

Chapter 13.15 - SOLAR ENERGY FACILITIES (SEF)

13.15.010 – Purpose

13.15.020 – Applicability, Authority, and Severability

13.15.030 – Definitions

13.15.040 – Prohibition and Penalties

13.15.050 – Regulations and Design Standards—Solar Energy Facilities(SEF)

13.15.060 – Permit Applications

13.15.070 – Provisions for Solar Energy Facility (SEF) Permit Review

13.15.080 – Indemnification and Liability

13.15.090 – Extension and Transfer of Permits

Section 13.15.010 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of ~~-solar energy facilities~~ 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. BESS is
24 governed in Chapter 13 Section 30 Alternative Energy Storage.
- 25 ~~B-C.~~ "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power
26 (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect
27 a large area of sunlight into a small area. The concentrated energy is absorbed by a
28 transfer fluid or gas and used as a heat source for either a conventional power facility, such
29 as a steam power facility, or a power conversion unit, such as a sterling engine. Although
30 several concentrating solar thermal technologies exist, the most developed types are the
31 solar trough, parabolic dish and solar power tower. CSTs are not approved for permitting
32 as an SEF and are governed in Chapter 13 Section 40 Additional Solar Facilities.
- 33 ~~C-D.~~ "Enlarge or Enlargement," is the adding of additional energy capacity that is not
34 permitted as part of an existing ~~solar energy facility~~ SEF permit.
- 35 ~~D-E.~~ "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar
36 panels have been around for several years, although concentrated photovoltaic (CPV)

technologies are now being developed. Both PV systems and CPV systems are included within this definition.

~~E.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 facilitySEF that complies with the provisions of this section may be permitted in Commercial, Industrial, and Agricultural Classification districts with an approved Solar Energy FacilitySEF 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.

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

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

intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.

d. Lighting of the ~~solar energy facilitySEF~~ 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 facilitySEF~~ 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 facilitySEF~~ 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 facilitiesSEF 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 facilitySEF~~ 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 facilitySEF~~ development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the ~~Solar Energy FacilitySEF~~ Permit.

Section 13.15.060 - Permit Applications.

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

- 1 A. Verification that reasonable efforts have been undertaken to provide notice in writing to all
2 landowners within one (1) mile of the proposed ~~solar energy facility~~SEF, to the military
3 installation commander of the commander's designee, to the WYDOT District Engineer, and
4 to all cities and towns located within twenty (20) miles of the proposed ~~solar energy~~
5 ~~facility~~SEF.
- 6 B. Notices shall include a summary of the proposed ~~solar energy facility~~SEF project including
7 its location, projected number and capacity, likely routes of ingress and egress, other
8 related facility locations, and the likely location of electric transmission, invite the public to
9 submit comments and identify the time, date, and location of the hearing.
- 10 C. Notice shall be provided to the ~~record-land~~owners and claimants of mineral rights located
11 on or under the lands where the proposed ~~solar energy facility~~SEF will be constructed.
12 Notice shall include the location of the proposed ~~solar energy facility~~SEF project and
13 underground wiring. Notice may be made by publication. The certification of notice shall
14 be submitted with the application and shall comply with all standards and requirements
15 adopted by the Wyoming Industrial Siting Council.
- 16 D. Except as provided herein, an Affidavit of Publication to certify that notices of the proposed
17 ~~solar energy facility~~SEF have been published in a newspaper published in Platte County. If
18 no newspaper is published in Platte County, the publication shall be made in a newspaper
19 of general circulation. The notice shall be published at least twenty (20) days prior to the
20 public hearing and included the applicant's name and contact information, a general
21 summary/description of the project, place, date and time of the public hearings, and an
22 invitation to attend public hearings and/or submit written comments to the Planning Office.
23 Failure of the applicant to provide for the Affidavit of Publication for such notice(s) may,
24 result in removal of the application from the Planning and Zoning Commission and Board
25 of County Commissioners agenda and cancellation of public hearings.
- 26 ~~D.a.~~The Planner may elect to publish the notice required in this section. If so, the
27 applicant shall obtain written permission from the Planner to forego the
28 requirement to publish a notice of hearing pursuant to this section. Furthermore,
29 the applicant will be required to reimburse the county for fees associated with
30 publishing this notice. If the Planner publishes notice pursuant to this subsection,
31 they shall also publish the same notice on the county website.
- 32 E. The name(s), address(es), and contact number(s) of the ~~owner and/or operator~~ applicant
33 and permittee who will operate the facility upon issuance of the permit.
- 34 F. A site plan showing:
35 a. Boundaries of the site.
36 b. All proposed ~~solar energy facility~~SEF structures.
37 c. Property lines.
38 d. Setback lines.

- e. Location of all existing structures with their uses identified.
 - f. Easements and rights-of-way.
 - g. Copy of the current FEMA FIRM map that shows the subject property.
- G. A complete description of the proposed ~~solar energy facility~~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 ~~solar energy facility~~SEF that will not interfere with the solar arrays.
 - c. Description of changes to agricultural production as a consequence of the facility, if applicable.
- J. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer with drainage calculations based on a twenty-five (25)-year storm event unless the location, terrain and topography dictate a higher amount. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
- a. Existing and proposed contours-
 - b. Existing wetlands and floodways-
 - c. Water management structures-
 - d. Historic Drainage flow direction-
 - e. Effects on downstream and upstream properties-
 - f. Effects on irrigation-
 - f.g. Existing and proposed roadways
 - h. Erosion mitigation and runoff control-
 - g.i. Drainage through the SEF facility area
 - j. Dust control plan
 - k. Wells
 - h.i. - A mitigation plan that addresses the risk of erosion and flooding, including flooding on all adjacent, upstream, and downstream properties.
- K. For ~~solar energy facilities~~SEF located within five hundred (500) feet of an airport or within approach zones of an airport or private airstrip, applicants shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control

1 Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar
2 Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

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

- 6 a. A copy of the site plan.
- 7 b. Upon request by any local fire department, Fire Warden and/or the Platte
8 County Emergency Management Coordinator, the applicant shall
9 cooperate with the relevant agency to develop an emergency response
10 plan in the event of fire in/around the facility.
- 11 c. An annual review of the plan in conjunction with the Emergency
12 Management Coordinator and/or Fire Warden or their designees. The
13 annual review may include a physical walk through of the facility.
- 14 d. An acknowledgement that the local Fire District and Fire Warden have the
15 right to access the facility to inspect the fuel load, and a further
16 acknowledgement that the permittee will remediate any concerns with
17 abundant fuel loads found during the walk through.
- 18 e. A list of training, equipment or supplies that the local Fire District will
19 require to respond to any hazards that are introduced during the
20 operation of the facility. That list shall be compiled in consultation with the
21 Fire Warden and local Fire District.
- 22 f. An acknowledgement that in the event of fire, if deemed the start of such
23 fire was internal to the facility the permittee shall reimburse any fire
24 department and neighbor negatively affected by fire plus the firefighting
25 costs.
- 26 g. The applicant shall provide an unredacted safety manual from the turbine
27 manufacturer and a statement certifying that the SEF is, or will be,
28 operated in compliance with all requirements therein.
- 29 h. If the SEF Facility extends into another county, the emergency
30 management plan shall address multi-county coordination of emergency
31 notices and use of emergency services and the plan shall be commented
32 upon by officials of the other county. If the SEF Facility permit is granted,
33 the plan shall be supplemented and revised following construction of the
34 SEF Facility and prior to its operation, if there are any variations in the
35 project construction which would materially impact the original emergency
36 management plan.
- 37 i. The applicant or permittee will notify the local Fire Department, Fire
38 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 ~~solar energy facility~~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 ~~solar energy facility~~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 shall be documented in the landowner's lease for SEF Project), the Reclamation and Decommissioning Plan shall include:
 - a. A description of the plan to remove the ~~solar energy facility~~SEF equipment and to restore the land to its previous use upon the end of the facility's life.
 - b. Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur.
 - c. Provisions for the restoration of the soil and vegetation.
 - d. An estimate of the decommissioning costs in future dollars at the time of filing certified by a Wyoming Licensed Engineer who shall use professional standards in compliance with the State of Wyoming law.
 - e. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration.
 - f. Provisions that the terms of the decommissioning plan shall be binding upon the ~~owner or operator~~ applicant or permittee and any other successors, assigns, or heirs.
 - g. Upon review of the ~~Solar Energy Facility~~SEF Permit Application, the Platte County Board of Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of funds. The decommissioning plan shall state that the facility ~~owner/operator~~ 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.

- 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.

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

~~K.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

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

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

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

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

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

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

- c. Calls for emergency services, including the nature of the emergency and how it was resolved.
- 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.O.~~ Additions. Other probable and significant impacts, as identified through the review process.
- ~~Q.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 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

1 control of the Permittee. The Permittee may request not more than two (2) separate
2 extensions, with such total extension period not to exceed twenty-four (24) months.

- 3 B. Transfer of Permit: ~~Solar Energy Facility~~SEF Permits may not be transferred without the prior
4 approval of the Board of County Commissioners. The Board of County Commissioners may
5 transfer a ~~Solar Energy Facility~~SEF Permit upon receipt of a written request from the current
6 permit holder, accompanied by a written acceptance of all terms and conditions of the
7 ~~Solar Energy Facility~~SEF Permit by the prospective transferee. Request for transfer will be
8 reviewed by the Planning Office, County Attorney's Office, Planning and Zoning
9 Commission, and Board of Commissioners. Notification of a proposed change of owner of
10 the SEF facility shall be provided to the Planner forty-five (45) calendar days prior to any
11 such change taking place. Documentation evidencing any such transfer shall be submitted
12 to the Planner within twenty (20) days after such transfer is complete. The transferee upon
13 transfer of ownership shall be responsible for assuming all obligations under the approved
14 SEF permit.