

Chapter 13.20 - WIND ENERGY CONVERSION SYSTEM

(WECS)

13.20.010 – Purpose

13.20.020 – Applicability, Authority, and Severability

13.20.030 – Definitions

13.20.040 – Prohibition and Penalties.

13.20.050 – Regulations and Design Standards – Commercial

13.20.060 – Preliminary Plan Review Application

13.20.070 – Wind Energy Conversion System (WECS) Permit Applications

13.20.080 – Provisions for Wind Energy Siting and Facility Permit Review

13.20.090 – Indemnification and Liability

13.20.100 – Extension and Transfer of Permits

13.20.110 – Remedies

13.20.120 – Regulations and Design Standards - Non-Commercial

Section 13.20.010 - Purpose.

The purpose of this Chapter is to establish minimum requirements and regulations for the placement, construction, and modification of Wind Energy Conversion System (WECS), 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 WECS 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 13.20.020 – Applicability, Authority, and Severability.

Applicability. This Chapter governs Wind Energy Conversion System (WECS), the siting of WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets, and all associated projects throughout the unincorporated areas of Platte County. Non-commercial WECS's shall be considered an accessory use to a principal permitted use in any zoning district and are covered in Section 13.20.120 of this Chapter. Approval of any WECS Permit does not preclude

1 the need to obtain a Project Construction Certificate for the project, additions, and/or updates or
2 changes to the project.

- 3 A. It is unlawful for any person to construct, install maintain, modify, operate, or abandon a
4 WECS that is not in compliance with this chapter or with any condition contained in a wind
5 energy siting and facility permit or other land use permit issued pursuant to this chapter or
6 any other applicable law or regulation.

7 Authority. Authority granted by the following Wyoming Statutes:

- 8 A. Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning
9 Commission in its entirety and Article 5. Wind and Solar Energy Facilities in its entirety
10 B. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 3. Local
11 Level in its entirety.

12 Severability. If any section or provision of this Chapter or the application of that section or
13 provision to any person, situation, or circumstance is adjudged invalid for any reason, the
14 adjudication does not affect any other section or provision of these Regulations or the application
15 of the adjudicated section or provision to any other person, situation, or circumstance. The Board
16 of Platte County Commissioners declares that it would have adopted the valid portions and
17 application of these Regulations without the invalid part(s), and to therefore, the provisions of
18 these Regulations are declared to be severable.

19 **Section 13.20.030 - Definitions.**

- 20 A. "Aircraft Detection Lighting Systems" (ADLS): A lighting system designed for WECS and
21 other similar facilities that monitors airspace around such facilities and automatically issues
22 signals to activate lighting warning to approaching aircraft of the obstructions in a timely
23 manner, and that complies with all applicable laws and regulations, including without
24 limitations Federal Aviation Administration (FAA) requirements.
25 B. "Anemometer": An instrument for measuring and recording wind speed.
26 C. "Applicant(s)." The entity or person who submits to the County, pursuant to Sections
27 13.20.020 and 13.20.040 of these Regulations, an application for a preliminary plan review
28 or the siting of any WECS, WECS Project or Substation.
29 D. "Financial Assurance." Reasonable assurance, at the discretion of the County
30 Commissioners, from a credit worthy party that the costs associated with but not limited to,
31 construction; maintenance; consequences from an abandonment; or a failure to properly
32 execute closure, post-closure care is recoverable from applicant(s) under these Regulations.
33 E. "Industrial Siting Council": The council created pursuant to W.S. § 35-12-104.
34 F. "Nacelle": A large housing at the top of a WECS tower that contains all key components for
35 converting wind energy into electrical energy.

- 1 G. "Non-Commercial WECS": Wind Energy Conversion Systems that have a generating
2 capacity of 25kW or less and are located solely on the Landowner's property. The owners of
3 Non-Commercial WECS as defined herein are subject only the requirements set forth in
4 Section 13.20.120.
- 5 H. "Operator," The entity responsible for the day-to-day operation and maintenance of any
6 WECS, WECS Project or Substation, including any third-party subcontractors.
- 7 I. "Owner," The entity or entities with an equity interest in the WECS(s), including their
8 respective, successors and assigns. Owner does not mean (i) the landowner from whom
9 land is leased for locating the WECS(s) (unless the landowner has an equity interest in the
10 WECS(s)); or (ii) any person holding a security interest in the WECS(s) solely to secure an
11 extension of credit, or a person foreclosing on such security interest, provided that after
12 foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.
- 13 J. "Parent Company": A business that has a controlling interest in other companies and
14 provides financial, strategic, and operational support.
- 15 K. "Planner": Office of the Platte County Planner.
- 16 L. "Preliminary Plan Review," An initial review for the purpose of providing an Applicant formal
17 feedback about potential issues that the proposal may face. The Preliminary Plan Review
18 expressly does not grant approval and does not negate or minimize requirements that may
19 arise during later reviews of final proposals.
- 20 M. "Residential Dwelling and Occupied Structure(s)," Structures such as residences, quonset
21 huts, barns, commercial buildings, hospitals, and day care facilities. Primary Structure(s)
22 excludes structures such as storage sheds and loafing sheds.
- 23 N. "Professional Engineer," A qualified individual who is licensed as a professional engineer in
24 the State of Wyoming.
- 25 O. "Setback": The distance by which a WECS shall be sited away from property lines,
26 structures, zoning districts or other land uses as established in 13-20-050(D).
- 27 P. "Substation," The apparatus that connects the electrical collection system of the WECS(s)
28 and increases the voltage for connection with the utility's transmission lines.
- 29 Q. "Wind Energy Conversion System (WECS)," All necessary devices that together convert wind
30 energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical
31 components, WECS foundation, transformer, and electrical cabling from the WECS Tower
32 to the substation(s) and their support facilities, including transmission lines.
- 33 R. "WECS Project" The WECSs and associated support facilities including, but not limited to,
34 roads, substations, operation, and maintenance buildings, and permanent met towers as
35 specified in the siting approval application pursuant to Section 13.20.020 of these
36 Regulations and including the project area as defined by the owner.

- 1 S. "WECS Tower" The support structure to which the nacelle and rotor are attached. "WECS
2 Tower Height" means the distance from the highest point of a vertical rotor blade to the
3 top surface of the WECS foundation.

4 **Section 13-20-040 – Prohibition and Penalties.**

- 5 A. Prohibition. It is unlawful to locate, erect, construct, re-construct, install or enlarge a WECS
6 without first obtaining a WECS Permit from the Board of County Commissioners; W.S. §§18-
7 5-502(a)., unless prior siting approval has been obtained for each individual WECS and
8 substation pursuant to these Regulations.

9 B. Penalties.

- 10 a. Any person found to be in violation of subsection Prohibition above, is liable for
11 civil penalty of not more than ten thousand dollars (\$10,000) for each violation. Each
12 day of a continuing violation constitutes a separate offense.

13 b.
14

15 **Section 13-20-050 - Regulations and design standards - Commercial.**

16 All WECS shall be constructed to meet, and be maintained in compliance with all Federal, State and
17 Local requirements. Written statements providing proof that the WECS Project is in full compliance
18 with these relevant requirements shall be provided to the Platte County Planning Office.

19 If credible issues arise at any time during the review, and/or the approval development proposal
20 process, related to compliance of Federal, State and/or Local requirements, the applicant(s) at the
21 discretion of the County Commissioners may be requested to provide additional studies, reports,
22 maps and/or graphic depictions prepared by a professional qualified in the relevant discipline
23 detailing the issues, characteristics, special features, potential impact, and mitigation measures that
24 may be needed to minimize the issues.

25 Nothing in these Regulations is intended to preempt other applicable Federal, State and/or Local
26 laws and regulations.

- 27 A. Permitted Locations. A WECS that complies with the provisions of this section may be
28 permitted in Commercial, Industrial, and RAM Classification districts with an approved
29 WECS Permit.

30 B. Design Standards.

- 31 a. Minimum Lot Size. No WECS Tower shall be erected on any lot less than five acres
32 in size.

- 1 b. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade
2 shall be thirty feet above the ground and fifteen feet above any structure or
3 obstacle within the fall zone of the tower.
- 4 c. Maximum Height. The maximum height for all structures shall be established
5 through the Wind Energy Siting and Facility Permit process, provided a structure
6 height of thirty feet, or less shall always be permitted.
- 7 d. Color. Towers and blades shall be green or tan FAA approved, non-reflective,
8 unobtrusive color that will help the project blend with the natural visual character of
9 the area.
- 10 e. Potable Water and Sanitary Sewer. All permanent occupied operation and
11 maintenance buildings must have approved potable water and sanitary sewer
12 systems. Approval shall be obtained from the State of Wyoming Engineer's Office
13 for water and State of Wyoming Department of Environmental Quality for
14 sewer/septic.
- 15 f. National Electric Code. All WECS projects shall comply with the National Electric
16 Code, current edition, applicable ICC Codes, and shall comply with the standards of
17 the Wyoming Department of Fire Prevention and Environmental Safety.
- 18 g. Signage. There shall be no signage or logo of any type allowed on the WECS
19 tower(s) except for safety signs, warning signs and emergency contact signs as
20 provide in subsection G of this section. Any other signage shall only be allowed as
21 approved by the County.
- 22 C. Safety Certification.
- 23 a. WECS projects shall conform to applicable industry standards, including those of
24 the American National Standards Institute ("ANSI") and National Electrical
25 Commission ("NEC"). Applicants shall submit certificates of design compliance that
26 equipment manufacturers have obtained from Underwriters Laboratories ("UL "),
27 Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), or an
28 equivalent third party.
- 29 b. Following the granting of a WECS Permit under these Regulations, an independent
30 third-party Professional Engineer licensed in the State of Wyoming shall certify, as
31 part of the Construction Certificate application, prior to construction, that the
32 foundation and tower design of the WECS is within accepted professional
33 standards, given local soil and climate conditions.
- 34 D. Setbacks. In determining the required separation of a commercial WECS Project from the
35 uses listed, all applicable setbacks are to be followed. Where multiple setbacks are
36 applicable, the most restrictive applies.
- 37 a. Regardless of WECS tower height, at least One-Quarter (1/4) mile from:
- 38 i. Public road rights-of-way – except transmission lines associated with WECS;

- 1 ii. State Parks;
- 2 b. At least 1.1 times the WECS tower height, from:
- 3 i. Property lines contiguous or adjacent to the WECS tower, provided those
- 4 adjacent lands are zoned any classification other than Residential;
- 5 c. At least One-Quarter (1/4) mile, but not less than five-and-a-half (5.5) times the
- 6 WECS tower height from:
- 7 i. Residential dwellings or occupied structures;
- 8 ii. Platted subdivisions;
- 9 iii. Residential zoning districts;
- 10 iv. Third-party transmission lines;
- 11 v. Communications towers;
- 12 d. At least one (1) mile from:
- 13 e. Incorporated municipalities; Setback distances may be reduced if approved, in
- 14 writing, by: adjacent landowners, operators of third-party transmission lines and
- 15 communications towers, owner(s) of a public rights-of-way or by the governing
- 16 body of an incorporated municipality. Those waivers shall be recorded in the Office
- 17 of the County Clerk.
- 18 f. Setback distances may be modified at the discretion of the County Commissioners
- 19 if:
- 20 i. Setback distances have been waived, and recorded in the Office of the
- 21 County Clerk, pursuant to 13.20.050(D)(a) – (e).
- 22 ii. To minimize the degradation of the visual character of the area, additional
- 23 performance standards may be adopted by the County upon formal
- 24 consideration, review, and public hearing(s).
- 25 iii. Required from public road rights-of-way beyond those required in this
- 26 section to accommodate known animal migrations and frequent local
- 27 wildlife movements and to reduce the risk of motor vehicle and big game
- 28 animal collisions.
- 29
- 30
- 31
- 32 E. Military Facility. No vertical construction of a WECS Tower within two (2) nautical miles of
- 33 any active federal military missile launch or control facility.
- 34 F. Drainage, Erosion, Dust Control, Grading and Vegetation. Drainage, Erosion, Dust Control,
- 35 Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer based
- 36 on a 25-year storm event unless the location, terrain and topography dictate a high
- 37 amount.
- 38 G. Safety/Access.

- a. A minimum eight-foot fence shall be placed around the perimeter of the WECS Project.
- b. All WECS Towers must be unclimbable by design or protected by anti-climbing devices.
 - i. Site appropriate security enclosures with locking portals at least six feet high.
 - ii. Anti-climbing devices twelve (12) feet vertically from the base of the WECS Tower.
- c. Appropriate warning signage shall be placed at the entrance, base of all pad-mounted transformers, substations, and perimeter of the wind energy siting and facility project.
- d. Permanent visible, reflective, colored objects shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- e. Shall provide the following at all locked entrances:
 - i. A visible "High Voltage" warning sign.
 - ii. Name(s) and contact number(s) for the electric utility provider.
 - iii. Name(s) and contact number(s) for the site operator.
 - iv. The facility's 911 address and GPS coordinates.
 - v. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- f. Signage: Each WECS shall have one sign per turbine, or tower, attached to the base of each WECS and at least one sign near the location where each WECS is accessed from a public right-of-way. If a perimeter fence is erected, there shall also be at least one sign on the perimeter fence near the fence entrance. Those signs shall be at least two (2) square feet in area and contain the following:
 - i. Letters at least six (6) inches in height;
 - ii. A high voltage warning;
 - iii. A 24-hour emergency phone number;
 - iv. The name of who is permitted to operate the WECS;
 - v. Web address of the permittee;
 - vi. For signs affixed at the base of each WECS, or on a perimeter fence, that sign shall have a unique identification number for that WECS;
 - vii. For signs posted along at a location where a WECS facility is access from a public right-of-way, the sign shall also contain a facility site map indicating the unique identification number for each tower or turbine.
 - viii. The purpose of these requirements is to ensure first responders can positively identify a specific WECS.

- 1 g. Inspection: Upon issuing a WECS permit, the County shall have the right to inspect
2 the premises on which each WECS is located at any reasonable time. The County
3 may hire a consultant to assist with any such inspections at a reasonable cost to be
4 charged to the applicant(s) or Parent company, owner(s), or operator(s) of the
5 WECS.
- 6 H. Noise. No operating wind energy siting and facility shall produce noise that exceeds any of
7 the following limitations. Adequate setbacks shall be provided to comply with these
8 limitations.
- 9 a. Fifty (50) dBA, as measured at the property line of any neighboring residentially
10 zoned lot.
- 11 b. Forty-five (45) dBA, as measured at any existing neighboring residence between the
12 hours of nine p.m. and seven a.m.
- 13 c. Sixty (60) dBA, as measured at the property lines of the project boundary, unless
14 the landowner of the affected property and the planning commission agree to a
15 higher noise level, as follows:
- 16 i. The landowner of a neighboring property that would otherwise be
17 protected by the sixty (60) dBA noise limitation may voluntarily agree, in
18 writing, to a higher noise level. Any such agreement must specifically state
19 the noise standard being modified, the extent of the modification, and be in
20 the form of a legally binding contract or easement between the landowner
21 (including assignees in interest) and the wind power facility developer,
22 effective for the life of the project. Notwithstanding any such voluntary
23 noise agreement between the affected landowner and the wind power
24 facility developer, the agreement shall only be effective and reflected in the
25 County's authorization of the project when it has been reviewed and
26 determined acceptable to the County. The County shall consider the likely
27 impacts and consequences of the modified noise limit requested, based on
28 the specific circumstances of the situation, in determining whether to grant
29 the request. Any such noise agreement must be submitted with the Wind
30 energy siting and Facility Permit application and if authorized by the
31 County, must be filed with the County Recorder upon issuance of the Wind
32 Energy Siting and Facility Permit.
- 33 I. Visual Appearance.
- 34 a. WECS Project buildings and accessory structures shall, to the extent reasonably
35 possible, use materials, colors, and textures that will blend the facility into the
36 existing environment.

- b. Appropriate landscaping and/or screening materials may be required to help screen the wind energy siting and facility and accessory structures from major roads and neighboring residences.
- c. No WECS tower or other tall structure associated with a WECS Project shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. When lighting is required by FAA, all WECS Projects shall contain an ADLS to turn the lights on only when low-flying aircraft are in the area may be required.
- d. Lighting of the WECS facility and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.
- e. No advertising or promotional lettering shall be displayed on any wind energy siting and facility beyond the non-illuminated manufacturers or applicant's logo.
- f. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the County because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- J. Fire Protection. All WECS Projects shall have a defensible space for fire protection. The defensible space for fire protection shall be established through the Emergency Management Plan submitted in accordance with Section 13.20.070(N).
- K. Local, State and Federal Permits. A WECS Project shall be required to obtain all necessary permits from the Wyoming Department of Environmental Quality, including the Wyoming Division of Air Quality and the Wyoming Division of Water Quality, applicable permits required by Platte County, and applicable Federal permits.
- L. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the WECS Project development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the WECS Project development company and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the WECS Permit.
- M. Use of Public Roads. Any applicant of the WECS proposing to use any public or private road(s), for the purpose of transporting WECS(s), substation parts, and/or equipment for construction, operation, maintenance, or decommissioning of the WECS(s) or substation(s), shall submit a Transportation Plan.

- 1 a. All transportation plans shall include the following:
- 2 i. An index of all public roads, and alternative routes, to be used for
- 3 construction activities. That index shall include a detailed map of haul
- 4 routes which shall be submitted with the WECS Permit application.
- 5 ii. Applicable weight and size permits from relevant government agencies
- 6 prior to construction.
- 7 iii. For public roads, obtain new access, access modification, or change of use
- 8 of access permit; or utility crossing permits from the applicable government
- 9 agencies.
- 10 iv. An estimate of construction-related traffic, to include truck round trips and
- 11 timeframe to transfer all necessary materials.
- 12 b. The applicant, at the discretion of the County Commissioners, may be requested to
- 13 provide additional studies and reports prepared by a 3rd party Wyoming licensed
- 14 civil engineer to determine if impacts to public roads will occur. If impacts are
- 15 determined, a mitigation plan and/or long-term road maintenance agreement will
- 16 be required.
- 17 c. If potential road impacts are determined to extend beyond County boundaries, the
- 18 applicant will be responsible to contact all potentially impacted jurisdiction(s), and
- 19 to provide written documentation of the contacts as well as written statements from
- 20 the jurisdiction(s) that they are aware of the potential impact. All required written
- 21 statements shall be provided to the Platte County Planning Department prior to the
- 22 scheduling of the hearing for the WECS Permit.
- 23 d. To the extent an applicant, or permittee must obtain a weight or size permit from
- 24 the County, the applicant or permittee shall:
- 25 i. Conduct a pre-construction baseline survey to determine existing road
- 26 conditions for assessing potential future damage.
- 27 ii. Estimate the financial impact of WECS construction on impacted roads or
- 28 other public infrastructure.
- 29 iii. Secure Financial Assurance in a reasonable amount at the discretion of the
- 30 County Commissioners for the purpose of maintaining and repairing any
- 31 damage to public roads caused by constructing, operating, or maintaining
- 32 for the life of the WECS Project including decommissioning.
- 33 iv. The use of public roads and other infrastructure shall be in accordance with
- 34 and compliance of Federal, State and County regulations governing such
- 35 activities. Any degradation to or damage of public roads or other
- 36 infrastructure by parties affiliated with the installation, operation, or
- 37 maintenance of WECS Project will bear all costs required to return the public
- 38 roads or other infrastructure to their original or better condition prior to

1 their use of same. If Platte County has entered into any Memorandum of
2 Understanding with any other counties in the proposed WECS Project(s),
3 including counties in other states as applicable, the applicant shall furnish
4 proof of compliance with the requirements of any such county.

5 N. Additional Permittable Uses. The County may allow the applicant(s) to include certain
6 accessory type uses on a WECS Project facility property, such as a visitor center where the
7 public may be permitted to view a facility and obtain information about the specific facility
8 and wind energy facilities in general. Directional signage may be permitted by the County
9 on individual bases. Information on local historical issues may be included, or required, with
10 approval of such accessory uses.

11 O. Operation.

12 a. Maintenance.

- 13 i. The permittee of the WECS shall submit a yearly statement noting that all
14 aspects of the WECS Project are being maintained per manufacturer's
15 instructions and directions for relevant components of the facility as well as
16 per all State and Federal requirements.
- 17 ii. The permittee of the WECS shall be responsible for controlling all
18 designated and declared weeds on permitted sites during and after the life
19 of the operation. This shall be maintained to the satisfaction of County
20 Weed & Pest District.
- 21 iii. Periodic maintenance will include upkeep to all structures and grounds for
22 material state and aesthetics. Routine scheduled maintenance shall include
23 the repainting of equipment and structures and groundwork or landscaping
24 as appropriate to the location and the installed or erected assets.
- 25 iv. If any WECS tower is not functioning as intended and is not repairable it
26 shall be removed according to the decommissioning standards. Cost for
27 decommissioning shall be borne by the applicant or permittee of the WECS.

28 b. Interference.

- 29 i. The applicant shall provide the applicable microwave transmission providers
30 and local emergency service provider(s) (911 operators) copies of the project
31 summary and site plan. To the extent that the above provider(s)
32 demonstrate a likelihood of interference with its communications resulting
33 from the WECS, the applicant shall take reasonable measures to mitigate
34 such anticipated interference.
- 35 ii. If, after construction of the WECS Project, the applicant(s), Parent Company,
36 owner(s), permittee or operator(s) of the WECS receive a written complaint
37 related to interference with emergency services communications, local
38 broadcast of residential television or other communications venues, the

1 entity receiving the complaint shall respond to the complaint as reasonably
2 feasible, but not later than thirty (30) days after receipt of the complaint.
3 The entity responding shall provide a copy of their response to the
4 complaint to the Planner.

- 5 iii. That the developer(s) mitigate(s) light impact on existing residences as
6 reasonably feasible and still meet FAA requirements.

7 c. Materials Handling, Storage, and Disposal

- 8 i. All solid wastes related to the construction, operation, and maintenance of a
9 WECS Project shall be removed from the site promptly and disposed of in
10 accordance with all Federal, State and Local laws.
11 ii. All hazardous materials related to the construction, operation, and
12 maintenance of the WECS Project shall be handled, stored, transported, and
13 disposed of in accordance with all applicable Federal, State and Local laws.

14 P. Coordination with Local Fire Department and Emergency Management Coordinator.

- 15 a. The applicant shall submit to the local fire department and/or the Emergency
16 Management Coordinator a copy of the site plan.
17 b. Nothing in this section shall alleviate the need to comply with all other applicable
18 fire laws and regulations.

19 Q. Federal, State and Local Requirements.

- 20 a. Federal Aviation Administration (FAA) The applicant and permittee of the WECS
21 shall comply with all applicable FAA requirements.
22 b. Local Aviation Facilities The applicant and permittee will minimize all applicable
23 concerns and/or potential impacts with existing local public or private aviation
24 facilities.
25 c. Military The applicant or permittee of the WECS shall comply with all military
26 requirements whenever applicable.
27 d. Federal Communication Commission (FCC) The applicant or permittee of the WECS
28 shall comply with all FCC requirements.
29 e. Wyoming Industrial Siting Council The applicant of the WECS shall comply with all
30 Wyoming Industrial Siting Council requirements.
31 f. United States Fish and Wildlife Service (USFWS) The applicant or permittee of the
32 WECS Project shall comply with all applicable USFWS requirements including
33 federal endangered species regulations as established in the Federal Endangered
34 Species Act.
35 g. United States Army Corp of Engineers (COE) The applicant or permittee of the
36 WECS Project shall comply with all applicable COE requirements including the
37 Federal Wetlands regulations as established in the Federal Clean Water Act.

- 1 h. Wyoming Department of Environmental Quality (DEQ) The applicant or permittee
2 of the WECS Project shall comply with all applicable DEQ requirements.
- 3 i. Noise Levels The applicant or permittee of the WECS Project shall comply with all
4 Federal, State and Local requirements.
- 5 j. Public Highway, Streets, Bridges or Navigable Streams The applicant or permittee of
6 the WECS should be aware that the County will strictly enforce Wyoming Statute 35-
7 10-401 if any obstruction, injury and/or pollution occurs related to the WECS
8 Project.
- 9 k. Any and all other Federal, State and Local Requirements The applicant or permittee
10 of the WECS Project shall comply with all applicable governmental requirements.
- 11 R. Compliance with Additional Regulations. Nothing in these regulations is intended to
12 preempt other applicable local, State and Federal laws and regulations.

13 **Section 13.20.060 - Preliminary Plan Review Application.**

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

- 22 A. A Preliminary Plan Review application shall be submitted to the Planner to request approval
23 of a preliminary plan for a site for a potential WECS Project as an approved land use
24 whereby the concept of said use is approved without implying that a WECS Project is
25 approved or that any structure will ultimately be approved. Preliminary plan applications
26 shall not require that studies, detailed site plans, formal agreements and other information
27 requested per these Regulations be submitted. A separate Wind Energy Siting and Facility
28 Permit application will be required at a future date to proceed further with any WECS
29 Project and that application will necessarily meet all applicable requirements of these
30 Regulations. A Preliminary Plan application will contain financial assurance. (Cash,
31 Corporate Bond, or Surety Bond) that the applicant can construct and operate the
32 proposed WECS Project.
- 33 B. The Alternative Energy Permit application process for anemometers/meteorological towers
34 represents a type of preliminary plan as it allows the County, neighboring landowners, and
35 the general public to be made aware that a property is being studied for a potential WECS
36 Project with a Alternative Energy Permit request for any anemometer/meteorological

towers. Again, a separate Wind Siting and Facility Permit application would be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations.

- C. Upon approval of a preliminary plan anemometers/meteorological towers and other non-invasive or temporary structures may be permitted by the Board of Commissioners.

Section 13.20.070 - Wind Siting and Facility Permit Applications.

An application for a WECS Permit to establish a WECS Project shall comply with all the requirements identified in W.S. §§18-5-503 and shall include:

- A. Verification that reasonable efforts have been undertaken to provide notice in writing to all landowners within five (5) miles of the proposed WECS, to the military installation commander of the commander's designee, to military installation commander of the commander's designees, federal, state, and local departments utilizing airspace above, to the WYDOT District Engineer, and to all cities and towns located within twenty (20) miles of the proposed wind energy siting and facility.
- B. Notices shall include a general description of the WECS Project including its location, projected number and capacity, likely routes of ingress and egress, other related facility locations, and the likely location of electric transmission.
- C. Notice shall be provided to the record landowners and claimants of mineral rights located on or under the lands where the proposed WECS Project will be constructed. Notice shall include the location of the proposed WECS Project and underground wiring. Notice shall be made by certified mail return receipt requested. The certification of notice shall be submitted with the application and shall comply with all standards and requirements adopted by the Wyoming Industrial Siting Council.
- D. Notice shall include a summary of the proposed WECS Project, invite the public to submit comments and identify the time, date, and location of the hearing.
- E. Except as provided here, an Affidavit of Publication to certify that that notices of the proposed WECS Project 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 applicants 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.

- 1 a. The Planner may elect to publish the notice required in this section. If so, the
2 applicant shall obtain written permission from the Planner to forego the
3 requirement to publish a notice of hearing pursuant to this section. Furthermore,
4 the applicant will be required to reimburse the county for fees associated with
5 publishing this notice. If the Planner publishes notice pursuant to this subsection,
6 they shall also publish the same notice on the county website.
- 7 F. The name(s), address(es), and contact number(s) of the applicant and permittee who will
8 operate the facility upon issuance of the permit and all landowner(s);
- 9 G. A site plan showing:
- 10 a. Boundaries of the site.
- 11 b. Property lines, including identification of adjoining properties.
- 12 c. Setback lines.
- 13 d. All proposed wind energy siting and facility structures.
- 14 i. Including guy lines and anchor bases (if any).
- 15 ii. Electric cabling from the WECS Tower to the substation(s).
- 16 iii. Ancillary equipment and transmission lines.
- 17 e. Location of all existing structures with their uses identified.
- 18 f. Easements, public access roads, turnout locations, points-of-delivery, staging areas,
19 and rights-of-way.
- 20 g. Copy of the current FEMA FIRM map that shows the subject property.
- 21 H. A complete description of the proposed WECS Project and documentation to sufficiently
22 demonstrate that the requirements set forth in Section 13.20.050 will be met.
- 23 I. Certification that the proposed WECS facility will comply with all federal, state, and local
24 standards.
- 25 J. Analysis of local economic benefits, describing estimated: project cost, generated taxes,
26 percent of construction dollars to be spent locally, and the number of local construction
27 and permanent jobs
- 28 K. When land will not be dual use (i.e., wind with agricultural or wind with grazing) the
29 application shall include:
- 30 a. Weed/Grass Control Plan for property inside and outside the fenced area for the
31 entire property.
- 32 b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will
33 provide wildlife and pollinator habitat, soil erosion protection and/or aid in
34 strengthening the soil structure.
- 35 c. Description of changes to agricultural production as a consequence of the facility, if
36 applicable.
- 37 L. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a
38 Wyoming Licensed Engineer with drainage calculations based on a twenty-five (25) year

1 storm event unless the location, terrain and topography dictate a higher amount. Drainage,
2 Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:

- 3 a. Existing and proposed contours
- 4 b. Existing wetlands and floodways
- 5 c. Water management structures
- 6 d. Historic drainage flow direction
- 7 e. Effects on downstream and upstream properties
- 8 f. Effects on irrigation
- 9 g. Existing and proposed roadways
- 10 h. Erosion mitigation and runoff control
- 11 i. Drainage through the WECS facility area
- 12 j. Dust control planA mitigation plan that addresses the risk of erosion and flooding,
13 including flooding on all adjacent, upstream, and downstream properties.

14 M. For WECS Project located within five hundred (500) feet of an airport or within approach
15 zones of an airport or private airstrip, applicants shall complete and provide the results of
16 the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) for the Airport Traffic
17 Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review
18 of Wind energy siting and Projects on Federal Obligated Airports, or most recent version
19 adopted by the FAA.

20 N. A written emergency management plan for review and comment to county fire, county
21 emergency management, and the county sheriff. The Emergency Management Plan shall
22 include the following:

- 23 a. A copy of the site plan.
- 24 b. Upon request by any local fire department, Fire Warden and/or the Platte
25 County Emergency Management Coordinator, the applicant shall
26 cooperate with the relevant agency to develop an emergency response
27 plan in the event of fire in/around the facility.
- 28 c. An annual review of the plan in conjunction with the Emergency
29 Management Coordinator and/or Fire Warden or their designees. The
30 annual review may include a physical walk through of the facility.
- 31 d. An acknowledgement that the local Fire District and Fire Warden have the
32 right to access the facility to inspect the fuel load, and a further
33 acknowledgement that the permittee will remediate any concerns with
34 abundant fuel loads found during the walk through.
- 35 e. A list of training, equipment or supplies that the local Fire District will
36 require to respond to any hazards that are introduced during the
37 operation of the facility. That list shall be compiled in consultation with the
38 Fire Warden and local Fire District.

- 1 f. An acknowledgement that in the event of fire, if deemed the start of such
2 fire was internal to the facility the permittee shall reimburse any fire
3 department and neighbor negatively affected by fire plus the firefighting
4 costs.
- 5 g. The applicant shall provide an unredacted safety manual from the turbine
6 manufacturer and a statement certifying that the WECS is, or will be,
7 operated in compliance with all requirements therein.
- 8 h. If the WECS Facility extends into another county, the emergency
9 management plan shall address multi-county coordination of emergency
10 notices and use of emergency services and the plan shall be commented
11 upon by officials of the other county. If the WECS Facility permit is granted,
12 the plan shall be supplemented and revised following construction of the
13 WECS Facility and prior to its operation, if there are any variations in the
14 project construction which would materially impact the original emergency
15 management plan.
- 16 i. The applicant or permittee will notify the local Fire Department, Fire
17 Warden, County Sheriff, and Emergency Management Coordinator when
18 changes to the site are made that may impede emergency response, to
19 allow the Emergency Management Plan to be updated.
20
- 21 O. A waste management plan that includes an inventory of estimated solid wastes and a
22 proposed disposal program for the construction, operation, and eventual decommissioning
23 of the proposed WECS. In addition, plans for the spill prevention, clean-up, and disposal of
24 fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated
25 by the project.
- 26 P. Evidence of adequate legal access and describe how private roadways within the WECS
27 Project will be marked, acknowledge that Platte County is not required to repair, maintain,
28 or accept any dedication of the private roadways to the public use.
- 29 Q. A traffic study of any public roadways leading to and away from the proposed facility.
- 30 R. A project plan indicating the proposed roadways, facility location(s), substation locations,
31 transmission, collector and gathering lines, and all other ancillary facility components.
- 32 S. A site and facility reclamation and decommissioning plan which indicates the planned life of
33 the facility and how the facility and its site will be decommissioned and reclaimed. Unless
34 otherwise specified by a landowner on whose land the WECS is built (provided the approval
35 shall be documented in landowner's lease for WECS project), the Reclamation and
36 Decommissioning Plan shall include:
- 37 a. A description of the planned life of the facility.

- 1 b. Provisions describing the triggering events for decommissioning the WECS Project
2 or any portion thereof upon 18 months of continuous non-operation of the WECS
3 Project or of any aspect of any facility, unless by force majeure.
- 4 c. A description of the plan to remove the WECS Project equipment and to restore the
5 land to its previous use upon the end of the facility's life.
- 6 d. Provisions for the removal of structures, debris, associated equipment, and cabling
7 on and below the surface to a level of not less than five (5) feet below the surface,
8 and the sequence in which removal is expected to occur.
- 9 e. Provisions for the restoration of the soil and vegetation.
- 10 f. An estimate of the decommissioning costs in future dollars at the time of filing
11 certified by a Wyoming Licensed Engineer who shall use professional standards in
12 compliance with the State of Wyoming law.
- 13 g. A written financial plan approved to ensure that funds will be available for
14 decommissioning and land restoration.
- 15 i. Financial Assurance. The applicant shall provide financial assurance in one,
16 or a combination of the following, at the discretion of the County
17 Commissioners: self-bond, a surety bond, a federally insured certificate of
18 deposit, government-backed securities, or cash. Evidence of the selected
19 form(s) of assurance of financial responsibility shall be filed with the County
20 Commission as part of the permit application procedures and prior to the
21 approval of the application. The Platte County Commission may reject the
22 proposed forms of assurance of financial responsibility if the evidence
23 submitted does not adequately assure that funds will be available as
24 required by these rules. Applicant shall be notified in writing within sixty (60)
25 days of receipt of the evidence of financial assurance of the decision to
26 accept or reject the proposed forms of financial assurance. If an application
27 is approved, any bond or other form of financial assurance may be canceled
28 by the surety only after ninety (90) days written notice to the Board of
29 County Commissioners, and upon receipt of the Board's written consent,
30 which may be granted only when the requirements of the bond or
31 assurance have been fulfilled. Financial assurance amount may be
32 recalculated on a yearly basis at the discretion of the Board of County
33 Commissioners.
- 34 ii. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture
35 proceeding shall occur only after the Board of County Commissioners
36 provides notice to the applicant and permittee and any surety that a
37 violation(s) exists, and the Board has decided to begin forfeiture
38 proceedings. The Commissioners may expend forfeited funds to remedy

- 1 and abate circumstances with respect to which financial assurance was
2 provided. If the forfeited bond or other financial assurance instrument is
3 inadequate to cover the costs to carry out the remedy or abatement, the
4 County Attorney shall bring suit to recover the costs of performing the
5 activities where recovery is deemed possible.
- 6 h. Identification of and procedures for County access to financial assurances.
- 7 i. Provisions that the terms of the decommissioning plan shall be binding upon the
8 applicant and permittee and any other successors, assigns, or heirs.
- 9 j. A provision that the County shall have access to the site, pursuant to reasonable
10 notice, to effect or complete decommissioning
- 11 k. A provision that the County shall have the right to review and reconsider the WECS
12 Project's Decommissioning Plan at the time of decommissioning, consistent with
13 changes in the land use of the project at that time
- 14 l. Upon review of the WECS Permit Application, the Platte County Board of
15 Commissioners shall set an amount to be held in bond, escrow, or other acceptable
16 form of funds. The decommissioning plan shall indicate who shall provide Platte
17 County with financial assurance to cover the estimated costs of decommissioning
18 and that the County shall have access to the facility and to the funds to effect or
19 complete decommissioning one (1) year after cessation of operations.
- 20 m. The applicant or permittee shall provide the county with a new estimate of
21 decommissioning of the WECS Project every (5) years under the same conditions as
22 forth above.
- 23 T. Wyoming Game and Fish Department (WGF) request for information; the applicant(s) is
24 advised to request information from WGF during initial site selection regarding any crucial
25 or important wildlife and habitat areas that may be present. The applicant should include
26 annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The
27 applicant will need to assure access to the wind development area for the purposes of
28 annual wildlife monitoring activities. The County will route the WGF for comment to be
29 reviewed and incorporated into any report and approval.
- 30 U. Archeological and Historical Resources request for approval; the applicant(s) is advised to
31 seek approval from appropriate agencies for matters concerning archaeology studies,
32 historical importance, and any other relevant Federal, State and Local issues and to include
33 relevant reports in the application process. The County will route the Wyoming State
34 Historical Preservation Office (SHPO) and any other relevant agencies for comment to be
35 reviewed and incorporated into any report and approval.
- 36 V. Proof of liability insurance; the permittee of the WECS Project(s) shall maintain a current
37 general liability policy covering bodily injury and property damage with limits of at least
38 two million dollars (\$2,000,000) per occurrence and two million dollars (\$2,000,000) in the

1 aggregate. Evidence of liability coverage must be reported to the Platte County Planning
2 Office on an annual basis, and any loss of coverage must be reported within three (3)
3 working days of loss. Failure to maintain coverage shall be considered a cessation of
4 operations. If the application is approved, the permittee of the WECS(s) shall provide proof
5 of insurance to the Board of County Commissioners annually.

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

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

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

18 Following the provisions of Chapter 1 Section 1.05.060, Platte County Rules and Regulations,
19 additional or more thorough consideration shall be given to the following as the County
20 determines whether the proposed WECS Project. Through the Platte County application review and
21 approval process, the Planning and Zoning Commission and the Board of County Commissioners
22 have the option to approve in whole or in part, approve with conditions or remand the
23 recommendations back to the applicant for consultation with a particular governing body or
24 agency, deny with or without prejudice, postpone to a specific date, or postpone indefinitely.

- 25 A. Project Rationale. Project rationale, including estimated construction schedule, project life,
26 phasing, and likely buyers or markets for the generated energy.
- 27 B. Siting Considerations. Siting considerations, such as avoiding areas/locations with a high
28 potential for biological conflict such as wilderness study areas, areas of environmental
29 concern, county and state parks, historic trails, cemeteries, special management areas or
30 important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic
31 viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and
32 soils, where concerns for water quality, landslide, severe erosion, or high storm runoff
33 potential have been identified; and, avoiding known sensitive historical, cultural or
34 archeological resources.

- 1 C. Site and Development Plans. Site and development plans, which identify and/or locate all
2 existing and proposed structures; setbacks; access routes; proposed road improvements;
3 any existing inhabitable structures and residentially zoned lots within one-half (½) mile of a
4 commercial WECS Project; existing utilities, pipelines, and transmission lines; proposed
5 utility lines; utility and maintenance structures; existing topographic contours; existing and
6 proposed drainageways; proposed grading; areas of natural vegetation removal;
7 revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and
8 other relevant items identified by the county staff or planning commission. All maps and
9 visual representations need to be drawn at an appropriate scale.
- 10 D. Analysis of Local Economic Benefits. Analysis of local economic benefits, describing
11 estimated: project cost, generated taxes, percent of construction dollars to be spent locally,
12 and the number of local construction and permanent jobs.
- 13 E. Emergency Management Plan. The Emergency Management Plan shall be supplemented
14 and revised following construction of the WECS Project and prior to its operation if there
15 were any variations in the facility's construction which would materially impact the original
16 Emergency Management Plan.
- 17 F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused
18 by components of the project such as wind towers, cooling towers, steam plumes,
19 aboveground electrical lines, accessory structures, access roads, utility trenches and
20 installations, and alteration of vegetation. Those projects that are within a sensitive
21 viewshed, utilize reflective components, or that propose structures taller than thirty (30) feet
22 must provide a viewshed analysis of the project, including visual simulations of the planned
23 structures and analysis of potential visual impacts. The number of visual simulations shall be
24 sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be
25 from no less than four (4) vantage points that together provide a view from all sides of the
26 project. More visually sensitive proposals (e.g., wind power towers or exposed mirrors in
27 sensitive viewsheds) may require analysis from significantly more vantage points, such as
28 different distances and sensitive locations. The planning commission may also require a
29 Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred
30 sixty-degree (360°) computer analysis to map the lands within a defined radius of a location
31 that would likely be able to see an object. Significant visual impacts that cannot be
32 adequately mitigated are grounds for denial.
- 33 G. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of
34 the site by endangered or threatened species and whether the project is in a biologically
35 significant area. If threatened or endangered species exist in the area, consultation with
36 United States Fish and Wildlife Service (USFWS) and Wyoming Game and Fish will be
37 necessary.

- 1 H. Environmental Analysis. In the absence of a required state or federal agency environmental
2 review for the project, the planning commission may require an analysis of impacts to
3 historic, cultural, and archaeological resources, soil erosion (water and wind), flora, and
4 water quality and water supply in the area, when there is reason to believe that adverse
5 impacts to such may occur.
- 6 I. Solid Waste or Hazardous Waste. The WECS facility requirements shall include plans for the
7 spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as
8 collection methods for solid waste generated by the project. All solid waste and hazardous
9 materials related to the construction, operation, maintenance, and decommissioning of a
10 WECS facility shall be handled, stored or disposed of in accordance with the approved
11 waste management plan and in accordance with all applicable Federal, State and County
12 laws and regulations.
- 13 J. Height Restrictions and Hazard Review. Compliance with any applicable airport overlay
14 zone requirements and the ability to comply with FAA and military regulations pertaining to
15 hazards to air navigation must be demonstrated.
- 16 K. Transportation Plan for Construction and Operation Phases. Indicate by description and
17 map what roads the project will utilize during the construction and operation/maintenance
18 phases of the project, along with their existing surfacing and condition. Specify any new
19 roads and proposed upgrades or improvements needed to the existing road system to
20 serve the project (both the construction and O&M periods)—remember to identify needed
21 bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all
22 areas where modification of the topography is anticipated (cutting/filling) to construct or
23 improve the roadways. Address road improvement, restoration or maintenance needs
24 associated with the construction, ongoing maintenance/repair, and potential dismantling of
25 the project. Provide projected traffic counts for the construction period, broken down by
26 the general type/size of vehicles, and identify approximately how many trips will have
27 oversized or overweight loads. If significant impacts to the transportation system are
28 anticipated, the County shall require financial guarantees to ensure proper
29 repair/restoration of roadways or other infrastructure damaged or degraded during
30 construction or dismantling of the project. In such case, the "before" conditions of the
31 roadways and other infrastructure must be documented through appropriate methods
32 such as videos, photos, and written records, to provide a proper reference for restoration.
33 The Board of County Commissioners and the State of Wyoming Department of
34 Transportation may require the applicant to enter into a reasonable road use agreement
35 for the use of county roads or state highways prior to construction of the facility.
- 36 L. Public Safety. Identify and address any known or suspected potential hazards to adjacent
37 properties, public roadways, communities, aviation, etc., that may be created by the project.

- 1 M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate
2 compliance with Section 13.20.050 H. Noise.
- 3 N. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to
4 be followed the anticipated useful life, or abandonment, or termination of the project,
5 including evidence of proposed commitments with affected parties (county, any lessor or
6 landowner, etc.) that ensure proper final reclamation of the WECS project. Among other
7 things, revegetation and road repair activities should be addressed in the plan. Upon
8 approval of the WECS Permit and review of the decommissioning plan, the Platte County
9 Board of Commissioners shall set an amount to be held in bond, escrow, or other
10 acceptable form of funds. The decommissioning plan shall state that the WECS applicant or
11 permittee shall provide Platte County with Financial Assurance to cover the estimated costs
12 of decommissioning and that the county shall have access to the facility and to the funds to
13 effect or complete decommissioning one (1) year after cessation of operations. In addition,
14 the applicant shall provide the county with a new estimate of decommissioning of the
15 WECS every (5) years under the same conditions as forth above.
- 16 O. Annual Review and Reporting. The permittee shall submit to the Platte County Planning
17 Office on the first Monday of July each year following project approval a report regarding
18 maintenance and operation of the permitted WECS Project. This report shall include:
19 a. Any physical modifications to the WECS Project and/or its infrastructure.
20 b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of
21 any public roads, received by the applicant, owner(s) , parent company, permittee
22 or operator concerning the WECS, and the resolution of such complaints.
23 c. Calls for emergency services, including the nature of the emergency and how it was
24 resolved.
25 d. Status of liability insurance.
26 e. Any other information that the county may reasonably request.
- 27 P. Additions. Other probable and significant impacts, as identified through the review process.
- 28 Q. If approved. An as-built project plan shall be submitted to the Planning Office to show the
29 final location of all facilities, easements, rights-of-way, and transmission lines.

30 **Section 13.20.090 – Indemnification and Liability.**

- 31 A. The applicant, owner(s), parent company, permittee or operator of the WECS Project shall
32 defend, indemnify, and hold harmless the County of Platte and its officials from and against
33 any and all claims, demands, losses, suits, causes of action, damages, injuries, costs,
34 expenses, and liabilities whatsoever, including attorney's fees, without limitations, arising
35 out of acts or omissions of the applicant, owner(s), parent company, permittee or operator
36 associated with the construction and/or operation of the WECS project.

- 1 B. The permittee of the WECS Project shall maintain a current general liability policy covering
2 bodily injury and property damage with limits of at least two million dollars (\$2,000,000) per
3 occurrence and two million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage
4 must be reported to the Platte County Planning Office on an annual basis, and any loss of
5 coverage must be reported within three (3) working days of loss. Failure to maintain coverage
6 shall be considered a cessation of operations.

7 **Section 13.20.100 – Extension and Transfer of Permits.**

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

31 **Section 13.20.110 – Remedies.**

- 32 A. Failure to materially comply with any of the above provisions by the applicant or permittee
33 shall constitute a default under these Regulations.
- 34 B. Prior to implementation of the existing County procedures for the resolution of such
35 default(s), the appropriate County body shall first provide written notice to the applicant
36 and permittee setting forth the alleged default(s). Such written notice shall provide the

1 applicant or permittee a reasonable time, not to exceed 60 days, for good faith
2 negotiations to resolve the alleged default(s).

3 C. If the County determines in its discretion, that the parties cannot resolve the alleged
4 default(s) within the good faith negotiation period, the existing County regulation
5 provisions addressing the resolution of such default(s) shall govern.

6 D. When a decision is issued after hearing on an application for a permit under this article, the
7 decision is final for purposes of judicial review.

8 E. Any party aggrieved by the final decision of the board of county commissioners may have
9 the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of
10 Appellate Procedure.

11 F. The provision of these Regulations is enforceable by all appropriate legal remedies
12 including but not limited to injunctive relief or a writ of mandamus.

13 **Section 13.20.120 – Regulations and Design Standards - Non-Commercial.**

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

18 A. Approval as an Accessory Structure with only a Construction Certificate is subject to
19 compliance with the standard applications requirements and compliance with all the
20 following Non-Commercial WECS as set forth below, except for manufacturer designed
21 roof mounted units which will comply only to A-2 and A-6 through A-15 below:

- 22 a. Minimum Parcel Size and Total Height. The minimum parcel size to establish a
23 Non-Commercial WECS is one acre and the maximum tower height on a parcel less
24 than five (5) acres in size is sixty feet (60'). Parcels between five (5) and thirty-five
25 (35) acres in size shall have a maximum tower height of one hundred feet (100').
26 Parcels of thirty-five (35) acres and larger shall have a maximum tower height of
27 one hundred forty feet (140'). Any proposal that will exceed these standards will
28 require an approved Special Use Permit prior to issuance of a Construction
29 Certificate.
- 30 b. Noise. WECS shall not exceed 40 dbA, as measured at the closest neighboring
31 inhabited dwelling. The level, however, may be exceeded during short-term events
32 such as utility outages and/or severe winds storms.
- 33 c. Setbacks. The WECS shall be setback one hundred and ten percent (110%) of the
34 combined height of the tower plus the length to the tip of the blade from all
35 adjacent property lines.

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

- 1 n. Removal of Defective or Abandoned WECS. Any WECS found to be unsafe by an
2 authorized County official, or delegated party, shall be repaired by the permittee to
3 meet federal, state, and local safety standards or removed within six (6) months.
- 4 o. Cessation of Operation. If any WECS is not operated for a continuous period of
5 twelve (12) months, the County will notify the landowner by registered mail and
6 provided thirty (30) days for a response. In such a response, the landowner shall set
7 forth reasons for operational difficulty and provide a reasonable timetable for
8 corrective action. If the County deems the timetable for corrective action
9 unreasonable, they must notify the landowner and such landowner shall remove the
10 turbine within one hundred twenty (120) day of receipt of notice.
- 11 p. Maintaining compliance. All applicable Federal, State, and local regulations shall be
12 met and continually maintained for all WECS.
- 13 B. A Special Use Permit is required for any Non-Commercial WECS that exceeds the standards
14 defined in A.1. or any other standard listed herein.
- 15