

These regulations specify development requirements for those developments where spaces are rented exclusively to mobile home occupants.

### Section 9.05.020 – Platting

All mobile home parks shall comply with the Platte County Subdivision Regulations.

### Section 9.05.030 – Uses Requiring a Special Use Permit

A mobile home sales area which:

- A. Shall be discontinued when the park is 90% developed; and
- B. Is integrated into the park design. A temporary advertising sign may be allowed with a maximum of 32 square feet.

### Section 9.05.040 – Mobile Home Park Requirements

- A. The parks shall be adequately graded and drained;
- B. Public access shall front on the mobile home park;
- C. If more than twenty (20) units are proposed, at least two (2) unobstructed accesses into the interior road system must be constructed;
- D. Minimum mobile home setbacks from a public right-of-way fronting on mobile home park is 20 feet;
- E. Minimum setback from property line not next to right-of-way is 15 feet.

### Section 9.05.050 – Mobile Home Space Requirements

- A. Front yard setback: 20 feet;
- B. Minimum distance between mobile homes: 25 feet;
- C. Rear yard setback: 10 feet;
- D. Setback from any principal structure: 20 feet;
- E. The lot area shall be a minimum of one acre (43,560 square feet) with private water and sewage system; one-half acre (21,780 square feet) with either public water or sewage system;
- F. Minimum lot frontage on cul-de-sac at setback line: 30 feet;
- G. One (1) off-street parking space minimum.

#### Section 9.05.060 – Roadways and Walkways

There shall be provided at minimum, gravel surfaced roadways having a right-of-way of not less than 60 feet including a walkway to be not less than three (3) feet in width on each side. Walkways shall be provided from mobile home spaces to the service and recreational buildings. Roadways and walkways should be adequately lighted so as to provide safe movement of vehicles and pedestrians at night.

#### Section 9.05.070 – Landscaping

All required setbacks for the Mobile Home Park should be landscaped. Any landscaping, fences and the setback areas adjacent thereto should be properly maintained by the owner(s).

#### Section 9.05.080 – Addressing

All mobile homes shall be numbered or addressed with legible numbers attached to the unit at least four (4) inches in height. All roadways shall be clearly numbered for identification.

#### Section 9.05.090 – Water and Wastewater Facilities

Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems shall be in compliance with DEQ Water Quality Rules and Regulations, Chapter 11, Part F.

# CHAPTER 10 – TRAVEL TRAILER PARK DEVELOPMENT REGULATIONS

## 10.05.010 – Purpose

## 10.05.020 – Platting

## 10.05.030 – Allowed Uses

### Section 10.05.10 – Purpose

These regulations specify requirements for developments containing seasonal recreation-oriented campers, recreation vehicles and truck campers and to provide for adequate and safe sanitary facilities and a potable water supply. (All plans for travel trailer parks must be reviewed and approved by the State Department of Environmental Quality, as well as, comply with these regulations) 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 Section 10.05.030, the Planning Commission and the Board of Commissioners will make a determination whether the use meets the intent of Section 10.05.030 below.

### Section 10.05.020 – Platting

All travel trailer parks shall comply with the Platte County Subdivision Regulations.

### Section 10.05.030 – Allowed Uses

- A. Travel trailers;
- B. Recreation vehicles;
- C. Truck campers;
- D. Convenience store in support of Travel Trailer Park;
- E. Management office;
- F. Restroom facilities;
- G. Shower/bath facilities;
- H. Laundries;
- I. Recreation facilities.

## **CHAPTER 11 - RESERVED**

## CHAPTER 12 – SUBDIVISION REGULATIONS

### 12.05 GENERAL PROVISIONS

### 12.10 DEFINITIONS

### 12.15 PROCEDURES FOR PERMIT APPLICATIONS

### 12.20 SUBDIVISION DEVELOPMENT REGULATIONS

The preparation of this Resolution was financed in part through an Urban Planning grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended March 1976, Wheatland, Wyoming.

The preparation of these regulations was aided by a grant from the Old West Regional Commission authorized under the Wyoming Community Technical Assistance Program.

Approved by Platte County Planning Commission on February 19, 1976

Approved by Board of Commissioners on April 7, 1976

Adopted and in effect April 7, 1976

Revised October 1, 1985

Revised March 20, 2012

## 12.05 GENERAL PROVISIONS

12.05.010 – Preamble

12.05.020 – Authority and Jurisdiction

12.05.030 – Statement of Purposes

12.05.040 – Legal Status

12.05.050 – Appeals

12.05.060 – Rules of Language

12.05.070 – Enforcement, Violation, and Penalty

### Section 12.05.10 – Purpose

Resolutions of Platte County, Wyoming hereby establishing Subdivision Regulations and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Wyoming Statutes. The title of these regulations shall be known and may be cited as "The Platte County Subdivision Regulations."

### Section 12.05.020 – Authority and Jurisdiction

These regulations are authorized by the Wyoming Statutes, as amended, and shall apply to all of the unincorporated land within Platte County, Wyoming, including State and State and Federal owned lands.

### Section 12.05.030 – Statement of Purpose

The purposed of the regulations are to:

- A. Secure equitable handling of all applications by providing uniform procedures and standards.
- B. Plan for convenient and safe circulation.
- C. Provide adequate space to prevent and fight fires.
- D. Facilitate the adequate provision of transportation, water, waste-water disposal, schools, and other public facilities.
- E. Help prevent physical hazards for the community, such as flood damage, geologic and soil hazards.
- F. Conserve the environment from noxious and unhealthy abuse.
- G. Promote the public health, safety, and welfare of the residents and surrounding of Platte County.

- H. Specify the extent to which and manner in which roadways shall be graded and improved and to what extent water, wastewater, and other utilities shall be required and installed.
- I. Ensure that land is subdivided into lots that are of adequate size and configuration for the purpose of which they are intended to be used.
- J. Protect and conserve the natural resources, preserve the natural vegetation and promote the natural beauty of the land as much as is practical.
- K. Protect, preserve and enhance private property rights.

#### Section 12.05.040 – Legal Status

- A. Interpretation: Whenever the provisions of these regulations are found to be inconsistent with any other regulation, the regulation imposing the more restrictive standard shall control. The provisions of these regulations are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law.
- B. Severability: Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.
- C. Effective Date: These regulations shall be in effect from the date of adoption by the Board of County Commissioners.

#### Section 12.05.050 – Appeals

Appeals from decision of the Board shall be as provided by Wyoming Statutes.

#### Section 12.05.060 – Rules of Language

- A. The particular controls the general.
- B. The word “shall” is always mandatory and not directory. The word “may” is permissive. The word “should” is directory.
- C. Words used in the present tense include the future, unless the context clearly indicates the contrary.
- D. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- E. Any definition used in the applicable Wyoming Statutes may be used in these regulations, and if the Statutory definitions conflict, the Wyoming Statutory definitions shall govern.

#### Section 12.05.070 – Enforcement, Violation, and Penalty

The provisions of these regulations enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Any person who knowingly authorized, directs or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision for sale, in this or any other state, and every person with knowledge that any such advertisement, prospectus, pamphlet or written statement that is false or fraudulent in any material part or who issues, circulates, publishes or distributes the same, or causes the same to be circulated published or distributed, shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed five hundred (\$500.00) dollars. Each day of violation constitutes a new offense.

Any person who willfully violates any provision of this act or any rule or order issued under this act, and any person who, as an agent for a subdivider, developer or owner of subdivisions without first complying with the provisions of this act shall upon conviction be fined not more than five hundred dollar (\$500.00) or be imprisoned in a county jail for not more than thirty (30) days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

## 12.10 DEFINITIONS

Board: The Board of County Commissioners of Platte County.

Cul-de-sac: A street open at one end only and providing at the other end special facilities for the turning around of vehicular traffic.

Easement: An area which is reserved, conveyed or dedicated for a specialized or limited purpose without the transfer of fee title.

Flood Plain: The relatively flat areas or lowlands adjoining a channel or stream or watercourse which are subject to flood water overflow.

Half Street: A roadway improved only on half its width, for only one direction of traffic, such as paved on one side and gravel on the other side.

Improvements: All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose.

Lot: See Parcel

Newspaper: The official newspaper as designated by the Board.

Parcel: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel.

Person: Any natural person, firm, partnership, association or cooperation, but this definition does not include any governmental unit.

Planning and Zoning Commission: The entity appointed by the governing body as provided by Wyoming Statutes.

Planning Office: The Platte County Joint Planning Office.

Plat: A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk.

- A. Preliminary Plat: A map or maps showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.
- B. Final Plat: A map or maps indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation.
- C. Vacation Plat: a map indicating a proposed vacation of a dedicated street, road or easement, or a vacation of a subdivision to raw acreage.

Public Access: A publicly dedicated, maintained road constructed into the integral network of town, city, county, state and federal roadways.

Rights-of-way: The entire dedicated tract or strip of land that is to be used by the public for various road purposes. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way.

Road Assessment for Developers: Developer shall supply estimated traffic count for the residents of the subdivision for the impacted county roads.

Simple Subdivision: A simple subdivision is a subdivision of one unit/parcel of land into four (4) total pieces of land or less. No piece of land shall be smaller than 5 acres and each shall have a direct contiguous access to a publicly maintained road. All simple subdivisions require a subdivision permit and shall meet all requirements of this Section. A subdivision shall not be classified as a simple subdivision if any of the following conditions exist:

- A. The subdivision will be served by a central sewage disposal system or central water supply system which is not owned and operated by a public entity;
- B. The land to be subdivided is a parcel created by exempt division after July 1, 2001;
- C. The land to be subdivided is within a platted subdivision, or record of survey;
- D. The land to be subdivided is located within one mile of any municipal boundaries and has the municipality approval;
- E. The land to be subdivided is unsuitable for subdivision; or
- F. The land to be subdivided is contiguous to other land on which the same applicant has platted a subdivision.

Specification: A detailed technical description of the end product or products and the materials to be used in the development or construction of a project.

Standards: A set of standard designs governing development and construction parameters pertaining to specific elements of the development with which uniform compliance by all persons is mandatory.

Street: A road, highway, or other public or private thoroughfare which affords a primary means of an access to abutting property

Subdivision: The creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

Utilities: Those elements of the community which are required to provide essential services and commodities. Utilities include but are not limited to water, sewer, electric, gas, telephone, storm sewers, solid waste collection and disposal and other like items.

## 12.15 PROCEDURES FOR PERMIT APPLICATIONS

### 12.15.010 – When Required

### 12.15.020 – Pre-application Procedure

### 12.15.030 – Administration Procedure

### 12.15.040 – Appeal Procedure

#### Section 12.15.010 – When Required

No person shall subdivide land or commence the physical layout or construction of a subdivision without first obtaining a subdivision permit from the Board, to include lot splits in existing platted subdivisions.

At the sole discretion of the applicant, the applicant may process for a rezoning permit and a preliminary subdivision plan simultaneously.

Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these regulations, this article shall not apply to any subdivision of land that: Is a division of land made outside of a platted subdivision for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

- A. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
- B. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- C. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- D. No parcel smaller than five acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.

Miscellaneous Exemptions: The following types of divisions of land shall be exempt from the subdivision permit required:

- a. A division that may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state;
- b. A division that is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
- c. A division that concerns lands located within incorporated cities or towns;

- d. A division that is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
- e. A division that affects railroad rights-of-way;
- f. A division that is a sale or other disposition of land for agricultural purposes;
- g. A division that is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;
- h. A division that creates cemetery lots;
- i. Is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this exemption as only one interest.

The subdivision permit requirement shall not apply to the sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easement or not less than 40 nor more than 60 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

- A. The subdivision permit requirement shall not apply to Records of Survey. By rule, hereby amended into the Platte County Subdivision Rules and Regulations, units of land in the Record of Survey's shall not be split or divided unless a subdivision application is submitted.
- B. Certification Required For All Instruments: The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types instruments shall present to the County Clerk a certificate for recordation indicating whether the instrument creates any division or subdivision of land. The certificate shall further indicate that any division of land created by the instrument conforms to one or more of the subdivision exemptions of these regulations.
- C. Certification Required For Exempt Divisions: Whenever the owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments presents to the County Clerk a certification indicating that the instrument creates a division of land, the owner or agent shall present for recordation a certificate completed by the Planning Coordinator and sworn to under penalty of perjury indicating that the division is in fact exempt.
- D. Affidavits Of Family Exemption: The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments

that divide land pursuant to the family exemption, shall present to the County Clerk an affidavit of family exemption to be recorded with the instrument. Affidavits for family exemption shall conform to one of the Affidavits of Family Exemption.

- E. Resolution Of Non-Evasion: The original grantee of a family exemption parcel shall obtain a "Resolution of Non-Evasion Concerning Resale of Family Division Parcel" from the Planning and Zoning Commission prior to grantee conveying the parcel. The Commission shall grant the resolution if it finds that the proposed conveyance would not violate these Subdivision Regulations. The grantee shall record the resolution with the deed of conveyance. If the conveyance would violate these Regulations, the Commission shall deny the resolution and require a subdivision permit to allow the conveyance.
- F. Requirements For Agricultural Divisions: The owners or agents of a purchaser seeking to record deeds, records of survey, contract for deeds, or other types of instruments that divide land pursuant to the agricultural purposes exemption, shall present to the County Clerk a covenant to be recorded with the instrument. The covenant shall conform to the Covenant for Agricultural Purposes Exemption.
- G. If any instrument is recorded without the affidavit, certificate, covenant or resolution as required by this subsection, the Planning Coordinator shall present to the Clerk and the Clerk shall record a Notice of Non-Filing. In addition, the Planning Coordinator shall give a copy of the notice to all persons known to have an interest in the property and all agents known to be involved in the conveyance.
- H. A purchaser seeking exemption pursuant to miscellaneous exemption (7) shall execute and file a Declaration of Exemption, Merger of Adjacent Parcels.
- I. A purchaser seeking exemption pursuant to miscellaneous exemptions (1) shall execute and file a Declaration of Exemption Pursuant to Court Order and attached a certified copy of the order.

#### Section 12.15.020 - Pre-application Procedure (optional)

- A. Prior to filing for a permit, the developer may submit to the Planning Office a conceptual plan or declaration of intent. This does not require a formal filing nor fee, nor does it require Planning Commission review.
- B. The Planning Office shall discuss with the applicant or his representative, the plans and shall recommend any possible changes, refer other public services, and provide aid in complying with these procedures.

#### Section 12.15.030 – Administration Procedure

- A. Submission Deadline and Filing Fees

- a. No Preliminary Plan or Final Plats shall be heard by the Planning Commission unless it has been submitted at least forty (40) days prior to the regularly scheduled meeting date. All reports, documents, and other supplementary materials required by these regulations are included. If no preliminary plan is submitted all final plat requirements must be fulfilled before hearing. As allowed by State Statute 18-5-306, the following subsections ii) a survey plat and ii)(B) covenants are exempted where (1) unit is divided into not more than a total of (5) units of land (note: this will include all simple subdivisions).
- b. All filings require that the prescribed permit forms be filled out before the final submittal date. These are available in the Planning Office.
- c. The subdivider shall be responsible for the cost of publication of the preliminary plan public notice.
- d. All final plats submitted for approval shall be subject to fees per fee schedule in the Planning Department. These fees are necessary for administration mileage, and engineering-planning review by public agencies and the Planning Commission.
- e. If the Planning Commission determines that changes are necessary in the plan submitted, the developer shall submit a revised plan to the Planning Office. If the Planning Office determines the changes in the plan are minor, the Planning Office may approve the modifications. If the Planning Office determines that the changes are significant, the Planning Commission shall review the revised plan in accordance with these procedures.

**B. Minimum Requirements**

- a. Required number of prints: The developer shall submit ten prints of any plans required. The Planning Office may submit the plans to appropriate federal, state, and local agencies for their review and recommendations. In the case of subdivision, the Final Plat, supplemental requirements, and necessary recording fees shall be submitted to the Planning Office within one year after approval of the preliminary plan, for final approval and recording, or the permit shall be revoked.
- b. Supplemental Information: The following items must accompany every submittal:
  - i. Completed Permit Application.
  - ii. The purpose and intent of the development.
  - iii. Adjoining property owners notification form (see Public Notice).
  - iv. A plan of development, at a suitable scale to be easily viewed by a public audience, and illustrated by colors for ease of viewing.

- v. Number and gross density of units; if applicable.
- vi. Acres set aside for recreation or open space, if applicable.
- vii. If phased development is proposed, a general phasing plan.
- viii. Anticipated schedule of development.
- ix. How utilities will be provided.
- x. Approval from the Wheatland Irrigation District ("District") on a form adopted by the District regarding attached water rights, if applicable.

#### C. Public Notice

- a. Posting – Plain notice, not less than two (2) square feet in size, of the date and place of hearing of all filings shall be posted in a conspicuous place on the property site by the Planning Office at least two (2) weeks prior to the Planning Commission meeting.
- b. Adjoining Property Owners
  - i. Prior to submitting the filing, the developer shall either contact the adjoining property owners for their signatures on the notification form, or cause a certified letter to be sent to said owners by the Planning Office. The requirements for the letter may be obtained from the Planning Office.
  - ii. The letter shall state that the adjoining property owner may appear in person at the Planning Commission hearing, or if unable, submit a statement further expressing his or her opinions and comments on the application.
- c. Agenda – The agenda of the Planning Commission meetings shall be made available to the news media and public no later than three (3) days prior to the meeting.
- d. Publication – The Planning Office shall cause the filing and description of the area to be published once each week for two (2) weeks within thirty (30) days of the hearing by the Planning Commission, unless previously advertised by the applicant, in the official county newspaper.

#### D. Action and Procedures of the Planning Commission

- a. The Planning Commission shall review each application at a regularly scheduled public meeting. Prior to any action, the Planning Commission shall review the plans, reports, recommendations, and comments of the Planning Office. The developer or his representative must be present at the hearing.
- b. Unless postponed at the request of the developer, the Planning Commission shall vote for or against the filing, and transmit both its vote and findings to the developer. The Planning Commission may postpone the decision, for

reasonable cause, for a maximum of thirty-five (35) days; if action is not taken within thirty-five (35) days, the permit shall be issued or referred to the Board accordingly.

- c. The Planning Commission action shall be based upon the purpose and intent of these regulations in addition to the fulfillment of the minimum requirements herein.
  - d. Upon any of the above actions, or at the expiration of the maximum period for taking action, the filing shall be placed on the agenda of the next regular scheduled meeting of the Board which allows for the proper notice requirements if Board action is required.
- E. Action and Procedure of the Board of County Commissioners
- a. The Board of County Commissioners shall hold a hearing on each appropriate plan at a regularly scheduled public meeting.
  - b. Upon receipt of a recommendation from the Planning Commission, the Board shall consider the matter and approve, approve subject to certain conditions, or disapprove the application.
  - c. A permit, to include conditions, shall be issued to the developer by the Planning Office within ten (10) working days of the hearing, except for a plat, which permit shall be issued upon recording of the final plat (see Chapter IV, Section 5 for specific regulations).
- F. Ownership
- a. All applications shall contain the signature(s) of each person possessing a present fee simple interest in the property and proof of such legal interest shall be required upon request of the Planning Office.

#### Section 12.15.040 – Appeal Procedure

In the event of an adverse decision by the Board, further appeal shall be to the District Court.

## 12.20 SUBDIVISION DEVELOPMENT REGULATIONS

12.20.010 – Scope

12.20.020 – Acceptance of Public Lands and Utilities

12.20.030 – Subdivision Permit Required

12.20.040 – Preliminary Plan and Platting Procedures

12.20.050 – Preliminary Plan and Platting Requirements

12.20.060 – Subdivision Standards

### Section 12.20.010 – Scope

The following regulations shall be fulfilled for all new subdivisions, as defined in Chapter II, within the unincorporated land of Platte County. No construction of buildings or disturbance of land is allowed on subdivisions or land prior to its being recorded. If subdivisions are within one mile of the boundaries of an incorporated town or city, the plat may not be recorded or deemed reviewed without the review of the Council of that town or city.

### Section 12.20.020 – Acceptance of Public Lands and Utilities

Approval of a subdivision by the Board shall not constitute an acceptance by the County of the roads, streets, alleys, or public lands for maintenance as these lands for public use of any nature within the County shall be accepted by the Board only by specific action of the Board.

### Section 12.20.030 – Subdivision Permit Required

No construction shall commence within a subdivision before a permit is granted by the Board and the final plat thereof has been recorded by the Platte County Clerk.

### Section 12.20.040 - Preliminary Plan and Platting Procedures (also see Chapter 3, section 3.05.030)

Classification Of Sketch Plan: The Planning and Zoning Commission is authorized and designated to classify sketch plans as either simple or major subdivisions in accordance with these regulations. All subdivision applicants shall present a sketch plan application conforming to the requirements. The Commission shall classify sketch plans by resolution at a public meeting.

A. When required.

- a. Preliminary Plan: The subdivider shall submit a preliminary plan, and its supplemental information detailed herein, for public review and hearing by both the Planning Commission and Board.
- b. Final Plat: Within one year of approval of the preliminary plan, the subdivider shall submit the final plat to the Planning Commission for review and approval by the Planning Commission and the Board, after which he shall cause said plat and other necessary documents to be recorded by the Planning Office.
- c. Vacation Plat: A vacation plat shall be submitted in order to vacate any tract of land created by a plat recorded in the County Clerk's Office; to vacate any tracts, lots, streets, or easements such vacation may be heard by submitted a vacation application to the Board for a formal resolution. When a vacation plat is not required, the review process for the application shall be the same as identified in this section for vacation plats.
- d. If the subdivider wishes to amend the preliminary plan prior to recording a final plat, resubmittal of the revised preliminary plan is necessary but there shall be no public notice requirements for this additional submittal unless required by the Planning Commission.
- e. The preliminary plan shall be valid for a period of one year after the Board approval, unless upon application by the subdivider, the Planning Commission grants an extension of time beyond such a period. If a final plat has not been approved and recorded as required by the provisions of these regulations within such 12-month period or any extension granted thereof, the preliminary plan must be resubmitted to the Planning Commission and Board as if such a plan had never been approved.
- f. Referral and Review Requirements: Within five (5) days of the submittal of each plan, the Planning Office shall distribute copies of the prints of the plan together with accompanying data to the following agencies for their review and recommendations:
  - i. Relative School District
  - ii. Town Clerk of a town within one mile
  - iii. Platte County Conservation District
  - iv. County Sanitarian
  - v. County Engineer
  - vi. Local Post Office
  - vii. Emergency Management Coordinator

- viii. Any other agencies deemed necessary by the Planning Department, such as REA, State Highway Department, The Platte County Parks and Recreation Board, relative irrigation district, fire marshal, etc.

The agencies shall be asked to submit their comments and recommendations to the Planning Office at least one week prior to the hearing date. If no comments have been received, the plan shall be deemed an approval by that agency.

- B. Simple Subdivision Review Process: The simple subdivision process shall be exempt from the requirements of W.S. 18-5-306(a)(i)-(ix) and sub-section (c). The simple subdivision process is relatively uncomplicated with a short application processing time. The process involves no public hearing.
- C. Application Procedure:
  - a. Application Process: Applicants seeking approval of a subdivision shall present a sketch plan and an application for a subdivision to the Planning Department. If the proposed subdivision is located within the boundaries of the Wheatland Irrigation District ("District"), the application shall include approval from the District on a form adopted by the District regarding attached water rights. The Planning Department will schedule a date with the Planning Commission for consideration of the applications.
  - b. Planning Commission Action: At the Planning Commission meeting, the applicant or a representative shall present the applications to the Planning Commission. At this time, the Planning Commission shall classify the proposed subdivision.
  - c. Review Of Simple Subdivisions: Upon classifying a sketch plan as a simple subdivision, the Planning Commission shall review the proposed simple subdivision for conformance with the approval standard of Simple Subdivision Approval Standard. The Planning Commission shall approve or deny the application. The Planning Commission shall make its decision at the initial meeting or at its next scheduled meeting. This time limit may be extended with consent of the applicant to no more than 45 days from the initial meeting.

#### Section 12.20.050 – Preliminary Plan and Platting Requirements

- A. Preliminary Plan: The following information shall be included, as a minimum, on the preliminary plan:

- a. Drawn to scale (a scale adequate to illustrate the required information and show necessary features in a hearing room).
- b. Name of the subdivision, except for simple subdivisions, when the subdivision is platted for more than 10 lots, which shall be different from that of any existing subdivision previously recorded in Platte County.
- c. General legal description including approximate acreage and an approximate survey tied to an accepted survey monument.
- d. Name and address of the person, firm, or organization preparing the preliminary plan.
- e. Name and address of the subdivider.
- f. The names of adjacent subdivisions and property owners and the respective existing zoning.
- g. A vicinity map to locate the tract.
- h. Boundary lines of the proposed subdivision showing approximate length of boundaries.
- i. The location, width, and names of streets and other public ways, easements, irrigation ditches, railroad and utility rights-of-way, section lines and any municipal, county and/or district boundaries such as: sere, school, fire, etc.
- j. Approximate length of street center lines and radii of curves.
- k. The approximate location of major watercourses, existing water bodies, and other natural and historical features.
- l. The approximate location of all existing structures that will remain on the property after the final plat is recorded.
- m. The approximate location of land if any intended to be conveyed or reserved for public use or reserved in deeds for the use of all existing or proposed utilities, bridges and culverts and intersections.
- n. The approximate widths, locations, and uses of all existing or proposed utilities, bridges and culverts and intersections.
- o. The approximate lot layout, approximate dimensions of each lot, and approximate acreages of the lots.
- p. Notes on the plan sheet stating the disposition and maintenance responsibility of common areas and parks.
- q. If the proposed subdivision is within the boundaries of the Wheatland Irrigation District and the subdivider is not detaching the District's water rights, the plan must show the following after receiving the written approval of the District:
  - i. Location of all water rights;

- ii. How the water is delivered from the source to the proposed subdivision (means of conveyance);
- iii. How much of each water right is to remain appurtenant to each subdivision lot.

B. Supplemental information to submit with the Preliminary Plan

- a. Drainage report, prepared and signed by a registered professional Engineer licensed in Wyoming. This report shall show flow direction and quantity based on the engineer's preferred methodology, non-buildable flood plain areas, and erosion prevention measures recommended to the developer; and additional information which will help to prevent drainage and erosion problems as a result of the development. The conservation plan should be a team effort of the developer, Conservation District, and the County Engineer.
- b. Proposed covenants, for Planning Commission and Board review, if available.

C. Final Plat

- a. The final plat shall be drawn with permanent India ink or produced by a photographic process (silver image) on linen or polyester film-based material. The overall plat(s) dimension shall be thirty (30) inches in length by twenty-one and a half (21½) inches including one-half inch borders.
- b. Information Required in Final Plat
  - i. Scale: The final plat shall be drawn to a scale that will show all the details clearly.
  - ii. Title or name of the subdivision. The title shall appear on all sheets of the final plat.
  - iii. Statement, executed by the owners of all legal and equitable interests in the property being subdivided; if said description contains references to recorded documents said information shall be properly indicated on the graphic portion of the plat.  
 Name of the persons or entities executing the plat.  
 Description of the property being subdivided; if said description contains references to recorded documents said information shall be properly indicate on the graphic portion of the plat.  
 Formal and complete statement of the title or name of the plat.  
 Dedication and acceptance statement regarding all public rights-of-way or land to be dedicated for public use.  
 Proper signatures of the subscribing persons and entities affirming the execution of the plat; in the event of execution by a corporation,

the corporate seal must be affixed to the plat. All signatures shall be made with permanent India ink.

- iv. Notarial Acknowledgment: Proper statutory acknowledgment by the owner or owners of legal or beneficial interests of their approval of the plat and the dedication of streets and other public areas.
- v. Date of preparation, north point, written scale and graphic scale.
- vi. A vicinity map to locate the subdivision.
- vii. Locations of land intended to be conveyed or reserved for public use if any or reserved in the deeds for the use of all property owners in the proposed subdivision. Public tracts shall be dedicated by a statement on the plat; responsibility of maintenance of all other tracts shall be noted.
- viii. All monuments shall be placed and set in accordance with the requirements of Wyoming Revised Statutes. Monuments found and new monuments set shall be differentiated and described on the final plat in accordance with the requirements of Wyoming Revised Statutes.
- ix. A statement by land surveyor explaining how bearings were determined must be included. The point of beginning must be called out on the description.
- x. Surveyor's Certification: Certification by a Registered Land Surveyor of the State of Wyoming, to the effect that the layout represents a survey made by him and that all dimensional and other details are correct.
- xi. Certificates for execution by each of the following or their duly appointed representatives, in the following order:
  - 1. County Engineer
  - 2. Chairman of the Planning Commission
  - 3. Chairman of the Board of County Commissioners
  - 4. County Clerk
- xii. Layout
  - 1. The exact layout must be neatly drawn to scale and shall include the boundary lines with accurate distance and either bearings or internal angles, and the exact location and width of all existing or recorded streets adjacent to the boundary of the tract. Minimum relative error of closure to one in five thousand.

2. The central angles, radii, and arc lengths of all curves or portions thereof, length of tangents, location of points or curvature and intersections.
  3. Easements shall be designated on the plat as to use and size. They shall be represented by a fine dashed line or indicated by appropriate statements.
  4. Lots and Blocks: All lines of lots, blocks, and other parcels of land shall have accurate dimensions in feet and hundredths with bearing or angles to street and alley lines. Lots must close to one in five thousand and must be surveyable by the information given on the plat alone. Acreages of all lots shall be shown.
  5. Identification System: All lots and/or blocks in the subdivision shall be numbered consecutively throughout the tract with no omissions or duplications.
  6. Streets: The plat shall show the right-of-way lines, widths, locations and names of all existing and proposed streets or roads within the proposed subdivision. The center line data or right-of-way data of all curves shall be on the plat
- xiii. If the proposed subdivision is within the boundaries of the Wheatland Irrigation District and subdivider is not detaching the District's water rights, the plan must show the following, after receiving the written approval of the District:
1. Location of all water rights;
  2. How water is delivered from the source to the proposed subdivision;
  3. How water is delivered to each lot within the proposed subdivision;
  4. How much of each water right is to remain Appurtenant to each subdivision lot.
- c. Supplemental Information to submit with the Final Plat:
- i. Subdivision Boundary Closure Sheets (DMD or equivalent)
  - ii. A title insurance commitment or policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than thirty (30) days prior to the submittal of the final plat to the Planning Office, showing the name of the owner(s) of the land and all other persons who have an interest in, or an encumbrance on, the

property described on the final plat. Upon request of the Planning Commission, the subdivider shall cause to be joined on said filing plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.

- iii. As the alternative, such other parties may subordinate their interest to the dedication of public rights-of-way contained therein by a notarized Ratification Statement.
- iv. Where school or park land is dedicated a partial release of interest shall be required of any and all lienholders, to accompany deeds to the School Districts or the county in order that unencumbered title is transferred to said district.
- v. School Districts or the county in order that unencumbered title is transferred to said district.
- vi. Street Plans and Profiles: Plans and profiles shall be submitted which consist of centerline and flowline (gutter flow line) profiles of existing surface together with the proposed flow line grade of both sides of the street and a typical cross-section.
- vii. If applicable, water and sewer pipe profiles (flow line) shall be included in the road plans and profiles, with manholes, cleanouts, hydrants, etc.
- viii. Construction plans: If any structures (bridges, culverts, channelization, etc.) are required within the area to be platted construction plans shall be submitted.
- ix. Itemization of public improvements and collateral agreement once itemization is approved. (See Section 6., c., Improvement Guarantee.)

#### D. Vacation Plat

- a. The vacation plat shall be drawn with permanent India ink or produced by a photographic process (silver image) on linen or polyester film base material. The overall plat(s) dimension shall be thirty (30) inches by twenty-one and a half (21½) inches including a one-half inch border. A vacation and replat may be submitted as one application and may be drawn onto one plat if convenient. The lots, blocks, rights-of-way, or easements shall be titled "To be vacated:", and the description shall be titled "As Re-platted". (All requirements of a replat and of a vacation shall be fulfilled.)
- b. Information Required on a Vacation Plat
  - i. Scale: The vacation plat shall be drawn to scale that will show all details clearly.

- ii. The name of the vacation plat must begin with the following words:  
"A Vacation Plat of \_\_\_\_" or "A Vacation and Re-plat of \_\_\_\_".
- iii. Statement, executed by the owners of all legal and equitable interests in the property being vacated, which shall contain the following:
  - 1. Name of persons or entities executing the plat.
  - 2. Description of the property being vacated; if said description contains references to recorded documents and/or instruments, said information shall be properly indicated on the graphic portion of the plat.
  - 3. Proper signatures of the subscribing persons and entities affirming the execution of the vacation plat. In the event of execution by a corporation, the corporate seal shall be affixed to the plat.
- iv. Notarial Acknowledgement: Proper statutory acknowledgement by the owner or owners of legal or beneficial interests or their approval of the plat.
- v. Date of preparation, north point, and written and graphic scales.
- vi. A vicinity map to locate the vacation plat.
- vii. Surveyor's Certificate: Certification by a registered Land Surveyor of the State of Wyoming to the effect that the plat to be vacated is a recorded plat.
- viii. Certificate of execution by each of the following or their duly appointed representative, in order:
  - 1. County Engineer
  - 2. Planning Director
  - 3. Chairman of the Planning Commission
  - 4. Chairman of the Board of County Commissioners
  - 5. County Clerk
- ix. Layout: The exact layout including:
  - 1. Boundary Lines: Pertinent boundary information with accurate distances and either bearing or internal angles.
  - 2. Easements: If easements are not to be vacated, a note so stating shall be on the plat.
  - 3. Lots, blocks, identification systems and other parcels of land as recorded.
  - 4. Streets: The plat shall show any right-of-way lines and names of streets adjacent to the property being vacated.

- c. Supplemental Information to Submit with Vacation Plat: A title insurance commitment of policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than thirty (30) days prior to the submittal of the vacation plat to the Planning Office showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the vacation plat; and signing of the plat or ratification of the vacation is required by all such persons having interest in the land.

## Section 12.20.060 – Subdivision Standards

### A. General Standards

- a. Conformity: The subdividers should study any adopted land use plans and regulations and design the subdivision to comply with those policies. The Planning Commission and Board will study the plans as they relate to such adopted policies.
- b. Building Lots: All subdivision should result in the creation of lots which are developable, and which have adequate building sites.
- c. Access to Public Streets: The subdivider shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.
- d. Land Unsuitable For Subdivision: Land unsuitable for subdivision shall mean land that, if subdivided, would be detrimental to the health, safety, or general welfare of existing or future residents because of potential hazards such as flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of these features does not preclude subdivision approval; provided the subdivision is reviewed as a major subdivision and the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.
- e. Matters of historical, archeological, or geologic significance shall be identified sites and landmarks shall be considered in subdivision plans in accordance with adopted State preservation plan.
- f. Circulation: Automobile, transit and pedestrian circulation should be designed to provide safe, convenient access to schools, shops, parks, transportation facilities, and other community facilities.

### B. Design Standards

- a. Lots

- i. Widths and depths of lots shall be designed for the type of land use contemplated for the development.
- ii. Corner lots should be wide enough to permit building sites which could have orientation from either street and allow good traffic site distance.
- iii. Each lot shall have access to a public dedicated street in the continuous integrated network of county, city, state, and federal roadways. A statement dissolving right of access from individual lots to arterial streets may be required on the final plat.
- iv. Each lot should have an adequate building area with consideration of poor soils, high water tables, flooding possibilities, or other limiting hazards to building sites, access, or sanitary sewage facilities. Adequate area for fire protection vehicles to turn around on the developed lot should be considered.
- v. Lots shall be numbered beginning at Lot #1 and numbered consecutively upward for each filing. Lots in re-plats generally shall be alphabetically identified to avoid numerical confusion. Block numbers are discouraged in order to prevent confusion.
- vi. Reserve Strips controlling access to streets shall be prohibited except where their control is given to the county under conditions approved by the Board.
- vii. Lot splits in a platted subdivision shall be done with consideration of access, building area, and capability of the soil with respect to wells and wastewater disposal.

b. Easements

- i. Public Utility Easements: The subdivider should discuss utility easements required with local utilities. Utility easements shall not be less than fifteen (15) feet in width on each lot where utilities require them and providing easements shall be the responsibility of the subdivider. Irrigation Districts are considered to be public utilities.
- ii. Drainage Easements: If a subdivision is traversed by a watercourse, drainage way, or channel, then a storm water easement shall conform to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access to and maintenance thereof. Drainage areas generally should be left in a natural state unless channelization is recommended by the County Engineer.

c. Street Plan

- i. The street pattern shall be in conformity with any municipal major street plans. Location of existing, planned, or platted streets shall be considered in street layout. Centerlines of streets not in alignment shall be offset by a minimum of 135 feet.
- ii. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary for the connection of the subdivision with the existing thoroughfare layout or is not the most advantageous future development of adjacent tracts.
- iii. In the case of stub-end streets which shall continue with future development, a temporary turnaround easement, being one hundred (100) feet in diameter, will be indicated at the end of the stub-street. A note limiting the life of this easement shall be put on the final plat.
- iv. Proposed streets and rights-of-way should intersect one another at right angles. The intersection of more than two streets is not permitted.
- v. Half streets are not permitted.
- vi. Streets shall have the following minimum right-of-way widths when public:
  1. Major collector streets: 80 feet
  2. Minor collector streets: 60 feet
  3. Local streets: 60 feet
- vii. Cul-de-sacs: Permanent cul-de-sacs may serve no more than twenty (20) lots and must be provided with a right-of-way at the turnaround of fifty-five (55) feet in radius or more and the outside curb or pavement edge radius shall be forty-five (45) feet or more.
- viii. Street Names: Names and numbering shall be subject to approval by the Planning Office. Street names shall not be duplicated and shall not be too closely similar phonetically to any name of an existing street in an adjacent municipality in Platte County. Any street, which is continuation or an approximate or logical continuation of any existing dedicated street, shall bear the same number as the existing street. Street name designation shall be as follows:

1. Street, Avenue, or Road: Shall be reserved for principle or minor arterial streets, in conformance with the major street plan.
  2. Street, Circle, Lane, Way, or Drive: Shall be reserved for collector or local street with continuity.
  3. Court, Place, Square, or Terrace: Shall be reserved for streets with no continuity, such as cul-de-sacs.
- C. Improvement Standards: In order to provide for the orderly construction of public improvements as areas are built and developed and to promote the public health, safety, and welfare and to ensure a serviceable and healthy living environment, the subdivider shall provide the following:
- a. Water and wastewater systems: The subdivider shall install water and wastewater systems with connections to all lots being platted smaller than one acre. If either a water system or wastewater system is proposed the lot size shall be determined by the physical capability of the soils to contain the development.
  - b. Underground Utilities: All utility services may be placed overhead or underground, at the discretion of the developer. Transformers, switching boxes, terminal boxes, meter boxes, pedestals, and other facilities appurtenant to underground facilities may be placed above ground.
  - c. Street name signs: The subdivider shall install street name signs in accordance with county specifications.
  - d. Erosion Control Measures: The subdivider shall grade, develop and/or install improvements based on a rational plan for preventing erosion and undue sedimentation, and return topsoil to graded areas.
  - e. Minimum Street Improvement:
    - i. For all subdivisions, the subdivider shall install gravel roadways in compliance with the Wyoming Highway Department minimum specifications, and necessary drainage facilities in compliance with the approved drainage report.
    - ii. Dedication: The subdivider shall dedicate the entire right-of-way for public streets to Platte County.
  - f. Acceptance of Improvements: Upon completion of all improvements within the subdivision, or portion thereof, as mutually agreed upon the subdivider and the Engineer, the subdivider may request acceptance of public improvements for maintenance by the County.

- g. The Board will consider each request individually and base the decision to maintain the improvements on the County's financial ability, the need (demand), and location.
- h. Improvement Guarantee
  - i. Submission of Estimate: The subdivider shall submit an "Estimate of Guarantee Funds" with the final plat if any public improvements are necessary. This form is available at the Planning Office. An administrative cost of 5% of estimated costs shall be added to the letter of credit to cover inspection, mileage, contingencies, administration costs, unknowns, etc., by the Engineer.
    - 1. After the "Estimate of Guarantee Funds" has been checked and approved by the County Engineer, the subdivider shall submit in favor of Platte County a Corporate Completion Bond, or an irrevocable Letter of Credit, or a Cashier's Check or an Escrow Account, or other collateral acceptable to the Board to secure to the County the actual construction of the improvements within a period of eighteen (18) months of the approval of the plat, a revised cost estimate must be submitted for approval in order to have the approved final plat recorded. If the collateral has not been submitted within six (6) months of the approval of the plat, a revised cost estimate must be submitted for approval in order to adjust to price and materials changes.
    - 2. Recall of funds, if necessary, will be at the discretion of the Board and by written request. Recalled funds may be credited to a special account and an accurate accounting of the cost incurred in the completion of defaulted work will be maintained.
    - 3. As an alternative to the preceding method of handling defaulted work, the County Engineer may elect to make contractual agreements wherein defaulted work will be completed under his supervision by contracts with payment to contractor direct from guarantee funds by order. Administrative expenses of up to 5% of contract amounts will be paid to the County upon order. Any residue of guarantee funds will be returned to the proper source.
    - 4. Performance guarantees may be extended beyond the 18-month period with the following conditions:

- a. That the request for extension is made by the grantor at least thirty (30) days prior to the terminating date of the active guarantee;
  - b. That a schedule of completion be approved by the County Engineer (priority for construction of arterial streets shall be a policy in evaluating a satisfactory schedule);
  - c. And that the request be approved by the Board.
- ii. Partial Release: Upon a satisfactory completion of a phase of work or a portion thereof, the subdivider may make a request in writing for a partial release of funds. Amounts, so released, will be calculated on the same basis as used in the original estimate of funds. Any costs billed to the County by the County Engineer for his inspection and mileage shall be withheld by the County, up to a maximum of 5% of the guarantee funds.
- iii. Upon the completion of all improvements to the satisfaction of the County Engineer (as determined by final inspection and corrections of listed deficiencies) a release of the funds may be made by the Board on recommendation of the County Engineer, except for those funds withdrawn for inspection and mileage.
- iv. Real Estate Disclosure Laws
  - 1. Wastewater Disposal: If no public sewage disposal system is proposed by the subdivider, the words "NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM", in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements, and plats relating to the subdivision.
  - 2. Water Supply: If no domestic water is proposed by the subdivider, the legend "NO PROPOSED WATER SOURCE" shall appear on all offers, solicitations, advertisements, contracts, agreements, and plats relating to the subdivision.
  - 3. Road Maintenance: If no public maintenance of streets, alleys, or roadways is contemplated by the subdivider, the legend "NO PUBLIC MAINTENANCE OF STREETS OR ROADS" shall appear on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale or purchase of lots within the subdivision showing the streets, alleys and roadways.

4. Only normal rural fire protection and ambulance service can be expected.
5. All owners of lots in this subdivision shall abide by the policies of the Wheatland Irrigation District as adopted by the Platte County Planning Commission relating to assessment and administration of water to said subdivision.
6. High winds may cause blowing of farm residue on to the subdivision.

Other disclosure statements may be required on the final plat as deemed necessary by the Board, upon recommendations of the Planning Commission and hearing of the proposed subdivision. These statements shall also appear on all offers, solicitations, advertisements, contracts, and agreements relating to the subdivision.

#### SKETCH PLAN REQUIREMENTS

- A. An U.S.G.S. topographic map at 1:24,000 scale showing the general location of the subdivision, the property boundaries of the subdivision, topographic contours, and the North arrow.
- B. A map or survey showing the lot layout and indicating the approximate dimensions and acreage of lots. This map shall be prepared using a tax map or previous survey as a base.
- C. A description of the type of domestic water system proposed and information pertinent to the proposed water system (such as water rights and available data on quality of water).
- D. Any known information concerning flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features on the property.
- E. A copy of the review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation, and flooding problems. The applicant is responsible for requesting this report. The local conservation district may require up to 60 days to prepare the report.
- F. Proof of ownership.
- G. Any requests for variances from the standards of these Regulations.

#### DISCLOSURE STATEMENT

The applicant shall submit a full disclosure statement for review and approval by the Planning Commission and Board of County Commissioners prior to approval of a final plat.

Copies of the approved disclosure statement shall be recorded with the plat in the office of the County Clerk and will be available on request to the public. The subdivider must give a copy of the disclosure statement to each purchaser of a lot in the subdivision prior to the close of the sale on that lot.

Disclosure statements shall clearly and concisely present all the facts related to the following as applicable:

- A. Identification of entities responsible for road construction and maintenance including snow removal.
- B. Description of the domestic water supply including identification of entities responsible for maintenance of any water supply system(s); Statement that wells are required to be registered with the State Engineer.
- C. Description of sewage disposal methods and permits required; Identification of entities responsible for maintenance of the sewage disposal system(s).
- D. Statement concerning the existence of subdivision covenants including where copies of the covenants may be obtained; Statement that Platte County does not enforce private subdivision covenants.
- E. Information on the homeowner's association, if applicable; This shall include identification of all of the association's maintenance responsibilities and how the association is funded.
- F. Garbage disposal availability.
- G. Fire protection availability.
- H. Statement if any of the land is subject to flooding.
- I. Identification of any codes or covenants relating to construction in the subdivision.
- J. Postal service availability and mail delivery points.
- K. Statement of status of any water rights in the subdivision; Statement that subdivision purchasers are not allowed to use water out of any ditch or stream without a water right.
- L. Statement concerning the plans for disposal of irrigation wastewater.
- M. Identification of service providers for cable TV, telephone, gas and electricity with addresses and phone numbers; Statement indicating which of these services have been extended to the lots in the subdivision.

# **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 on January 18, 2022.

## 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.

## 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

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13.15.090 – Extension and Transfer of Permits

Section 13.15.010 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of solar energy facilities, as defined herein, while promoting the safe, effective, and efficient use of such energy systems. In addition, the purpose of this Chapter is to oversee the permitting of solar energy facilities for the purpose of preserving and protecting public health and safety, to reasonably preserve and protect natural, cultural, and wildlife resources, to protect the quality of life for nearby property owners, to facilitate economic opportunities for both County and residents, and to allow for the orderly development of land. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area. And to promote the supply of alternative energy sources in support of Wyoming's goal of increasing energy productions from renewable energy sources.

Section 13.15.020 – Applicability, Authority, and Severability.

- A. Applicability. This Chapter governs Solar Energy Facilities and all associated projects and substations throughout the unincorporated areas of Platte County. Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district and are exempt from this chapter. Approval of any Solar Energy Facility Permit does not preclude the need to obtain a Project Building Certificate for the project, additions, and/or updates or changes to the project.
  - a. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a solar energy facility that is not in compliance with this chapter or with any condition contained in a solar energy facility permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

- B. Authority. Authority granted by the following Wyoming Statutes:
- a. Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission. W.S. §§ 18-5-201 to 18-5-207 and Article 5. Wind and Solar Energy Facilities W.S. §§ 18-5-501 to 18-5-513.
  - b. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, W.S. §§9-8-101 to 9-8-302.
- C. Severability. If any section or provision of this Chapter or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part(s), and to therefore, the provisions of these Regulations are declared to be severable.

#### Section 13.15.030 - Definitions.

- A. "Accessory Solar Energy Systems," include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs. Accessory Solar Energy Systems may be permitted as described in Section 7, Building Certificates, and are not subject to this Chapter.
- B. "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power facility, such as a steam power facility, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.
- C. "Enlarge or Enlargement," is the adding of additional energy capacity that is not permitted as part of an existing solar energy facility permit.
- D. "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar panels have been around for several years, although concentrated photovoltaic (CPV) technologies are now being developed. Both PV systems and CPV systems are included within this definition.
- E. "Renewable Energy Easement, Solar Energy Easement," An easement that limits the height or location, or both, or permissible development, on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefitted land to sunlight passing over the burdened land.

- F. "Solar Power Facility," also known as "Solar Energy Facility," means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
- G. "Solar Storage Unit," A component of a solar energy device that is used to store solar generated electricity or heat for later use.
- H. "Substation," is the apparatus that connects the electrical collection system of the solar energy facility and increases the voltage for connection with a utility's transmission line(s).

#### Section 13.15.040 – Prohibition and Penalties.

- A. Prohibition. It is unlawful to locate, erect, construct, or enlarge a solar energy facility without first obtaining a Solar Energy Facility Permit from the Board of County Commissioners; W.S. §§18-5-502(a).
- B. Penalties. Any person found to be in violation of Section 13.15.040 subsection Prohibition above, is liable for civil penalty of not more than ten thousand dollars (\$10,000) for each violation. Each day of a continuing violation constitutes a separate offense.

#### Section 13.15.050 - Regulations and Design Standards—Solar Energy Facilities.

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

- A. Permitted Locations. A solar energy facility that complies with the provisions of this section may be permitted in Commercial, Industrial, and Agricultural Classification districts with an approved Solar Energy Facility Permit.
- B. Design Standards.
  - a. Minimum Lot Size. No concentrated solar energy facility shall be erected on any lot less than forty acres in size. No photovoltaic solar energy facility shall be erected on any lot less than five acres in size.
  - b. Maximum Height. The maximum height for all structures shall be established through the Solar Energy Facility Permit process, provided a structure height of thirty feet, or less shall always be permitted.
  - c. Setbacks. Solar energy facility structures shall be set back from all property lines at least one hundred (100) feet, set back from public road rights-of-way at least two hundred (200) feet within an Agriculture District and one hundred (100) feet within Commercial and Industrial Districts. In addition, solar energy facility structures must be located at least three hundred (300) feet from all residentially zoned lots and existing residences and/or occupied structures. Additional setbacks may be

required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.

- d. Potable Water and Sanitary Sewer. All permanent occupied operation and maintenance buildings must have approved potable water and sanitary sewer systems. Approval shall be obtained from the State of Wyoming Engineer's Office for water and State of Wyoming Department of Environmental Quality for sewer/septic.
- e. National Electric Code. All Solar Energy Facility projects shall comply with the National Electric Code, current edition, and applicable ICC Codes.
- C. Drainage, Erosion, Dust Control, Grading and Vegetation. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer based on a 25-year storm event unless the location, terrain and topography dictate a high amount.
- D. Safety/Access.
  - a. An appropriate security/livestock fence (height and material to be established through the Solar Energy Facility Permit process) shall be placed around the perimeter of the solar energy facility.
  - b. Appropriate warning signage shall be placed at the entrance and perimeter of the solar energy facility project.
  - c. Shall provide the following at all locked entrances:
    - i. A visible "High Voltage" warning sign.
    - ii. Name(s) and contact number(s) for the electric utility provider.
    - iii. Name(s) and contact number(s) for the site operator.
    - iv. The facility's 911 address and GPS coordinates.
    - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- E. Noise. No operating solar energy facility shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
  - a. Fifty (50) dBA, as measured at the property line of any neighboring residentially zoned lot.
  - b. Forty-five (45) dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
  - c. Sixty (60) dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level, as follows:
    - i. The owner of a neighboring property that would otherwise be protected by the sixty (60) dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise

standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar power facility developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the solar power facility developer, the agreement shall only be effective and reflected in the County's authorization of the project when it has been reviewed and determined acceptable to the County. The County shall consider the likely impacts and consequences of the modified noise limit requested, based on the specific circumstances of the situation, in determining whether to grant the request. Any such noise agreement must be submitted with the Solar Energy Facility Permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the Solar Energy Facility Permit.

F. Visual Appearance.

- a. Solar energy facility buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- b. Appropriate landscaping and/or screening materials may be required to help screen the solar energy facility and accessory structures from major roads and neighboring residences.
- c. No solar energy facility tower or other tall structure associated with a solar energy facility shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
- d. Lighting of the solar energy facility and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.
- e. No solar energy facility shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
- f. No advertising or promotional lettering shall be displayed on any solar energy facility beyond the non-illuminated manufacturers or applicant's logo.

G. Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the County because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical

interconnections and distribution components must comply with all applicable codes and public utility requirements.

- H. Fire Protection. All solar energy facilities shall have a defensible space and on-site water storage for fire protection with the design approved by the Platte County Fire Chief.
- I. Local, State and Federal Permits. A solar energy facility shall be required to obtain all necessary permits from the Wyoming Department of Environmental Quality, including the Wyoming Division of Air Quality and the Wyoming Division of Water Quality, applicable permits required by Platte County, and applicable Federal permits.
- J. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy facility development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar energy facility development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the Solar Energy Facility Permit.

#### Section 13.15.060 - Permit Applications.

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

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within one (1) mile of the proposed solar energy facility, to the military installation commander of the commander's designee, to the WYDOT District Engineer, and to all cities and towns located within twenty (20) miles of the proposed solar energy facility.
- B. Notices shall include a summary of the proposed solar energy facility project including its location, projected number and capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission, invite the public to submit comments and identify the time, date, and location of the hearing.
- C. Notice shall be provided to the record owners and claimants of mineral rights located on or under the lands where the proposed solar energy facility will be constructed. Notice shall include the location of the proposed solar energy facility project and underground wiring. Notice may be made by publication. The certification of notice shall be submitted with the application and shall comply with all standards and requirements adopted by the Wyoming Industrial Siting Council.
- D. Affidavit of Publication to certify that notices of the proposed solar energy facility have been published in a newspaper of general circulation at least twenty (20) days prior to the public hearing and included the applicant's name and contact information, a general summary/description of the project, place, date and time of the public hearings, and an

invitation to attend public hearings and/or submit written comments to the Planning Office. Failure of the applicant to provide for the Affidavit of Publication for such notice(s) may, result in removal of the application from the Planning and Zoning Commission and Board of County Commissioners agenda and cancellation of public hearings.

- E. The name(s), address(es), and contact number(s) of the owner and/or operator.
- F. A site plan showing:
  - a. Boundaries of the site.
  - b. All proposed solar energy facility structures.
  - c. Property lines.
  - d. Setback lines.
  - e. Location of all existing structures with their uses identified.
  - f. Easements and rights-of-way.
  - g. Copy of the current FEMA FIRM map that shows the subject property.
- G. A complete description of the proposed solar energy facility project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.15.050 will be met.
- H. Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs
- I. When land will not be dual use (i.e., solar with agricultural or solar with grazing) the application shall include:
  - a. Weed/Grass Control Plan for property inside and outside the fenced area for the entire property.
  - b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This plan shall be for all other areas of the solar energy facility that will not interfere with the solar arrays.
  - c. Description of changes to agricultural production as a consequence of the facility, if applicable.
- J. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer with drainage calculations based on a 25-year storm event unless the location, terrain and topography dictate a higher amount. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
  - a. Existing and proposed contours.
  - b. Existing wetlands and floodways.
  - c. Water management structures.
  - d. Drainage flow direction.
  - e. Effects on downstream and upstream properties.
  - f. Effects on irrigation.

- g. Erosion mitigation and runoff control.
  - h. Dust control plan.
- K. For solar energy facilities located within five hundred (500) feet of an airport or within approach zones of an airport, applicants shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- L. Emergency Management Plan for review and comment to county fire, county emergency management, and the county sheriff.
- M. Waste Management Plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation, and eventual decommissioning of the proposed solar energy facility. In addition, as applicable, plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
- N. Evidence of adequate legal access and describe how private roadways within the solar energy facility will be marked, acknowledge that Platte County is not required to repair, maintain, or accept any dedication of the private roadways to the public use.
- O. Traffic Study of any public roadways leading to and away from the proposed facility.
- P. Project Plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- Q. Site and Facility Reclamation and Decommissioning Plan which indicates the planned life of the facility and how the facility and its site will be decommissioned and reclaimed.
  - a. A description of the plan to remove the solar energy facility equipment and to restore the land to its previous use upon the end of the facility's life.
  - b. Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur.
  - c. Provisions for the restoration of the soil and vegetation.
  - d. An estimate of the decommissioning costs in future dollars at the time of filing certified by a Wyoming Licensed Engineer who shall use professional standards in compliance with the State of Wyoming law.
  - e. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration.
  - f. Provisions that the terms of the decommissioning plan shall be binding upon the owner or operator and any other successors, assigns, or heirs.
  - g. Upon review of the Solar Energy Facility Permit Application, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility

owner/operator shall provide Platte County with Financial Assurance to cover the estimated costs of decommissioning and that the County shall have access to the facility and to the funds to effect or complete decommissioning one (1) year after cessation of operations.

- h. The applicant shall provide the county with a new estimate of decommissioning of the solar energy facility every (5) years under the same conditions as forth above.

Supporting documentation for addressing the review criteria of Sections 13.15.070 of this Chapter and Section 1.35.060 of Chapter 1 is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this chapter.

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

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

#### Section 13.15.070 - Provisions for Solar Energy Facility Permit Review.

Following the provisions of Chapter 1 Section 1.35, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed solar energy facility project. Through the Platte County application review and approval process, the Planning and Zoning Commission and the Board of County Commissioners have the option to approve in whole or in part, approve with conditions or remand the recommendations back to the applicant for consultation with a particular governing body or agency, deny with or without prejudice, postpone to a specific date, or postpone indefinitely.

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

- B. Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
- C. Site and Development Plans. Site and development plans drawn to scale, which identify and/or locate all existing and proposed structures; setbacks; access, access routes; proposed road improvements; existing inhabitable structures and residentially zoned lots within one-quarter mile of a photovoltaic solar project or one-half mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.
- D. Economic Analysis. Economic cost/benefit analysis describing estimated: project building certificate revenue, generated property taxes, sales taxes, other taxes, percent of construction dollars to be spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on road and other county infrastructure in the area.
- E. Emergency Management Plan. The Emergency Management Plan shall be supplemented and revised following construction of the solar energy facility and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management Plan.
- F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components (e.g., exposed mirrors), or that propose structures taller than thirty (30) feet must provide a viewshed analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four (4) vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., solar power towers or exposed mirrors in sensitive viewsheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning

commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred sixty-degree (360°) computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

- G. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) and Wyoming Game and Fish will be necessary.
- H. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may require an analysis of impacts to historic, cultural, and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
- I. Solid Waste or Hazardous Waste. As applicable, plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
- J. Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
- K. Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration. The Board of County Commissioners and the State of Wyoming Department of

Transportation may require the applicant to enter into a reasonable road use agreement for the use of county roads or state highways prior to construction of the facility.

- L. Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.15.050 E.
- N. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to be followed, the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy facility project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Solar Energy Facility Permit and review of the decommissioning plan, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility owner/operator shall provide Platte County with Financial Assurance to cover the estimated costs of decommissioning and that the county shall have access to the facility and to the funds to effect or complete decommissioning one (1) year after cessation of operations. In addition, the applicant shall provide the county with a new estimate of decommissioning of the solar energy facility every five (5) years under the same conditions as forth above.
- O. Annual Review and Reporting. The applicant, owner, and/or operator shall submit to the Platte County Planning Office on the first Monday of July each year following project approval a report regarding maintenance and operation of the permitted Solar Energy Facility. This report shall include:
  - a. Any physical modifications to the solar energy facility and/or its infrastructure.
  - b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the solar energy facility, and the resolution of such complaints.
  - c. Calls for emergency services, including the nature of the emergency and how it was resolved.
  - d. Status of liability insurance.
  - e. Any other information that the county may reasonably request.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. If approved. An as-built project plan shall be submitted to the Planning Office to show the final location of all facilities, easements, rights-of-way, and transmission lines.

Section 13.15.080 – Indemnification and Liability.

- A. Indemnification. The applicant, owner, and/or operator of the solar energy facility project shall defend, indemnify, and hold harmless the County of Platte and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitations, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the solar energy facility project.
- B. Liability. The applicant, owner, and/or operator of the solar energy facility project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to the Platte County Planning Office on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

#### Section 13.15.090 – Extension and Transfer of Permits.

- A. Extension of Permit: If construction of the solar energy facility has not been commenced or the facility has not become operational as required, the Permittee may request the Board of County Commissioners to extend the permit for a period of up to twelve (12) months upon a showing of good cause. The Permittee shall provide such information as is necessary for the Board of County Commissioners to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the facility from other agencies with regulatory jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project, and which are beyond the reasonable control of the Permittee. The Permittee may request not more than two (2) separate extensions, with such total extension period not to exceed twenty-four (24) months.
- B. Transfer of Permit: Solar Energy Facility Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may transfer a Solar Energy Facility Permit upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the Solar Energy Facility Permit by the prospective transferee.

## Chapter 13.20 - WIND ENERGY SITING AND FACILITIES

13.20.010 – Purpose

13.20.020 – Applicability, Authority, and Severability

13.20.030 – Definitions

13.20.040 – Prohibition and Penalties.

13.20.050 – Regulations and Design Standards – Commercial

13.20.060 – Preliminary Plan Review Application

13.20.070 – Wind Siting and Facility Permit Applications

13.20.080 – Provisions for Wind Energy Siting and Facility Permit Review

13.20.090 – Indemnification and Liability

13.20.100 – Extension and Transfer of Permits

13.20.110 – Remedies

13.20.120 – Regulations and Design Standards - Non-Commercial

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

- N. Additional Permittable Uses. The County may allow the applicant(s) to include certain accessory type uses on a WECS Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind energy facilities in general. Directional signage may be permitted by the County on individual bases. Information on local historical issues may be included, or required, with approval of such accessory uses.
- O. Operation.
- a. Maintenance.
    - i. The owner(s) or operator(s) of the WECS must submit a yearly statement noting that all aspects of the WECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all State and Federal requirements.
    - ii. Designated and declared weeds shall be controlled on permitted sites during and after the life of the operation. This shall be maintained to the satisfaction of County Weed & Pest.
    - iii. Periodic maintenance will include upkeep to all structures and grounds for material state and aesthetics. Routine scheduled maintenance shall include the repainting of equipment and structures and groundwork or landscaping as appropriate to the location and the installed or erected assets.
  - b. Interference.
    - i. The applicant(s) shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s). The applicant(s) shall take reasonable measures to mitigate such anticipated interference.
    - ii. If, after construction of the WECS(s), the owner(s) or operator(s) receive a written complaint related to interference with emergency services communications, local broadcast of residential television or other communications venues, the owner(s) or operator(s) shall take steps to respond to the complaint as reasonably feasible.
    - iii. That the developer(s) mitigate(s) light impact on existing residences as reasonably feasible and still meet FAA requirements.
  - c. Materials Handling, Storage, and Disposal
    - i. All solid wastes related to the construction, operation, and maintenance of a WECS Project shall be removed from the site promptly and disposed of in accordance with all Federal, State and Local laws.

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

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

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

#### Section 13.20.070 - Wind Siting and Facility Permit Applications.

An application for a Wind Energy Siting and Facility Permit to establish a WECS Project shall comply with all the requirements identified in W.S. §§18-503 and shall include:

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within one (1) mile of the proposed wind energy siting and facility, to the military installation commander of the commander's designee, to military installation commander of the commander's designees, federal, state, and local departments utilizing

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

- B. Notices shall include a general description of the WECS Project including its location, projected number and capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission.
- C. Notice shall be provided to the record owners and claimants of mineral rights located on or under the lands where the proposed WECS Project will be constructed. Notice shall include the location of the proposed WECS Project and underground wiring. Notice may be made by publication. The certification of notice shall be submitted with the application and shall comply with all standards and requirements adopted by the Wyoming Industrial Siting Council.
- D. Notice shall include a summary of the proposed WECS Project, invite the public to submit comments and identify the time, date, and location of the hearing.
- E. Affidavit of Publication to certify that that notices of the proposed WECS Project have been published in a newspaper of general circulation at least twenty (20) days prior to the public hearing and included the applicant's name and contact information, a general summary/ description of the project, place, date and time of the public hearings, and an invitation to attend public hearings and/or submit written comments to the Planning Office. Failure of the applicant to provide for the Affidavit of Publication for such notice(s) may, result in removal of the application from the Planning and Zoning Commission and Board of County Commissioners agenda and cancellation of public hearings.
- F. The name(s), address(es), and contact number(s) of the applicant(s), owner(s) and operator(s), and all property owner(s);.
- G. A site plan showing:
  - a. Boundaries of the site.
  - b. Property lines, including identification of adjoining properties.
  - c. Setback lines.
  - d. All proposed wind energy siting and facility structures.
    - i. Including guy lines and anchor bases (if any).
    - ii. Electric cabling from the WECS Tower to the substation(s).
    - iii. Ancillary equipment and transmission lines.
  - e. Location of all existing structures with their uses identified.
  - f. Easements, public access roads, turnout locations, points-of-delivery, staging areas, and rights-of-way.
  - g. Copy of the current FEMA FIRM map that shows the subject property.
- H. A complete description of the proposed WECS Project and documentation to sufficiently demonstrate that the requirements set forth in Section 13.20.050 will be met.

- I. Certification that the proposed facility will comply with all federal, state, and local standards.
- J. Analysis of local economic benefits, describing estimated: project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs
- K. When land will not be dual use (i.e., wind with agricultural or wind with grazing) the application shall include:
  - a. Weed/Grass Control Plan for property inside and outside the fenced area for the entire property.
  - b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure.
  - c. Description of changes to agricultural production as a consequence of the facility, if applicable.
- L. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer with drainage calculations based on a 25-year storm event unless the location, terrain and topography dictate a higher amount. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
  - a. Existing and proposed contours.
  - b. Existing wetlands and floodways.
  - c. Water management structures.
  - d. Drainage flow direction.
  - e. Effects on downstream and upstream properties.
  - f. Effects on irrigation.
  - g. Erosion mitigation and runoff control.
  - h. Dust control plan.
- M. For WECS Project located within five hundred (500) feet of an airport or within approach zones of an airport, applicants shall complete and provide the results of the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Wind energy siting and Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- N. A written emergency management plan for review and comment to county fire, county emergency management, and the county sheriff.
- O. A waste management plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation, and eventual decommissioning of the proposed wind energy siting and facility. In addition, as applicable, plans for the spill

prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

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

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

- ii. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Board of County Commissioners provides notice to the owner(s) or operators(s) and any surety that a violation(s) exists, and the Board has decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or abatement, the County Attorney shall bring suit to recover the costs of performing the activities where recovery is deemed possible.
  - h. Identification of and procedures for County access to financial assurances.
  - i. Provisions that the terms of the decommissioning plan shall be binding upon the owner or operator and any other successors, assigns, or heirs.
  - j. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning
  - k. A provision that the County shall have the right to review and reconsider the WECS Project's Decommissioning Plan at the time of decommissioning, consistent with changes in the land use of the project at that time
  - l. Upon review of the Wind Energy Siting and Facility Permit Application, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility owner/operator shall provide Platte County with financial assurance to cover the estimated costs of decommissioning and that the County shall have access to the facility and to the funds to effect or complete decommissioning one (1) year after cessation of operations.
  - m. The applicant shall provide the county with a new estimate of decommissioning of the WECS Project every (5) years under the same conditions as forth above.
- T. Wyoming Game and Fish Department (WGF) request for information; the applicant(s) is advised to request information from WGF during initial site selection regarding any crucial or important wildlife and habitat areas that may be present. The applicant should include annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The applicant will need to assure access to the wind development area for the purposes of

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

- U. Archeological and Historical Resources request for approval; the applicant(s) is advised to seek approval from appropriate agencies for matters concerning archaeology studies, historical importance, and any other relevant Federal, State and Local issues and to include relevant reports in the application process. The County will route the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment to be reviewed and incorporated into any report and approval.
- V. Proof of liability insurance; the owner(s) or operator(s) of the WECS Project(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to the Platte County Planning Office on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations. If the application is approved, the owner(s) or operator(s) of the WECS(s) shall provide proof of insurance to the Board of County Commissioners annually.

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

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

Section 13.20.080 - Provisions for Wind Energy Siting and Facility Permit Review.

Following the provisions of Chapter 1 Section 1.35, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed WECS Project. Through the Platte County application review and approval process, the Planning and Zoning Commission and the Board of County Commissioners have the option to approve in whole or in part, approve with conditions or remand the recommendations back to the applicant for consultation with a particular governing body or agency, deny with or without prejudice, postpone to a specific date, or postpone indefinitely.

- A. Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
- B. Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
- C. Site and Development Plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-half (½) mile of a commercial WECS Project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.
- D. Analysis of Local Economic Benefits. Analysis of local economic benefits, describing estimated: project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.
- E. Emergency Management Plan. The Emergency Management Plan shall be supplemented and revised following construction of the WECS Project and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management Plan.
- F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as wind towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components, or that propose structures taller than thirty (30) feet must provide a viewshed analysis of the project, including visual simulations of the planned structures and analysis of potential visual impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four (4) vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., wind power towers or exposed mirrors in sensitive viewsheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred

sixty-degree (360°) computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

- G. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) and Wyoming Game and Fish will be necessary.
- H. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project, the planning commission may require an analysis of impacts to historic, cultural, and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
- I. Solid Waste or Hazardous Waste. As applicable, plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
- J. Height Restrictions and Hazard Review. Compliance with any applicable airport overlay zone requirements and the ability to comply with FAA and military regulations pertaining to hazards to air navigation must be demonstrated.
- K. Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration. The Board of County Commissioners and the State of Wyoming Department of

Transportation may require the applicant to enter into a reasonable road use agreement for the use of county roads or state highways prior to construction of the facility.

- L. Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
- M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.20.050 H. Noise.
- N. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to be followed the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the wind energy siting and facility project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the Wind Energy Siting and Facility Permit and review of the decommissioning plan, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility owner/operator shall provide Platte County with Financial Assurance to cover the estimated costs of decommissioning and that the county shall have access to the facility and to the funds to effect or complete decommissioning one (1) year after cessation of operations. In addition, the applicant shall provide the county with a new estimate of decommissioning of the wind energy siting and facility every (5) years under the same conditions as forth above.
- O. Annual Review and Reporting. The applicant, owner, and/or operator shall submit to the Platte County Planning Office on the first Monday of July each year following project approval a report regarding maintenance and operation of the permitted WECS Project. This report shall include:
  - a. Any physical modifications to the WECS Project and/or its infrastructure.
  - b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the wind energy siting and facility, and the resolution of such complaints.
  - c. Calls for emergency services, including the nature of the emergency and how it was resolved.
  - d. Status of liability insurance.
  - e. Any other information that the county may reasonably request.
- P. Additions. Other probable and significant impacts, as identified through the review process.
- Q. If approved. An as-built project plan shall be submitted to the Planning Office to show the final location of all facilities, easements, rights-of-way, and transmission lines.

Section 13.20.090 – Indemnification and Liability.

- A. The applicant, owner, and/or operator of the wind energy siting and facility project shall defend, indemnify, and hold harmless the County of Platte and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitations, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the wind energy siting and facility project.
- B. The applicant, owner, and/or operator of the wind energy siting and facility project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to the Platte County Planning Office on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

#### Section 13.20.100 – Extension and Transfer of Permits.

- A. Extension of Permit: If construction of the wind energy siting and facility has not been commenced or the facility has not become operational as required, the permittee may request the Board of County Commissioners to extend the permit for a period of up to twelve (12) months upon a showing of good cause. The permittee shall provide such information as is necessary for the Board of County Commissioners to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the facility from other agencies with regulatory jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project, and which are beyond the reasonable control of the Permittee. The Permittee may request not more than two (2) separate extensions, with such total extension period not to exceed twenty-four (24) months.
- B. Transfer of Permit: Wind Energy Siting and Facility Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may transfer a Wind Energy Siting and Facility Permit upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the Wind Energy Siting and Facility Permit by the prospective transferee. Request for transfer will be reviewed by the Planning Office, County Attorney's Office, Planning and Zoning Commission, and Board of Commissioners.

#### Section 13.20.110 – Remedies.

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

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

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

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

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

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

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