

Chapter 13.15 - SOLAR ENERGY FACILITIES (SEF)

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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 (SEF), 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 SEF 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 landowners, 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 (SEF) 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 SEF Permit does not preclude the need to obtain a Project Construction 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 SEF that is not in compliance with this chapter or with any condition contained in a SEF permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

- 1 B. Authority. Authority granted by the following Wyoming Statutes:
- 2 a. Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning
- 3 Commission in its entirety and Article 5. Wind and Solar Energy Facilities in its
- 4 entirety
- 5 b. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 3.
- 6 Local Level in its entirety..
- 7 C. Severability. If any section or provision of this Chapter or the application of that section or
- 8 provision to any person, situation, or circumstance is adjudged invalid for any reason, the
- 9 adjudication does not affect any other section or provision of these Regulations or the
- 10 application of the adjudicated section or provision to any other person, situation, or
- 11 circumstance. The Board of Platte County Commissioners declares that it would have
- 12 adopted the valid portions and application of these Regulations without the invalid part(s),
- 13 and to therefore, the provisions of these Regulations are declared to be severable.

14 **Section 13.15.030 - Definitions.**

- 15 A. "Accessory Solar Energy Systems," include any photovoltaic, or solar hot water devices that
- 16 are accessory to, and incorporated into the development of an authorized use of the
- 17 property, and which are designed for the purpose of reducing or meeting on-site energy
- 18 needs. Accessory Solar Energy Systems may be permitted as described in Section 7,
- 19 Construction Certificates, and are not subject to this Chapter.
- 20 B. "Battery Energy Storage System (BESS)": One or more electrochemical cells, or a group of
- 21 cells connected together, that store electrical energy to be discharged and sold. BESS is
- 22 governed in Chapter 13 Section 30 Alternative Energy Storage.
- 23 C. "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power
- 24 (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect
- 25 a large area of sunlight into a small area. The concentrated energy is absorbed by a
- 26 transfer fluid or gas and used as a heat source for either a conventional power facility, such
- 27 as a steam power facility, or a power conversion unit, such as a sterling engine. Although
- 28 several concentrating solar thermal technologies exist, the most developed types are the
- 29 solar trough, parabolic dish and solar power tower. CSTs are not approved for permitting
- 30 as an SEF and are governed in Chapter 13 Section 40 Additional Solar Facilities.
- 31 D. "Enlarge or Enlargement" is the adding of additional energy capacity that is not permitted
- 32 as part of an existing SEF permit.
- 33 E. "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar
- 34 panels have been around for several years, although concentrated photovoltaic (CPV)
- 35 technologies are now being developed. Both PV systems and CPV systems are included
- 36 within this definition.

- 1 F. "Renewable Energy Easement, Solar Energy Easement," An easement that limits the height
2 or location, or both, or permissible development, on the burdened land in terms of a
3 structure or vegetation, or both, for the purpose of providing access for the benefitted land
4 to sunlight passing over the burdened land.
- 5 G. "Solar Energy Facility (SEF)," also known as "Solar Power Facility," means a utility-scale
6 commercial facility that converts sunlight into electricity by a photovoltaics (PV) process for
7 the primary purpose of wholesale or retail sales of generated electricity.
8
- 9 H. "Substation," is the apparatus that connects the electrical collection system of the SEF and
10 increases the voltage for connection with a utility's transmission line(s).

11 **Section 13.15.040 – Prohibition and Penalties.**

- 12 A. Prohibition. It is unlawful to locate, erect, construct, re-construct, install or enlarge a SEF
13 without first obtaining a SEF Permit from the Board of County Commissioners; W.S. §§18-5-
14 502(a).
- 15 B. Penalties. Any person found to be in violation of Section 13.15.040 subsection Prohibition
16 above, is liable for civil penalty of not more than ten thousand dollars (\$10,000) for each
17 violation. Each day of a continuing violation constitutes a separate offense.

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

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

- 21 A. Permitted Locations.
- 22 a. For SEF that do not allow dual Agricultural use, those facilities may be permitted in
23 Commercial or Industrial zoning districts with an approved SEF Permit;
- 24 b. For SEF that do allow for dual Agricultural use, those facilities may be permitted in
25 Commercial, Industrial or RAM zoning districts.
- 26 B. Design Standards.
- 27 a. Minimum Lot Size. No photovoltaic SEF shall be erected on any lot less than five
28 acres in size.
- 29 b. Maximum Height. The maximum height for all structures shall be established
30 through the SEF Permit process, provided a structure height of thirty feet, or less
31 shall always be permitted.
- 32 c. Setbacks. SEF structures shall be set back from all property lines at least one
33 hundred (100) feet, set back from public road rights-of-way at least two hundred
34 (200) feet within an Agriculture District and one hundred (100) feet within
35 Commercial and Industrial Districts. In addition, SEF structures must be located at

1 least three hundred (300) feet from all residentially zoned lots and existing
2 residences and/or occupied structures. Additional setbacks may be required to
3 mitigate noise and glare impacts, or to provide for designated road or utility
4 corridors, as identified through the review process.

- 5 d. Potable Water and Sanitary Sewer. All permanent occupied operation and
6 maintenance buildings must have approved potable water and sanitary sewer
7 systems. Approval shall be obtained from the State of Wyoming Engineer's Office
8 for water and State of Wyoming Department of Environmental Quality for
9 sewer/septic.
- 10 e. National Electric Code. All SEF projects shall comply with the National Electric Code,
11 current edition, and applicable ICC Codes.

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

16 D. Safety/Access.

- 17 a. An appropriate security/livestock fence (height and material to be established
18 through the SEF Permit process) may be placed around the perimeter of the SEF if
19 required as a condition of permit approval.
- 20 b. Appropriate warning signage shall be placed at the entrance and perimeter of the
21 SEF project, if a perimeter fence is installed.
- 22 c. Shall provide the following at all locked entrances:
 - 23 i. A visible "High Voltage" warning sign.
 - 24 ii. Name(s) and contact number(s) for the electric utility provider.
 - 25 iii. Name(s) and contact number(s) for the site operator.
 - 26 iv. The facility's 911 address and GPS coordinates.
 - 27 v. Knox boxes and keys shall be provided at locked entrances for emergency
28 personnel access.

- 29 E. Noise. No operating SEF shall produce noise that exceeds any of the following limitations.
30 Adequate setbacks shall be provided to comply with these limitations.

- 31 a. Fifty (50) dBA, as measured at the property line of any neighboring residentially
32 zoned lot.
- 33 b. Forty-five (45) dBA, as measured at any existing neighboring residence between the
34 hours of nine p.m. and seven a.m.
- 35 c. Sixty (60) dBA, as measured at the property lines of the project boundary, unless
36 the landowner of the affected property and the planning commission agree to a
37 higher noise level, as follows:

- 1 i. The landowner of a neighboring property that would otherwise be
2 protected by the sixty (60) dBA noise limitation may voluntarily agree, in
3 writing, to a higher noise level. Any such agreement must specifically state
4 the noise standard being modified, the extent of the modification, and be in
5 the form of a legally binding contract or easement between the landowner
6 (including assignees in interest) and the solar power facility developer,
7 effective for the life of the project. Notwithstanding any such voluntary
8 noise agreement between the affected landowner and the solar power
9 facility developer, the agreement shall only be effective and reflected in the
10 County's authorization of the project when it has been reviewed and
11 determined acceptable to the County. The County shall consider the likely
12 impacts and consequences of the modified noise limit requested, based on
13 the specific circumstances of the situation, in determining whether to grant
14 the request. Any such noise agreement must be submitted with the SEF
15 Permit application and if authorized by the County, must be filed with the
16 County Recorder upon issuance of the SEF Permit.

17 F. Visual Appearance.

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

36 G. Electrical Interconnections. All electrical interconnection and distribution lines within the
37 project boundary shall be underground, unless determined otherwise by the County
38 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 SEF Projects shall have a defensible space for fire protection. . The defensible space, and additional requirements, for fire protection shall be established through the Emergency Management Plan submitted in accordance with Section 13.15.060(L).

I. Local, State and Federal Permits. A SEF 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 SEF 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 SEF development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the SEF Permit.

Section 13.15.060 - Permit Applications.

An application for a SEF Permit to establish a SEF 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 SEF, 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 SEF.
- B. Notices shall include a summary of the proposed SEF 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 landowners and claimants of mineral rights located on or under the lands where the proposed SEF will be constructed. Notice shall include the location of the proposed SEF 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. Except as provided herein, an Affidavit of Publication to certify that notices of the proposed SEF have been published in a newspaper published in Platte County. If no newspaper is

published in Platte County, the publication shall be made in a newspaper of general circulation. The notice shall be published 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.

- a. The Planner may elect to publish the notice required in this section. If so, the applicant shall obtain written permission from the Planner to forego the requirement to publish a notice of hearing pursuant to this section. Furthermore, the applicant will be required to reimburse the county for fees associated with publishing this notice. If the Planner publishes notice pursuant to this subsection, they shall also publish the same notice on the county website.
- E. The name(s), address(es), and contact number(s) of the applicant and permittee who will operate the facility upon issuance of the permit.
- F. A site plan showing:
 - a. Boundaries of the site.
 - b. All proposed SEF 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 SEF 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 SEF that will not interfere with the solar arrays.

- 1 c. Description of changes to agricultural production as a consequence of the facility, if
2 applicable.
- 3 J. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a
4 Wyoming Licensed Engineer with drainage calculations based on a twenty-five (25)-year
5 storm event unless the location, terrain and topography dictate a higher amount. Drainage,
6 Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
- 7 a. Existing and proposed contours
8 b. Existing wetlands and floodways
9 c. Water management structures
10 d. Historic drainage flow direction
11 e. Effects on downstream and upstream properties
12 f. Effects on irrigation
13 g. Existing and proposed roadways
14 h. Erosion mitigation and runoff control
15 i. Drainage through the SEF facility area
16 j. Dust control plan
17 k. Wells
18 l. A mitigation plan that addresses the risk of erosion and flooding, including
19 flooding on all adjacent, upstream, and downstream properties.
- 20 K. For SEF located within five hundred (500) feet of an airport or within approach zones of an
21 airport or private airstrip, applicants shall complete and provide the results of the Solar
22 Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final
23 approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on
24 Federal Obligated Airports, or most recent version adopted by the FAA.
- 25 L. Emergency Management Plan for review and comment to county fire, county emergency
26 management, and the county sheriff. The Emergency Management Plan shall include the
27 following:
- 28 a. A copy of the site plan.
29 b. Upon request by any local fire department, Fire Warden and/or the Platte
30 County Emergency Management Coordinator, the applicant shall
31 cooperate with the relevant agency to develop an emergency response
32 plan in the event of fire in/around the facility.
33 c. An annual review of the plan in conjunction with the Emergency
34 Management Coordinator and/or Fire Warden or their designees. The
35 annual review may include a physical walk through of the facility.
36 d. An acknowledgement that the local Fire District and Fire Warden have the
37 right to access the facility to inspect the fuel load, and a further
38 acknowledgement that the permittee will remediate any concerns with

- abundant fuel loads found during the walk through.
- e. A list of training, equipment or supplies that the local Fire District will require to respond to any hazards that are introduced during the operation of the facility. That list shall be compiled in consultation with the Fire Warden and local Fire District.
 - f. An acknowledgement that in the event of fire, if deemed the start of such fire was internal to the facility the permittee shall reimburse any fire department and neighbor negatively affected by fire plus the firefighting costs.
 - g. The applicant shall provide an unredacted safety manual from the turbine manufacturer and a statement certifying that the SEF is, or will be, operated in compliance with all requirements therein.
 - h. If the SEF Facility extends into another county, the emergency management plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other county. If the SEF Facility permit is granted, the plan shall be supplemented and revised following construction of the SEF Facility and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan.
 - i. The applicant or permittee will notify the local Fire Department, Fire Warden, County Sheriff, and Emergency Management Coordinator when changes to the site are made that may impede emergency response, to allow the Emergency Management Plan to be updated.
- 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 SEF. 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 SEF 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. Unless otherwise specified by a landowner on whose land the SEF is built (provided the approval

1 shall be documented in the landowner's lease for SEF Project), the Reclamation and
2 Decommissioning Plan shall include:

- 3 a. A description of the plan to remove the SEF equipment and to restore the land to
4 its previous use upon the end of the facility's life.
- 5 b. Provisions for the removal of structures, debris, and associated equipment on the
6 surface and to a level of not less than five (5) feet below the surface, and the
7 sequence in which removal is expected to occur.
- 8 c. Provisions for the restoration of the soil and vegetation.
- 9 d. An estimate of the decommissioning costs in future dollars at the time of filing
10 certified by a Wyoming Licensed Engineer who shall use professional standards in
11 compliance with the State of Wyoming law.
- 12 e. A written financial plan approved to ensure that funds will be available for
13 decommissioning and land restoration.
- 14 f. Provisions that the terms of the decommissioning plan shall be binding upon the
15 applicant or permittee and any other successors, assigns, or heirs.
- 16 g. Upon review of the SEF Permit Application, the Platte County Board of
17 Commissioners shall set an amount to be held in bond, escrow, or other acceptable
18 form of funds. The decommissioning plan shall state that the facility applicant or
19 permittee shall provide Platte County with Financial Assurance to cover the
20 estimated costs of decommissioning and that the County shall have access to the
21 facility and to the funds to effect or complete decommissioning one (1) year after
22 cessation of operations.
- 23 h. The applicant shall provide the county with a new estimate of decommissioning of
24 the SEF every (5) years under the same conditions as forth above.

25 Supporting documentation for addressing the review criteria of Sections 13.15.070 of this Chapter
26 and Section 1.05.060 of Chapter 1 is also to be provided. The land use authority may require any
27 information reasonably necessary to determine compliance with this chapter.

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

34 Due to the complexity of large-scale SEF projects, the County may require a development
35 agreement or other appropriate instrument to address taxing, land use, property assessment, and
36 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 (SEF) Permit Review.

Following the provisions of Chapter 1 Section 1.05.060, Platte County Rules and Regulations, additional or more thorough consideration shall be given to the following as the County determines whether the proposed SEF 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 Construction Certificate revenue, generated property taxes, sales taxes, other taxes, percent of construction dollars to be spent locally, estimated construction jobs and construction

1 payroll, estimated permanent jobs and continuing payroll, and costs associated with impact
2 on road and other county infrastructure in the area.

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

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

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

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

33 A. Solid Waste or Hazardous Waste. The SEF facility requirements shall include plans for the
34 spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as
35 collection methods for solid waste generated by the project. All solid waste and hazardous
36 materials related to the construction, operation, maintenance and decommissioning of a
37 SEF facility shall be handled, stored or disposed of in accordance with the approved waste

management plan and in accordance with all applicable Federal, State and County laws and regulations.

I. 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.

J. 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 shall 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.

K. 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.

L. Noise Limitations. Submit sufficient information regarding noise, to demonstrate compliance with Section 13.15.050 E.

M. 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 landowner, etc.) that ensure proper final reclamation of the SEF project. Among other things, revegetation and road repair activities should be addressed in the plan. Upon approval of the SEF 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 applicant or permittee 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 SEF every five (5) years under the same conditions as set forth above.

- N. Annual Review and Reporting. The permittee 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 SEF Project. This report shall include:
- a. Any physical modifications to the SEF 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(s), parent company, permittee or operator concerning the SEF, 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. If any SEF is not functioning as intended and is not repairable it shall be removed according to the decommissioning standards. Cost for decommissioning shall be established by the Decommissioning Plan.
 - f. Any other information that the county may reasonably request.
- O. Additions. Other probable and significant impacts, as identified through the review process.
- P. 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(s), parent company, permittee and/or operator(s) of the SEF 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(s), parent company, permittee and/or operator(s) associated with the construction and/or operation of the SEF project.
- B. Liability. The permittee of the SEF 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.

- 1 A. Extension of Permit: If construction of the SEF has not been commenced or the facility has
2 not become operational as required, the Permittee may request the Board of County
3 Commissioners to extend the permit for a period of up to twelve (12) months upon a
4 showing of good cause. The Permittee shall provide such information as is necessary for
5 the Board of County Commissioners to determine whether good cause exists for the
6 extension. Good cause may include, but is not limited to, good faith efforts to obtain
7 required authorization for the facility from other agencies with regulatory jurisdiction, delay
8 in construction due to weather conditions, pending litigation, or other causes which have
9 delayed the project, and which are beyond the reasonable control of the Permittee. The
10 Permittee may request not more than two (2) separate extensions, with such total extension
11 period not to exceed twenty-four (24) months.
- 12 B. Transfer of Permit: SEF Permits may not be transferred without the prior approval of the
13 Board of County Commissioners. The Board of County Commissioners may transfer a SEF
14 Permit upon receipt of a written request from the current permit holder, accompanied by a
15 written acceptance of all terms and conditions of the SEF Permit by the prospective
16 transferee. Request for transfer will be reviewed by the Planning Office, County Attorney's
17 Office, Planning and Zoning Commission, and Board of Commissioners. Notification of a
18 proposed change of owner of the SEF facility shall be provided to the Planner forty-five (45)
19 calendar days prior to any such change taking place. Documentation evidencing any such
20 transfer shall be submitted to the Planner within twenty (20) days after such transfer is
21 complete. The transferee upon transfer of ownership shall be responsible for assuming all
22 obligations under the approved SEF permit.