

## 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~~ 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 ~~solar energy facilities~~ 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 ~~property~~ land 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 (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 Solar Energy Facility Permit does not preclude the need to obtain a Project ~~Building~~ Building 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 solar energy facility that is not in compliance with this chapter or with any condition contained in a SEF solar energy facility 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 ~~22. Planning and Zoning~~  
3 ~~Commission in its entirety and Article 5. Wind and Solar Energy Facilities in its~~  
4 ~~entirety. Planning and Zoning Commission. W.S. §§ 18-5-201 to 18-5-207 and Article~~  
5 ~~5. Wind and Solar Energy Facilities W.S. §§ 18-5-501 to 18-5-513.~~
- 6 b. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 3.  
7 Local Level in its entirety. ~~Article 1. General Provisions, W.S. §§ 9-8-101 to 9-8-302.~~
- 8 C. Severability. If any section or provision of this Chapter or the application of that section or  
9 provision to any person, situation, or circumstance is adjudged invalid for any reason, the  
10 adjudication does not affect any other section or provision of these Regulations or the  
11 application of the adjudicated section or provision to any other person, situation, or  
12 circumstance. The Board of Platte County Commissioners declares that it would have  
13 adopted the valid portions and application of these Regulations without the invalid part(s),  
14 and to therefore, the provisions of these Regulations are declared to be severable.

15 Section 13.15.030 - Definitions.

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

~~E-F.~~ "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-G.~~ "Solar ~~Power-Energy~~ Facility (SEF)," also known as "Solar ~~Energy-Power~~ Facility," means a utility-scale commercial facility that converts sunlight into electricity, ~~whether by a~~ photovoltaics (PV) ~~process; 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~~ SEF 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, re-construct, install or enlarge a ~~solar energy facility~~ SEF without first obtaining a ~~Solar Energy Facility~~ SEF 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 SEF that complies with the provisions of this section may be permitted in Commercial, Industrial, and Agricultural Classification districts with an approved Solar Energy Facility SEF Permit.~~

~~a. For SEF that do not allow dual Agricultural use, those facilities may be permitted in Commercial or Industrial zoning districts with an approved SEF Permit;~~

~~A-b. For SEF that do allow for dual Agricultural use, those facilities may be permitted in Commercial, Industrial or RAM zoning districts.~~

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~~ SEF shall be erected on any lot less than five acres in size.

- 1           b. Maximum Height. The maximum height for all structures shall be established  
2           through the ~~Solar Energy Facility~~SEF Permit process, provided a structure height of  
3           thirty feet, or less shall always be permitted.
- 4           c. Setbacks. ~~Solar energy facility~~SEF structures shall be set back from all property lines  
5           at least one hundred (100) feet, set back from public road rights-of-way at least two  
6           hundred (200) feet within an Agriculture District and one hundred (100) feet within  
7           Commercial and Industrial Districts. In addition, ~~solar energy facility~~SEF structures  
8           must be located at least three hundred (300) feet from all residentially zoned lots  
9           and existing residences and/or occupied structures. Additional setbacks may be  
10          required to mitigate noise and glare impacts, or to provide for designated road or  
11          utility corridors, as identified through the review process.
- 12          d. Potable Water and Sanitary Sewer. All permanent occupied operation and  
13          maintenance buildings must have approved potable water and sanitary sewer  
14          systems. Approval shall be obtained from the State of Wyoming Engineer's Office  
15          for water and State of Wyoming Department of Environmental Quality for  
16          sewer/septic.
- 17          e. National Electric Code. All ~~Solar Energy Facility~~SEF projects shall comply with the  
18          National Electric Code, current edition, and applicable ICC Codes.
- 19      C. Drainage, Erosion, Dust Control, Grading and Vegetation. Drainage, Erosion, Dust Control,  
20      Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer based  
21      on a 25-year storm event unless the location, terrain and topography dictate a high  
22      amount.
- 23      D. Safety/Access.
- 24          a. An appropriate security/livestock fence (height and material to be established  
25          through the ~~Solar Energy Facility~~SEF Permit process) ~~shall~~may be placed around  
26          the perimeter of the ~~solar energy facility~~SEF if required as a condition of permit  
27          approval.
- 28          b. Appropriate warning signage shall be placed at the entrance and perimeter of the  
29          ~~solar energy facility~~SEF project, if a perimeter fence is installed.
- 30          c. Shall provide the following at all locked entrances:
- 31              i. A visible "High Voltage" warning sign.
- 32              ii. Name(s) and contact number(s) for the electric utility provider.
- 33              iii. Name(s) and contact number(s) for the site operator.
- 34              iv. The facility's 911 address and GPS coordinates.
- 35              v. Knox boxes and keys shall be provided at locked entrances for emergency  
36              personnel access.
- 37      E. Noise. No operating ~~solar energy facility~~SEF shall produce noise that exceeds any of the  
38      following limitations. Adequate setbacks shall be provided to comply with these limitations.

- 1 a. Fifty (50) dBA, as measured at the property line of any neighboring residentially  
2 zoned lot.
- 3 b. Forty-five (45) dBA, as measured at any existing neighboring residence between the  
4 hours of nine p.m. and seven a.m.
- 5 c. Sixty (60) dBA, as measured at the property lines of the project boundary, unless  
6 the landowner of the affected property and the planning commission agree to a  
7 higher noise level, as follows:
- 8 i. The landowner of a neighboring property that would otherwise be  
9 protected by the sixty (60) dBA noise limitation may voluntarily agree, in  
10 writing, to a higher noise level. Any such agreement must specifically state  
11 the noise standard being modified, the extent of the modification, and be in  
12 the form of a legally binding contract or easement between the landowner  
13 (including assignees in interest) and the solar power facility developer,  
14 effective for the life of the project. Notwithstanding any such voluntary  
15 noise agreement between the affected landowner and the solar power  
16 facility developer, the agreement shall only be effective and reflected in the  
17 County's authorization of the project when it has been reviewed and  
18 determined acceptable to the County. The County shall consider the likely  
19 impacts and consequences of the modified noise limit requested, based on  
20 the specific circumstances of the situation, in determining whether to grant  
21 the request. Any such noise agreement must be submitted with the ~~Solar~~  
22 ~~Energy Facility~~SEF Permit application and if authorized by the County, must  
23 be filed with the County Recorder upon issuance of the ~~Solar Energy~~  
24 ~~Facility~~SEF Permit.
- 25 F. Visual Appearance.
- 26 a. ~~Solar energy facility~~SEF buildings and accessory structures shall, to the extent  
27 reasonably possible, use materials, colors, and textures that will blend the facility  
28 into the existing environment.
- 29 b. Appropriate landscaping and/or screening materials may be required to help screen  
30 the ~~solar energy facility~~SEF and accessory structures from major roads and  
31 neighboring residences.
- 32 c. No ~~solar energy facility~~SEF tower or other tall structure associated with a ~~solar~~  
33 ~~energy facility~~SEF shall be lighted unless required by the Federal Aviation  
34 Administration (FAA). When lighting is required by FAA, it shall be the red,  
35 intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and  
36 justified through the application review process. Aircraft sensor systems to turn the  
37 lights on only when low-flying aircraft are in the area may be required.

- d. Lighting of the ~~solar energy facility~~SEF 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~~SEF 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~~SEF 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~~SEF Projects shall have a defensible space ~~for fire protection, and on-site water storage for fire protection with the design approved by the Platte County Fire Chief. 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~~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~~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 ~~solar energy facility~~SEF development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the ~~Solar Energy Facility~~SEF Permit.

#### Section 13.15.060 - Permit Applications.

An application for a ~~Solar Energy Facility~~SEF Permit to establish a ~~solar energy facility~~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 ~~solar energy facility~~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 ~~solar energy facility~~SEF.

B. Notices shall include a summary of the proposed ~~solar energy facility~~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 ~~record land~~ owners and claimants of mineral rights located on or under the lands where the proposed ~~solar energy facility~~SEF will be constructed. Notice shall include the location of the proposed ~~solar energy facility~~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 ~~solar energy facility~~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.

~~D.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 ~~owner and/or operator~~ 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 ~~solar energy facility~~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.



- 1 G. A complete description of the proposed ~~solar energy facility~~SEF project and documentation  
2 to sufficiently demonstrate that the requirements set forth in Section 13.15.050 will be met.
- 3 H. Analysis of local economic benefits, describing estimated: Project cost, generated taxes,  
4 percent of construction dollars to be spent locally, and the number of local construction  
5 and permanent jobs
- 6 I. When land will not be dual use (i.e., solar with agricultural or solar with grazing) the  
7 application shall include:
- 8 a. Weed/Grass Control Plan for property inside and outside the fenced area for the  
9 entire property.
- 10 b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will  
11 provide wildlife and pollinator habitat, soil erosion protection and/or aid in  
12 strengthening the soil structure. This plan shall be for all other areas of the ~~solar~~  
13 ~~energy facility~~SEF that will not interfere with the solar arrays.
- 14 c. Description of changes to agricultural production as a consequence of the facility, if  
15 applicable.
- 16 J. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a  
17 Wyoming Licensed Engineer with drainage calculations based on a twenty-five (25)-year  
18 storm event unless the location, terrain and topography dictate a higher amount. Drainage,  
19 Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
- 20 a. Existing and proposed contours:  
21 b. Existing wetlands and floodways:  
22 c. Water management structures:  
23 d. ~~Historic~~ Drainage flow direction:  
24 e. Effects on downstream and upstream properties:  
25 f. Effects on irrigation:  
26 f.g. Existing and proposed roadways  
27 h. Erosion mitigation and runoff control:  
28 g.i. Drainage through the SEF facility area  
29 j. Dust control plan  
30 k. Wells  
31 h.l. - A mitigation plan that addresses the risk of erosion and flooding, including  
32 floodings on all adjacent, upstream, and downstream properties.
- 33 K. For ~~solar energy facilities~~SEF located within five hundred (500) feet of an airport or within  
34 approach zones of an airport or private airstrip, applicants shall complete and provide the  
35 results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control  
36 Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar  
37 Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.



1 L. Emergency Management Plan for review and comment to county fire, county emergency  
2 management, and the county sheriff. The Emergency Management Plan shall include the  
3 following:

4 a. A copy of the site plan.

5 b. Upon request by any local fire department, Fire Warden and/or the Platte  
6 County Emergency Management Coordinator, the applicant shall  
7 cooperate with the relevant agency to develop an emergency response  
8 plan in the event of fire in/around the facility.

9 c. An annual review of the plan in conjunction with the Emergency  
10 Management Coordinator and/or Fire Warden or their designees. The  
11 annual review may include a physical walk through of the facility.

12 d. An acknowledgement that the local Fire District and Fire Warden have the  
13 right to access the facility to inspect the fuel load, and a further  
14 acknowledgement that the permittee will remediate any concerns with  
15 abundant fuel loads found during the walk through.

16 e. A list of training, equipment or supplies that the local Fire District will  
17 require to respond to any hazards that are introduced during the  
18 operation of the facility. That list shall be compiled in consultation with the  
19 Fire Warden and local Fire District.

20 f. An acknowledgement that in the event of fire, if deemed the start of such  
21 fire was internal to the facility the permittee shall reimburse any fire  
22 department and neighbor negatively affected by fire plus the firefighting  
23 costs.

24 g. The applicant shall provide an unredacted safety manual from the solar  
25 manufacturer and a statement certifying that the SEF is, or will be,  
26 operated in compliance with all requirements therein.

27 h. If the SEF Facility extends into another county, the emergency  
28 management plan shall address multi-county coordination of emergency  
29 notices and use of emergency services and the plan shall be commented  
30 upon by officials of the other county. If the SEF Facility permit is granted,  
31 the plan shall be supplemented and revised following construction of the  
32 SEF Facility and prior to its operation, if there are any variations in the  
33 project construction which would materially impact the original emergency  
34 management plan.

35 i. The applicant or permittee will notify the local Fire Department, Fire  
36 Warden, County Sheriff, and Emergency Management Coordinator when  
37 changes to the site are made that may impede emergency response, to  
38 allow the Emergency Management Plan to be updated.

- 1 M. Waste Management Plan that includes an inventory of estimated solid wastes and a  
2 proposed disposal program for the construction, operation, and eventual decommissioning  
3 of the proposed ~~solar energy facility~~SEF. In addition, as applicable, plans for the spill  
4 prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection  
5 methods for solid waste generated by the project.
- 6 N. Evidence of adequate legal access and describe how private roadways within the ~~solar~~  
7 ~~energy facility~~SEF will be marked, acknowledge that Platte County is not required to repair,  
8 maintain, or accept any dedication of the private roadways to the public use.
- 9 O. Traffic Study of any public roadways leading to and away from the proposed facility.
- 10 P. Project Plan indicating the proposed roadways, facility location(s), substation locations,  
11 transmission, collector and gathering lines, and all other ancillary facility components.
- 12 Q. Site and Facility Reclamation and Decommissioning Plan which indicates the planned life of  
13 the facility and how the facility and its site will be decommissioned and reclaimed. Unless  
14 otherwise specified by a landowner on whose land the SEF is built (provided the approval  
15 shall be documented in the landowner's lease for SEF Project), the Reclamation and  
16 Decommissioning Plan shall include:
- 17 a. A description of the plan to remove the ~~solar energy facility~~SEF equipment and to  
18 restore the land to its previous use upon the end of the facility's life.
- 19 b. Provisions for the removal of structures, debris, and associated equipment on the  
20 surface and to a level of not less than five (5) feet below the surface, and the  
21 sequence in which removal is expected to occur.
- 22 c. Provisions for the restoration of the soil and vegetation.
- 23 d. An estimate of the decommissioning costs in future dollars at the time of filing  
24 certified by a Wyoming Licensed Engineer who shall use professional standards in  
25 compliance with the State of Wyoming law.
- 26 e. A written financial plan approved to ensure that funds will be available for  
27 decommissioning and land restoration.
- 28 f. Provisions that the terms of the decommissioning plan shall be binding upon the  
29 ~~owner or operator~~applicant or permittee and any other successors, assigns, or  
30 heirs.
- 31 g. Upon review of the ~~Solar Energy Facility~~SEF Permit Application, the Platte County  
32 Board of Commissioners shall set an amount to be held in bond, escrow, or other  
33 acceptable form of funds. The decommissioning plan shall state that the facility  
34 ~~owner/operator~~applicant or permittee shall provide Platte County with Financial  
35 Assurance to cover the estimated costs of decommissioning and that the County  
36 shall have access to the facility and to the funds to effect or complete  
37 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~~SEF 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 1.035.060 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~~SEF Permit applications for substations or transmission lines be considered in conjunction with the ~~Solar Energy Facility~~SEF Permit application for the ~~solar energy facility~~SEF; however, if the details of those improvements are not available at the time of application for the ~~solar energy facility~~SEF, they may be considered later, through subsequent ~~Solar Energy Facility~~SEF 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~~SEF.

Due to the complexity of large-scale ~~solar energy facility~~SEF 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~~Facility (SEF) Permit Review.

Following the provisions of Chapter 1 Section 1.305.060, 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~~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 [building Construction](#) €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~~[SEF](#) 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. The SEF facility requirements shall include 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. All solid waste and hazardous materials related to the construction, operation, maintenance and decommissioning of a 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.~~

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~~ shall require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during

1 construction or dismantling of the project. In such case, the "before" conditions of the  
2 roadways and other infrastructure must be documented through appropriate methods  
3 such as videos, photos, and written records, to provide a proper reference for restoration.  
4 The Board of County Commissioners and the State of Wyoming Department of  
5 Transportation may require the applicant to enter into a reasonable road use agreement  
6 for the use of county roads or state highways prior to construction of the facility.

7 L. Public Safety. Identify and address any known or suspected potential hazards to adjacent  
8 properties, public roadways, communities, aviation, etc., that may be created by the project.

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

11 N. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to  
12 be followed, the anticipated useful life, or abandonment, or termination of the project,  
13 including evidence of proposed commitments with affected parties (county, any lessor or  
14 ~~property landowner~~, etc.) that ensure proper final reclamation of the ~~solar energy facility~~  
15 SEF project. Among other things, revegetation and road repair activities should be  
16 addressed in the plan. Upon approval of the ~~Solar Energy Facility~~SEF Permit and review of  
17 the decommissioning plan, the Platte County Board of Commissioners shall set an amount  
18 to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan  
19 shall state that the facility ~~Parent Company, owner(s) or, /operator~~operator(s) of the  
20 SEF applicant or permittee shall provide Platte County with Financial Assurance to cover the  
21 estimated costs of decommissioning and that the county shall have access to the facility  
22 and to the funds to effect or complete decommissioning one (1) year after cessation of  
23 operations. In addition, the applicant shall provide the county with a new estimate of  
24 decommissioning of the ~~solar energy facility~~SEF every five (5) years under the same  
25 conditions as set forth above.

26 O. Annual Review and Reporting. The ~~applicant, owner, and/or operator~~ permittee shall  
27 submit to the Platte County Planning Office on the first Monday of July each year following  
28 project approval a report regarding maintenance and operation of the permitted ~~Solar~~  
29 ~~Energy Facility~~SEF Project. This report shall include:

- 30 a. Any physical modifications to the ~~solar energy facility~~SEF Project and/or its  
31 infrastructure.
- 32 b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of  
33 any public roads, received by the applicant, owner(s), parent company, permittee  
34 and/or operator concerning the ~~solar energy facility~~SEF, and the resolution of such  
35 complaints.
- 36 c. Calls for emergency services, including the nature of the emergency and how it was  
37 resolved.

38 d. Status of liability insurance.



~~d.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.

e.f. 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(s), parent company, permittee and/or operator(s) ~~of the solar energy facility 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 ~~solar energy facility~~SEF project.

B. Liability. The ~~applicant, owner, permittee and/or operator~~ of the ~~solar energy facility~~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.

A. Extension of Permit: If construction of the ~~solar energy facility~~ SEF 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~~SEF Permits may not be transferred without the prior approval of the Board of County Commissioners. The Board of County Commissioners may



1 transfer a ~~Solar Energy Facility~~SEF Permit upon receipt of a written request from the current  
2 permit holder, accompanied by a written acceptance of all terms and conditions of the  
3 ~~Solar Energy Facility~~SEF Permit by the prospective transferee. Request for transfer will be  
4 reviewed by the Planning Office, County Attorney's Office, Planning and Zoning  
5 Commission, and Board of Commissioners. Notification of a proposed change of owner of  
6 the SEF facility shall be provided to the Planner forty-five (45) calendar days prior to any  
7 such change taking place. Documentation evidencing any such transfer shall be submitted  
8 to the Planner within twenty (20) days after such transfer is complete. The transferee upon  
9 transfer of ownership shall be responsible for assuming all obligations under the approved  
10 SEF permit.