

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: 1) The activity is not reasonably necessary in the use or occupancy to the extraction or production of mineral resources; and 2) The activity is not regulated by the Department of Environmental Quality or Wyoming Environmental Quality Act or Wyoming Oil & Gas Conservation Commission.

Mineral and Oil & Gas Extraction Regulations

Allowed with an approved Special Permit in Agricultural or Industrial District.

A completed Mineral or Oil & Gas Extraction Land Use Plan must accompany a Special Permit application.

Minimum setbacks for operation

One quarter (1/4) mile from any occupied, or occupiable, dwelling.

One half (1/2) mile from Residential District boundaries and incorporated Town limits.

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.

Affected landowners or communities can waive the above-referenced setbacks with a notarized statement filed at the Office of the County Clerk.

Setbacks can be more restrictive if warranted on a case-by case basis.

Setbacks from property lines and public right-of-ways will be determined on a case-by-case basis.

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)

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.

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):

Public safety

Encroachment Licenses

Merger lane construction

Road upgrade at turning zones

Road upgrade in general

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Road maintenance
Road damage
Fencing/Cattle guards
Dust control

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.

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.

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.

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.

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.

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.

The County may send a formal request to DEQ for enforcement of violations of applicable State and/or Federal rules and regulations.

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 non-extraction 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.

Derelict vehicles and miscellaneous junk may not be stored on the permitted site during the life of the operation.

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.

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

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operational features of the project. Consideration must also be given to control fugitive dust on cleared areas.

Upon approval of a Special Permit the applicant must obtain a Zoning Certificate prior to initiation of approved use and for any structures per Wyoming Statute 18-5-203. Applicable Zoning Certificate application fees shall apply per County Resolution.

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.

Support facilities also require an approved Special Permit, unless included and permitted within another Special Permit.

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.

MINERAL AND OIL & GAS EXTRACTION LAND USE PLAN

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

Describe the intent of the project (mining, exploration, drilling, etc.) and type of material or mineral.

Attach Proof/Verification of Surface Ownership and any applicable Mineral Rights Ownership. Include Access Route Ownership(s) and relevant leases, if applicable.

Attach site plan, including location of haul routes to a paved public road. (Attach additional pages, as necessary.)

Submit soils information report from Platte County Resource Conservation District.

Submit information on proposed sewage treatment for site employees, visitor facilities, etc.

Submit information on plans for run-off water and any other items that may assist the County in reviewing the application.

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.

Submit any request and rationale for extended hours of operation with this packet.

Adopted April 21, 2009

Submit any request and rationale for reduced setbacks.

Submit any request and rationale for varying other standards.

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.

Provide list of all State permitted water wells and/or adjudicated water rights within the permit area and ½ mile out.

If blasting is proposed, please describe plans to minimize potential impact on wells and structural foundations on neighboring properties.

SUPPLEMENTAL INFORMATION:

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.

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.

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.