

Chapter 13.20 - WIND ENERGY ~~SITING AND~~ ~~FACILITIES~~CONVERSION SYSTEM (WECS)

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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 siting and facilities~~ 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 ~~wind energy siting and facilities~~ 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 ~~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 13.20.020 – Applicability, Authority, and Severability.

Applicability. This Chapter governs ~~Wind Energy Siting and Facilities~~ 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~~ 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 ~~Wind Energy Siting and Facilities~~ [WECS](#) Permit does not preclude the need to obtain a Project ~~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 ~~wind energy facility~~ [WECS](#) that is not in compliance with this chapter or with any condition contained in a wind energy siting and facility permit or other land use permit issued pursuant to this chapter or any other applicable law or regulation.

Authority. Authority granted by the following Wyoming Statutes:

- A. Title 18 Counties. Chapter 5 Planning and Zoning, Article ~~42.~~ [Planning and Zoning Commission in its entirety and Article 5. Wind and Solar Energy Facilities in its entirety County Planning Commission, W.S. §§ 18-5-101 to 18-5-107, Article 2. Planning and Zoning Commission. W.S. §§ 18-5-201 to 18-5-207 and Article 5. Wind and Solar energy siting and Facilities W.S. §§ 18-5-501 to 18-5-513.](#)
- B. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article ~~43.~~ [Local Level in its entirety. General Provisions, W.S. §§9-8-101 to 9-8-302.](#)

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

Section 13.20.030 - Definitions.

A. "Aircraft Detection Lighting Systems" (ADLS): A lighting system designed for WECS and other similar facilities that monitors airspace around such facilities and automatically issues signals to activate lighting warning to approaching aircraft of the obstructions in a timely manner, and that complies with all applicable laws and regulations, including without limitations Federal Aviation Administration (FAA) requirements.

B. "Anemometer": An instrument for measuring and recording wind speed.

A-C. "Applicant(s)." The entity or person who submits to the County, pursuant to Sections 13.20.020 and 13.20.040 of these Regulations, an application for a preliminary plan review or the siting of any WECS, WECS Project or Substation.

D. "Financial Assurance." Reasonable assurance, at the discretion of the County Commissioners, from a credit worthy party that the costs associated with but not limited to,

1 construction; maintenance; consequences from an abandonment; or a failure to properly
2 execute closure, post-closure care is recoverable from applicant(s) under these Regulations.

3 E. "Industrial Siting Council": The council created pursuant to W.S. § 35-12-104.

4 F. "Nacelle": A large housing at the top of a WECS tower that contains all key components for
5 converting wind energy into electrical energy.

6 B.G. "Non-Commercial WECS": Wind Energy Conversion Systems that have a generating
7 capacity of 25kW or less and are located solely on the Landowner's Owner's property. The
8 owners of Non-Commercial WECS as defined herein are subject only the requirements
9 set forth in Section 13.20.120.

10 C.H. "Operator," The entity responsible for the day-to-day operation and maintenance
11 of any WECS, WECS Project or Substation, including any third-party subcontractors.

12 I. "Owner," The entity or entities with an equity interest in the WECS(s), including their
13 respective, successors and assigns. Owner does not mean (i) the ~~property-land~~owner from
14 whom land is leased for locating the WECS(s) (unless the ~~property-land~~owner has an equity
15 interest in the WECS(s)); or (ii) any person holding a security interest in the WECS(s) solely
16 to secure an extension of credit, or a person foreclosing on such security interest, provided
17 that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.

18 J. "Parent Company": A business that has a controlling interest in other companies and
19 provides financial, strategic, and operational support.

20 D.K. "Planner": Office of the Platte County Planner.

21 E.L. "Preliminary Plan Review," An initial review for the purpose of providing an Applicant formal
22 feedback about potential issues that the proposal may face. The Preliminary Plan Review
23 expressly does not grant approval and does not negate or minimize requirements that may
24 arise during later reviews of final proposals.

25 F.M. "Residential Dwelling and Occupied Structure(s)," Structures such as residences,
26 quonset huts, barns, commercial buildings, hospitals, and day care facilities. Primary
27 Structure(s) excludes structures such as storage sheds and loafing sheds.

28 N. "Professional Engineer," A qualified individual who is licensed as a professional engineer in
29 the State of Wyoming.

30 G.O. "Setback": The distance by which a WECS shall be sited away from property lines,
31 structures, zoning districts or other land uses as established in 13-20-050(D).

32 H.P. "Substation," The apparatus that connects the electrical collection system of the
33 WECS(s) and increases the voltage for connection with the utility's transmission lines.

34 I.Q. "Wind Energy Conversion System (WECS)," All necessary devices that together convert wind
35 energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical
36 components, WECS foundation, transformer, and electrical cabling from the WECS Tower
37 to the substation(s) and their support facilities, including transmission lines.

1 J.R. "WECS Project" The WECSs and associated support facilities including, but not limited to,
2 roads, substations, operation, and maintenance buildings, and permanent met towers as
3 specified in the siting approval application pursuant to Section 13.20.020 of these
4 Regulations and including the project area as defined by the owner.

5 K.S. "WECS Tower" The support structure to which the nacelle and rotor are attached. "WECS
6 Tower Height" means the distance from the highest point of a vertical rotor blade to the
7 top surface of the WECS foundation.

8 Section 13-20-040 – Prohibition and Penalties.

9 A. Prohibition. It is unlawful to locate, erect, construct, re-construct, install or enlarge a wind
10 energy siting and facilityWECS without first obtaining a Wind Energy Siting and
11 FacilityWECS Permit from the Board of County Commissioners; W.S. §§18-5-502(a)., unless
12 prior siting approval has been obtained for each individual WECS and Substation pursuant
13 to these Regulations.

14 B. Penalties.

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

18 b. Any wind turbine tower, wind generator or portion thereof or facility or portion
19 thereof erected in violation of this article shall subject the owner of the tower,
20 generator or solar energy panel or facility to a penalty of seven hundred fifty dollars
21 (\$750.00) per day for every tower, generator or solar energy panel or facility so
22 erected.

24 Section 13-20-050 - Regulations and design standards - Commercial.

25 All wind energy siting and facilitiesWECS shall be constructed to meet, and be maintained in
26 compliance with all Federal, State and Local requirements. Written statements providing proof that
27 the WECS Project is in full compliance with these relevant requirements shall be provided to the
28 Platte County Planning Office.

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

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

3 A. Permitted Locations. A ~~wind energy siting and facility~~WECS that complies with the
4 provisions of this section may be permitted in Commercial, Industrial, and ~~Agricultural~~RAM
5 Classification districts with an approved ~~Wind Energy Siting and Facility~~WECS Permit.

6 B. Design Standards.

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

9 b. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade
10 shall be thirty feet above the ground and fifteen feet above any structure or
11 obstacle within the fall zone of the tower.

12 c. Maximum Height. The maximum height for all structures shall be established
13 through the Wind Energy Siting and Facility Permit process, provided a structure
14 height of thirty feet, or less shall always be permitted.

15 d. Color. Towers and blades shall be green or tan FAA approved, non-reflective,
16 unobtrusive color that will help the project blend with the natural visual character of
17 the area.

18 e. Potable Water and Sanitary Sewer. All permanent occupied operation and
19 maintenance buildings must have approved potable water and sanitary sewer
20 systems. Approval shall be obtained from the State of Wyoming Engineer's Office
21 for water and State of Wyoming Department of Environmental Quality for
22 sewer/septic.

23 f. National Electric Code. All ~~wind energy siting and facility~~WECS projects shall
24 comply with the National Electric Code, current edition, applicable ICC Codes, and
25 shall comply with the standards of the Wyoming Department of Fire Prevention and
26 Environmental Safety.

27 g. Signage. There shall be no signage or logo of any type allowed on the WECS
28 tower(s) except for safety signs, warning signs and emergency contact signs as
29 provide in subsection G of this section. Any other signage shall only be allowed as
30 approved by the County.

31 C. Safety Certification.

32 a. WECS projects shall conform to applicable industry standards, including those of
33 the American National Standards Institute ("ANSI") and National Electrical
34 Commission ("NEC"). Applicants shall submit certificates of design compliance that
35 equipment manufacturers have obtained from Underwriters Laboratories ("UL "),
36 Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), or an
37 equivalent third party.

- 1 b. Following the granting of a Wind Energy Siting and Facility WECS Permit under
2 these Regulations, an independent third-party Professional Engineer licensed in the
3 State of Wyoming shall certify, as part of the Building Construction Certificate
4 application, prior to construction, that the foundation and tower design of the
5 WECS is within accepted professional standards, given local soil and climate
6 conditions.

7 D. Setbacks. In determining the required separation of a commercial WECS Project from the
8 uses listed, all applicable setbacks are to be followed. Where multiple setbacks are
9 applicable, the most restrictive applies.

10 a. Regardless of WECS tower height, at least One-Quarter (1/4) mile from:

- 11 i. Public road rights-of-way – except transmission lines associated with WECS;
12 ii. State Parks;

13 b. At least 1.1 times the WECS tower height, from:

- 14 i. Property lines contiguous or adjacent to the WECS tower, provided those
15 adjacent lands are zoned any classification other than Residential;

16 c. At least One-Quarter (1/4) mile, but not less than five-and-a-half (5.5) times the
17 WECS tower height from:

- 18 i. Residential dwellings or occupied structures;
19 ii. Platted subdivisions;
20 iii. Residential zoning districts;
21 iv. Third-party transmission lines;
22 v. Communications towers;

23 d. At least one (1) mile from:

- 24 i. Incorporated municipalities;

25 e. Setback distances may be reduced if approved, in writing, by: adjacent landowners,
26 operators of third-party transmission lines and communications towers, owner(s) of
27 a public rights-of-way or by the governing body of an incorporated municipality.
28 Those waivers shall be recorded in the Office of the County Clerk.

29 f. Setback distances may be modified at the discretion of the County Commissioners
30 if:

- 31 i. Setback distances have been waived, and recorded in the Office of the
32 County Clerk, pursuant to 13.20.050(D)(a) – (e).
33 ii. To minimize the degradation of the visual character of the area, additional
34 performance standards may be adopted by the County upon formal
35 consideration, review, and public hearing(s).
36 iii. Required from public road rights-of-way beyond those required in this
37 section to accommodate known animal migrations and frequent local

wildlife movements and to reduce the risk of motor vehicle and big game animal collisions.

- ~~c. All WECS Project structures shall be set back at least one-quarter (1/4) mile from any residential dwelling or occupied structure. The distance for the above setback shall be measured from the point of the residential dwelling or occupied structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The landowner of the residential dwelling or occupied structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a residential dwelling or occupied structure less than 5.5 times the WECS Tower Height.~~
- ~~d. All WECS Project structures shall be set back at least 5.5 times the WECS Tower Height from third party transmission lines, and communication towers.~~
- ~~e. All WECS Project structures shall be set back at least 1.10 times the maximum WECS Tower Height from any property line contiguous or adjacent to the facility, unless waived in writing by the landowner of every property which would be located closer than the minimum distance.~~
- ~~f. All WECS Project property line structures shall be set back a distance of at least 5.5 times the maximum WECS Tower Height and no less than one-quarter (1/4) mile from any platted subdivision or Residential District.~~
- ~~g. All WECS Project structures shall be set back one mile from any incorporated municipality, unless waived by the municipality.~~
- ~~h. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter (1/4) mile from any public road right-of-way.~~
- ~~i. All WECS Project structures shall be set back from State Parks a minimum of one-quarter (1/4) mile.~~
- ~~j. The applicant does not need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.~~
- ~~k. Setback distances may be modified at the discretion of the County Commissioners if:
 - ~~i. Affected adjacent property owner(s) have provided a waiver to the setback requirement, including such recordation at the Office of the County Clerk.~~~~

- 1 ii. ~~To minimize the degradation of the visual character of the area additional~~
2 ~~performance standards may be adopted by the County upon formal~~
3 ~~consideration, review, and public hearing(s).~~
4 iii. ~~Required from public road rights-of-way beyond those required in this~~
5 ~~section to accommodate known animal migrations and frequent local~~
6 ~~wildlife movements and to reduce the risk of motor vehicle and big game~~
7 ~~animal collisions.~~

8 D.E. Military Facility. No vertical construction of a WECS Tower within two (2) nautical miles of
9 any active federal military missile launch or control facility.

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

14 F.G. Safety/Access.

- 15 a. A minimum eight-foot fence shall be placed around the perimeter of the ~~wind~~
16 ~~energy siting and/or facility~~ WECS Project.
17 b. All WECS Towers must be ~~un-climbable~~ unclimbable by design or protected by anti-
18 climbing devices.
19 i. Site appropriate security enclosures with locking portals at least six feet
20 high.
21 ii. Anti-climbing devices twelve (12) feet vertically from the base of the WECS
22 Tower.
23 c. Appropriate warning signage shall be placed at the entrance, base of all pad-
24 mounted transformers, substations, and perimeter of the wind energy siting and
25 facility project.
26 d. Permanent visible, reflective, colored objects shall be placed on the anchor points
27 of guy wires and along the guy wires up to a height of 15 feet from the ground.
28 e. Shall provide the following at all locked entrances:
29 i. A visible "High Voltage" warning sign.
30 ii. Name(s) and contact number(s) for the electric utility provider.
31 iii. Name(s) and contact number(s) for the site operator.
32 iv. The facility's 911 address and GPS coordinates.
33 v. Knox boxes and keys shall be provided at locked entrances for emergency
34 personnel access.
35 f. Signage: Each WECS shall have one sign per turbine, or tower, attached to the base
36 of each WECS and at least one sign near the location where each WECS is accessed
37 from a public right-of-way. If a perimeter fence is erected, there shall also be at

1 least one sign on the perimeter fence near the fence entrance. Those signs shall be
2 at least two (2) square feet in area and contain the following:

- 3 i. Letters at least six (6) inches in height;
- 4 ii. A high voltage warning;
- 5 iii. A 24-hour emergency phone number;
- 6 iv. The name of who is permitted to operate the WECS;
- 7 v. Web address of the permittee;
- 8 vi. For signs affixed at the base of each WECS, or on a perimeter fence, that
9 sign shall have a unique identification number for that WECS;
- 10 vii. For signs posted along at a location where a WECS facility is access from a
11 public right-of-way, the sign shall also contain a facility site map indicating
12 the unique identification number for each tower or turbine.
- 13 viii. The purpose of these requirements is to ensure first responders can
14 positively identify a specific WECS.

15 v.g. Inspection: Upon issuing a WECS permit, the County shall have the right to inspect
16 the premises on which each WECS is located at any reasonable time. The County
17 may hire a consultant to assist with any such inspections at a reasonable cost to be
18 charged to the applicant(s) or Parent company, owner(s), or operator(s) of the
19 WECS.

20 G.H. Noise. No operating wind energy siting and facility shall produce noise that exceeds
21 any of the following limitations. Adequate setbacks shall be provided to comply with these
22 limitations.

- 23 a. Fifty (50) dBA, as measured at the property line of any neighboring residentially
24 zoned lot.
- 25 b. Forty-five (45) dBA, as measured at any existing neighboring residence between the
26 hours of nine p.m. and seven a.m.
- 27 c. Sixty (60) dBA, as measured at the property lines of the project boundary, unless
28 the landowner of the affected property and the planning commission agree to a
29 higher noise level, as follows:
 - 30 i. The landowner of a neighboring property that would otherwise be
31 protected by the sixty (60) dBA noise limitation may voluntarily agree, in
32 writing, to a higher noise level. Any such agreement must specifically state
33 the noise standard being modified, the extent of the modification, and be in
34 the form of a legally binding contract or easement between the landowner
35 (including assignees in interest) and the wind power facility developer,
36 effective for the life of the project. Notwithstanding any such voluntary
37 noise agreement between the affected landowner and the wind power
38 facility developer, the agreement shall only be effective and reflected in the

County's authorization of the project when it has been reviewed and determined acceptable to the County. The County shall consider the likely impacts and consequences of the modified noise limit requested, based on the specific circumstances of the situation, in determining whether to grant the request. Any such noise agreement must be submitted with the Wind energy siting and Facility Permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the Wind Energy Siting and Facility Permit.

H.I. Visual Appearance.

- a. WECS Project buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the 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 ADS Aircraft sensor systems 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.

H.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).

H.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

1 Division of Air Quality and the Wyoming Division of Water Quality, applicable permits
2 required by Platte County, and applicable Federal permits.

3 ~~K.L. Agreements/Easements.~~ If the land on which the project is proposed is to be leased, rather
4 than owned, by the WECS Project development company, all property within the project
5 boundary must be included in a recorded easement(s), lease(s), or consent agreement(s)
6 specifying the applicable uses for the duration of the project. All necessary leases,
7 easements, or other agreements between the WECS Project development company and
8 the affected parties ~~must shall~~ be in place prior to commencing construction, unless
9 specified otherwise by the ~~Wind Energy Siting and Facility~~WECS Permit.

10 M. Use of Public Roads. Any applicant(s), owner(s), or operator(s) ~~of the WECS~~ proposing to
11 use any ~~county, municipality, township, village or State Road(s)~~public or private road(s), for
12 the purpose of transporting WECS(s), substation parts, and/or equipment for construction,
13 operation, ~~or~~ maintenance, or decommissioning of the WECS(s) or substation(s), shall
14 submit a Transportation Plan.

15 L.a. All transportation plans shall include the following:

16 a.i. An index of all ~~Identify all such~~ public roads, and alternative routes, to be
17 used for construction activities. That index shall include ~~by submitting~~ a
18 detailed ~~mapping~~ of haul routes which shall be submitted with the ~~Wind~~
19 Siting and FacilityWECS Permit application.

20 b.ii. Obtain aApplicable weight and size permits from relevant government
21 agencies prior to construction.

22 iii. For public roads, ~~Obtain~~ new access, access modification, or change of use
23 of access permit; ~~or~~ utility crossing permits from ~~WYDOT for impacts to any~~
24 State Highway facilities.the applicable government agencies.

25 c.iv. An estimate of construction-related traffic, to include truck round trips and
26 timeframe to transfer all necessary materials.

27 ~~d.b.~~ The applicant(s), at the discretion of the County Commissioners, may be requested
28 to provide additional studies and reports prepared by a 3rd party Wyoming licensed
29 civil engineer to determine if impacts to public roads will occur. If impacts are
30 determined, a mitigation plan and/or long-term road maintenance agreement will
31 be required.

32 e.c. If potential road impacts are determined to extend beyond County boundaries, the
33 applicant(s) will be responsible to contact all potentially impacted jurisdiction(s), and
34 to provide written documentation of the contacts as well as written statements from
35 the jurisdiction(s) that they are aware of the potential impact. All required written
36 statements shall be provided to the Platte County Planning Department prior to the
37 scheduling of the hearing for the ~~Wind Energy Siting and Facility~~WECS Permit.

1 ~~f.d.~~ To the extent an applicant~~(s), owner(s),~~ or permittee operator(s) must obtain a
2 weight or size permit from the County, the applicant~~(s), owner(s),~~ or permittee
3 operator(s) shall:

4 i. Conduct a pre-construction baseline survey to determine existing road
5 conditions for assessing potential future damage.

6 ~~ii.~~ Estimate the financial impact of WECS construction on impacted roads or
7 other public infrastructure.

8 ~~iii.~~ Secure Financial Assurance in a reasonable amount at the discretion of the
9 County Commissioners for the purpose of maintaining and repairing any
10 damage to public roads caused by constructing, operating, or maintaining
11 for the life of the WECS Project including decommissioning.

12 ~~iv.~~ The use of public roads and other infrastructure shall be in accordance with
13 and compliance of Federal, State and County regulations governing such
14 activities. Any degradation to or damage of public roads or other
15 infrastructure by parties affiliated with the installation, operation, or
16 maintenance of WECS Project will bear all costs required to return the public
17 roads or other infrastructure to their original or better condition prior to
18 their use of same. If Platte County has entered into any Memorandum of
19 Understanding with any other counties in the proposed WECS Project(s),
20 including counties in other states as applicable, the owner-applicant shall
21 furnish proof of compliance with the requirements of any such county.

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

28 ~~N.O.~~ Operation.

29 a. Maintenance.

30 i. The ~~owner(s) or operator(s)~~ permittee of the WECS ~~must shall~~ submit a
31 yearly statement noting that all aspects of the WECS Project are being
32 maintained per manufacturer's instructions and directions for relevant
33 components of the facility as well as per all State and Federal requirements.

34 ii. The permittee of the WECS shall be responsible for controlling all
35 Designated and declared weeds shall be controlled on permitted sites
36 during and after the life of the operation. This shall be maintained to the
37 satisfaction of County Weed & Pest District.

1 iii. Periodic maintenance will include upkeep to all structures and grounds for
2 material state and aesthetics. Routine scheduled maintenance shall include
3 the repainting of equipment and structures and groundwork or landscaping
4 as appropriate to the location and the installed or erected assets.

5 iii.iv. If any WECS tower is not functioning as intended and is not repairable it
6 shall be removed according to the decommissioning standards. Cost for
7 decommissioning shall be borne by the applicant or permittee of the WECS.

8 b. Interference.

9 i. The applicant(s) shall provide the applicable microwave transmission
10 providers and local emergency service provider(s) (911 operators) copies of
11 the project summary and site plan. To the extent that the above provider(s)
12 demonstrate a likelihood of interference with its communications resulting
13 from the WECS(s). ~~The applicant(s)~~ shall take reasonable measures to
14 mitigate such anticipated interference.

15 ii. If, after construction of the WECS(s) Project, the applicant(s), Parent
16 Company, owner(s), permittee or operator(s) of the WECS ~~owner(s) or~~
17 ~~operator(s)~~ receive a written complaint related to interference with
18 emergency services communications, local broadcast of residential
19 television or other communications venues, the entity receiving the
20 complaint ~~owner(s) or operator(s)~~ shall ~~take steps to~~ respond to the
21 complaint as reasonably feasible, but not later than thirty (30) days after
22 receipt of the complaint. The entity responding shall provide a copy of their
23 response to the complaint to the Planner.

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

26 c. Materials Handling, Storage, and Disposal

27 i. All solid wastes related to the construction, operation, and maintenance of a
28 WECS Project shall be removed from the site promptly and disposed of in
29 accordance with all Federal, State and Local laws.

30 ii. All hazardous materials related to the construction, operation, and
31 maintenance of the WECS Project shall be handled, stored, transported, and
32 disposed of in accordance with all applicable Federal, State and Local laws.

33 O.P. Coordination with Local Fire Department and Emergency Management
34 Coordinator.

35 a. The applicant(s), ~~owner(s) or operator(s)~~ shall submit to the local fire department
36 and/or the Emergency Management Coordinator a copy of the site plan.

37 b. Nothing in this section shall alleviate the need to comply with all other applicable
38 fire laws and regulations.

1 P.Q. Federal, State and Local Requirements.

- 2 a. Federal Aviation Administration (FAA) The applicant~~(s)~~ and permittee offer the
- 3 WECS shall comply with all applicable FAA requirements.
- 4 b. Local Aviation Facilities The applicant~~(s)~~ and permittee will minimize all applicable
- 5 concerns and/or potential impacts with existing local public or private aviation
- 6 facilities.
- 7 c. Military The applicant~~(s)~~ or permittee of-for the WECS shall comply with all military
- 8 requirements whenever applicable.
- 9 d. Federal Communication Commission (FCC) The applicant~~(s)~~ or permittee of-for the
- 10 WECS shall comply with all FCC requirements.
- 11 e. Wyoming Industrial Siting Council The applicant~~(s)~~ offer the WECS shall comply
- 12 with all Wyoming Industrial Siting Council requirements.
- 13 f. United States Fish and Wildlife Service (USFWS) The applicant~~(s)~~ or permittee offer
- 14 the WECS Project shall comply with all applicable USFWS requirements including
- 15 federal endangered species regulations as established in the Federal Endangered
- 16 Species Act.
- 17 g. United States Army Corp of Engineers (COE) The applicant~~(s)~~ or permittee for-of the
- 18 WECS Project shall comply with all applicable COE requirements including the
- 19 Federal Wetlands regulations as established in the Federal Clean Water Act.
- 20 h. Wyoming Department of Environmental Quality (DEQ) The applicant~~(s)~~ or permittee
- 21 offer the WECS Project shall comply with all applicable DEQ requirements.
- 22 i. Noise Levels The applicant~~(s)~~ or permittee for-of the WECS Project shall comply with
- 23 all Federal, State and Local requirements.
- 24 j. Public Highway, Streets, Bridges or Navigable Streams The applicant~~(s)~~ or permittee
- 25 of the WECS should be aware that the County will strictly enforce Wyoming Statue
- 26 35-10-401 if any obstruction, injury and/or pollution occurs related to the WECS
- 27 Project.
- 28 k. Any and all other Federal, State and Local Requirements The applicant~~(s)~~ or
- 29 permittee for-of the WECS Project shall comply with all applicable governmental
- 30 requirements.

31 Q.R. Compliance with Additional Regulations. Nothing in these regulations is intended to

32 preempt other applicable local, State and Federal laws and regulations.

33 Section 13.20.060 - Preliminary Plan Review Application.

34 Approval of a Wind Energy Siting and Facility Permit is expressly not granted by approval of a

35 preliminary plan review and does not negate or minimize requirements of other agencies in any

36 manner. Any preliminary plan review process is meant to consider the land use from a local zoning

37 and land use perspective versus the required studies and formal details of the project. This puts

1 Platte County, adjacent counties, neighboring ~~property land~~owners and the public on notice that a
2 property is under consideration for a potential WECS Project, gives the applicant some awareness
3 of potential issues associated with a particular property and minimizes costs to the applicant until
4 such time that a ~~Wind Energy Siting and Facility~~WECS Permit application is submitted.

- 5 A. A Preliminary Plan Review application shall be submitted to ~~the Planner to~~ request approval
6 of a preliminary plan for a site for a potential WECS Project as an approved land use
7 whereby the concept of said use is approved without implying that a WECS Project is
8 approved or that any structure will ultimately be approved. Preliminary plan applications
9 shall not require that studies, detailed site plans, formal agreements and other information
10 requested per these Regulations be submitted. A separate Wind Energy Siting and Facility
11 Permit application will be required at a future date to proceed further with any WECS
12 Project and that application will necessarily meet all applicable requirements of these
13 Regulations. A Preliminary Plan application will contain financial assurance. (Cash,
14 Corporate Bond, or Surety Bond) that the applicant can construct and ~~operating-operate~~
15 the proposed WECS Project.
- 16 B. The Alternative Energy Permit application process for anemometers/meteorological towers
17 represents a type of preliminary plan as it allows the County, neighboring landowners, and
18 the general public to be made aware that a property is being studied for a potential WECS
19 Project with a Alternative Energy Permit request for any anemometer/meteorological
20 towers. Again, a separate Wind Siting and Facility Permit application would be required at a
21 future date to proceed further with any WECS Project and that application will necessarily
22 meet all applicable requirements of these Regulations.
- 23 C. Upon approval of a preliminary plan anemometers/meteorological towers and other non-
24 invasive or temporary structures may be permitted by the Board of Commissioners.

25 Section 13.20.070 - Wind Siting and Facility Permit Applications.

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

- 28 A. Verification that reasonable efforts have been undertaken to provide notice in writing to all
29 landowners within ~~one (1)~~five (5) miles of the proposed ~~wind energy siting and facility~~WECS,
30 to the military installation commander of the commander's designee, to military installation
31 commander of the commander's designees, federal, state, and local departments utilizing
32 airspace above, to the WYDOT District Engineer, and to all cities and towns located within
33 twenty (20) miles of the proposed wind energy siting and facility.
- 34 B. Notices shall include a general description of the WECS Project including its location,
35 projected number and capacity, likely routes of ingress and egress, other related facility
36 locations, and the likely location of electric transmission.

- 1 C. Notice shall be provided to the record ~~land~~owners and claimants of mineral rights located
2 on or under the lands where the proposed WECS Project will be constructed. Notice shall
3 include the location of the proposed WECS Project and underground wiring. Notice shall
4 ~~may~~ be made by publication~~certified mail return receipt requested~~. The certification of
5 notice shall be submitted with the application and shall comply with all standards and
6 requirements adopted by the Wyoming Industrial Siting Council.
- 7 D. Notice shall include a summary of the proposed WECS Project, invite the public to submit
8 comments and identify the time, date, and location of the hearing.
- 9 E. Except as provided here, an Affidavit of Publication to certify that that notices of the
10 proposed WECS Project have been published in a newspaper published in Platte County. If
11 no newspaper is published in Platte County, the publication shall be made in a newspaper
12 of general circulation. The notice shall be published at least twenty (20) days prior to the
13 public hearing and included the applicant's name and contact information, a general
14 summary/description of the project, place, date and time of the public hearings, and an
15 invitation to attend public hearings and/or submit written comments to the Planning Office.
16 Failure of the applicant to provide for the Affidavit of Publication for such notice(s) may,
17 result in removal of the application from the Planning and Zoning Commission and Board
18 of County Commissioners agenda and cancellation of public hearings.
- 19 E.a. The Planner may elect to publish the notice required in this section. If so, the
20 applicant shall obtain written permission from the Planner to forego the
21 requirement to publish a notice of hearing pursuant to this section. Furthermore,
22 the applicant will be required to reimburse the county for fees associated with
23 publishing this notice. If the Planner publishes notice pursuant to this subsection,
24 they shall also publish the same notice on the county website.
- 25 F. The name(s), address(es), and contact number(s) of the applicant(s), ~~owner(s)~~ and
26 operator(s), permittee who will operate the facility upon issuance of the permit and all
27 ~~property~~ landowner(s);.
- 28 G. A site plan showing:
29 a. Boundaries of the site.
30 b. Property lines, including identification of adjoining properties.
31 c. Setback lines.
32 d. All proposed wind energy siting and facility structures.
33 i. Including guy lines and anchor bases (if any).
34 ii. Electric cabling from the WECS Tower to the substation(s).
35 iii. Ancillary equipment and transmission lines.
36 e. Location of all existing structures with their uses identified.
37 f. Easements, public access roads, turnout locations, points-of-delivery, staging areas,
38 and rights-of-way.

- 1 g. Copy of the current FEMA FIRM map that shows the subject property.
- 2 H. A complete description of the proposed WECS Project and documentation to sufficiently
- 3 demonstrate that the requirements set forth in Section 13.20.050 will be met.
- 4 I. Certification that the proposed [WECS](#) facility will comply with all federal, state, and local
- 5 standards.
- 6 J. Analysis of local economic benefits, describing estimated: project cost, generated taxes,
- 7 percent of construction dollars to be spent locally, and the number of local construction
- 8 and permanent jobs
- 9 K. When land will not be dual use (i.e., wind with agricultural or wind with grazing) the
- 10 application shall include:
- 11 a. Weed/Grass Control Plan for property inside and outside the fenced area for the
- 12 entire property.
- 13 b. Landscaping Plan which shall incorporate native grasses, flowers, plants which will
- 14 provide wildlife and pollinator habitat, soil erosion protection and/or aid in
- 15 strengthening the soil structure.
- 16 c. Description of changes to agricultural production as a consequence of the facility, if
- 17 applicable.
- 18 L. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a
- 19 Wyoming Licensed Engineer with drainage calculations based on a [twenty-five \(25\)](#)-year
- 20 storm event unless the location, terrain and topography dictate a higher amount. Drainage,
- 21 Erosion, Dust Control, Grading and Vegetation Removal Plan to include the following:
- 22 a. Existing and proposed contours-
- 23 b. Existing wetlands and floodways-
- 24 c. Water management structures-
- 25 d. [Historic Drainage](#) flow direction-
- 26 e. Effects on downstream and upstream properties-
- 27 [f. Effects on irrigation-](#)
- 28 [f.g. Existing and proposed roadways](#)
- 29 [h. Erosion mitigation and runoff control-](#)
- 30 [g.i. Drainage through the WECS facility area-](#)
- 31 [—Dust control plan-](#)
- 32 [h.j. A mitigation plan that addresses the risk of erosion and flooding, including flooding](#)
- 33 [on all adjacent, upstream, and downstream properties.](#)
- 34 M. For WECS Project located within five hundred (500) feet of an airport or within approach
- 35 zones of an airport [or private airstrip](#), applicants shall complete and provide the results of
- 36 the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) for the Airport Traffic
- 37 Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review

1 of Wind energy siting and Projects on Federal Obligated Airports, or most recent version
2 adopted by the FAA.

3 N. A written emergency management plan for review and comment to county fire, county
4 emergency management, and the county sheriff. [The Emergency Management Plan shall](#)
5 include the 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 WECS is, or will be,
28 operated in compliance with all requirements therein.
- 29 h. If the WECS 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 WECS Facility permit is granted,
33 the plan shall be supplemented and revised following construction of the
34 WECS 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.

N.

- O. A 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 ~~wind energy siting and facility~~ WECS. 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.
- P. Evidence of adequate legal access and describe how private roadways within the WECS Project 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.
- Q. A traffic study of any public roadways leading to and away from the proposed facility.
- R. A project plan indicating the proposed roadways, facility location(s), substation locations, transmission, collector and gathering lines, and all other ancillary facility components.
- S. A 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 WECS is built (provided the approval shall be documented in landowner's lease for WECS project), the Reclamation and Decommissioning Plan shall include:
 - a. A description of the planned life of the facility.
 - b. Provisions describing the triggering events for decommissioning the WECS Project or any portion thereof upon 18 months of continuous non-operation of the WECS Project or of any aspect of any facility, unless by force majeure.
 - c. A description of the plan to remove the WECS Project equipment and to restore the land to its previous use upon the end of the facility's life.
 - d. Provisions for the removal of structures, debris, associated equipment, and cabling on and below the surface to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur.
 - e. Provisions for the restoration of the soil and vegetation.
 - f. 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.
 - g. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration.
 - i. Financial Assurance. The applicant shall provide financial assurance in one, or a combination of the following, at the discretion of the County Commissioners: self-bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected

1 form(s) of assurance of financial responsibility shall be filed with the County
2 Commission as part of the permit application procedures and prior to the
3 approval of ~~applicant(s)~~ the application. The Platte County Commission
4 may reject the proposed forms of assurance of financial responsibility if the
5 evidence submitted does not adequately assure that funds will be available
6 as required by these rules. Applicant(s) shall be notified in writing within
7 sixty (60) days of receipt of the evidence of financial assurance of the
8 decision to accept or reject the proposed forms of financial assurance. If an
9 application is approved, any bond or other form of financial assurance may
10 be canceled by the surety only after ninety (90) days written notice to the
11 Board of County Commissioners, and upon receipt of the Board's written
12 consent, which may be granted only when the requirements of the bond or
13 assurance have been fulfilled. Financial assurance amount may be
14 recalculated on a yearly basis at the discretion of the Board of County
15 Commissioners.

16 ii. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture
17 proceeding shall occur only after the Board of County Commissioners
18 provides notice to the applicant and permittee ~~owner(s) or operators(s)~~ and
19 any surety that a violation(s) exists, and the Board has decided to begin
20 forfeiture proceedings. The Commissioners may expend forfeited funds to
21 remedy and abate circumstances with respect to which financial assurance
22 was provided. If the forfeited bond or other financial assurance instrument is
23 inadequate to cover the costs to carry out the remedy or abatement, the
24 County Attorney shall bring suit to recover the costs of performing the
25 activities where recovery is deemed possible.

26 h. Identification of and procedures for County access to financial assurances.

27 i. Provisions that the terms of the decommissioning plan shall be binding upon the
28 applicant and permittee ~~owner or operator~~ and any other successors, assigns, or
29 heirs.

30 j. A provision that the County shall have access to the site, pursuant to reasonable
31 notice, to effect or complete decommissioning

32 k. A provision that the County shall have the right to review and reconsider the WECS
33 Project's Decommissioning Plan at the time of decommissioning, consistent with
34 changes in the land use of the project at that time

35 l. Upon review of the Wind Energy Siting and Facility ~~WECS~~ Permit Application, the
36 Platte County Board of Commissioners shall set an amount to be held in bond,
37 escrow, or other acceptable form of funds. The decommissioning plan shall state
38 that the facility owner/operator indicate who shall provide Platte County with

1 financial assurance to cover the estimated costs of decommissioning and that the
2 County shall have access to the facility and to the funds to effect or complete
3 decommissioning one (1) year after cessation of operations.

4 m. The applicant or permittee shall provide the county with a new estimate of
5 decommissioning of the WECS Project every (5) years under the same conditions as
6 forth above.

7 T. Wyoming Game and Fish Department (WGF) request for information; the applicant(s) is
8 advised to request information from WGF during initial site selection regarding any crucial
9 or important wildlife and habitat areas that may be present. The applicant should include
10 annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The
11 applicant will need to assure access to the wind development area for the purposes of
12 annual wildlife monitoring activities. The County will route the WGF for comment to be
13 reviewed and incorporated into any report and approval.

14 U. Archeological and Historical Resources request for approval; the applicant(s) is advised to
15 seek approval from appropriate agencies for matters concerning archaeology studies,
16 historical importance, and any other relevant Federal, State and Local issues and to include
17 relevant reports in the application process. The County will route the Wyoming State
18 Historical Preservation Office (SHPO) and any other relevant agencies for comment to be
19 reviewed and incorporated into any report and approval.

20 V. Proof of liability insurance; the owner(s) or operator(s) permittee of the WECS Project(s)
21 shall maintain a current general liability policy covering bodily injury and property damage
22 with limits of at least two million dollars (\$2,000,000) per occurrence and two million dollars
23 (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to the Platte
24 County Planning Office on an annual basis, and any loss of coverage must be reported
25 within three (3) working days of loss. Failure to maintain coverage shall be considered a
26 cessation of operations. If the application is approved, the ~~owner(s) or operator(s)~~
27 permittee of the WECS(s) shall provide proof of insurance to the Board of County
28 Commissioners annually.

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

32 Due to the complexity of commercial WECS Project, the County may require a development
33 agreement or other appropriate instrument to address taxing, land use, property assessment, and
34 other issues related to the project. For example, the County is interested in preventing large tax
35 shifts that may otherwise be incurred by county residents each year a centrally assessed wind
36 power facility is depreciated; therefore, cooperation to establish an agreement for payment in lieu
37 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 13.20.080 - Provisions for Wind Energy Siting and Facility 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 WECS 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, and likely buyers or markets for the generated energy.
- B. Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, cemeteries, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
- C. Site and Development Plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-half (½) mile of a commercial WECS Project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.
- D. Analysis of Local Economic Benefits. 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.
- E. Emergency Management Plan. The Emergency Management Plan shall be supplemented and revised following construction of the WECS Project and prior to its operation if there were any variations in the facility's construction which would materially impact the original Emergency Management Plan.

- 1 F. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused
2 by components of the project such as wind towers, cooling towers, steam plumes,
3 aboveground electrical lines, accessory structures, access roads, utility trenches and
4 installations, and alteration of vegetation. Those projects that are within a sensitive
5 viewshed, utilize reflective components, or that propose structures taller than thirty (30) feet
6 must provide a viewshed analysis of the project, including visual simulations of the planned
7 structures and analysis of potential visual impacts. The number of visual simulations shall be
8 sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be
9 from no less than four (4) vantage points that together provide a view from all sides of the
10 project. More visually sensitive proposals (e.g., wind power towers or exposed mirrors in
11 sensitive viewsheds) may require analysis from significantly more vantage points, such as
12 different distances and sensitive locations. The planning commission may also require a
13 Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred
14 sixty-degree (360°) computer analysis to map the lands within a defined radius of a location
15 that would likely be able to see an object. Significant visual impacts that cannot be
16 adequately mitigated are grounds for denial.
- 17 G. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of
18 the site by endangered or threatened species and whether the project is in a biologically
19 significant area. If threatened or endangered species exist in the area, consultation with
20 United States Fish and Wildlife Service (USFWS) and Wyoming Game and Fish will be
21 necessary.
- 22 H. Environmental Analysis. In the absence of a required state or federal agency environmental
23 review for the project, the planning commission may require an analysis of impacts to
24 historic, cultural, and archaeological resources, soil erosion (water and wind), flora, and
25 water quality and water supply in the area, when there is reason to believe that adverse
26 impacts to such may occur.
- 27 I. Solid Waste or Hazardous Waste. ~~As applicable, The WECS facility requirements shall~~
28 ~~include~~ plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous
29 wastes, as well as collection methods for solid waste generated by the project. ~~All solid~~
30 ~~waste and hazardous materials related to the construction, operation, and maintenance,~~
31 ~~and decommissioning of a WECS facility shall be handled, stored or disposed of in~~
32 ~~accordance with the approved waste management plan and in accordance with all~~
33 ~~applicable Federal, State and County laws and regulations.~~
- 34 J. Height Restrictions and Hazard Review. Compliance with any applicable airport overlay
35 zone requirements and the ability to comply with FAA and military regulations pertaining to
36 hazards to air navigation must be demonstrated.
- 37 K. Transportation Plan for Construction and Operation Phases. Indicate by description and
38 map what roads the project will utilize during the construction and operation/maintenance

1 phases of the project, along with their existing surfacing and condition. Specify any new
2 roads and proposed upgrades or improvements needed to the existing road system to
3 serve the project (both the construction and O&M periods)—remember to identify needed
4 bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all
5 areas where modification of the topography is anticipated (cutting/filling) to construct or
6 improve the roadways. Address road improvement, restoration or maintenance needs
7 associated with the construction, ongoing maintenance/repair, and potential dismantling of
8 the project. Provide projected traffic counts for the construction period, broken down by
9 the general type/size of vehicles, and identify approximately how many trips will have
10 oversized or overweight loads. If significant impacts to the transportation system are
11 anticipated, the County ~~may~~shall require financial guarantees to ensure proper
12 repair/restoration of roadways or other infrastructure damaged or degraded during
13 construction or dismantling of the project. In such case, the "before" conditions of the
14 roadways and other infrastructure must be documented through appropriate methods
15 such as videos, photos, and written records, to provide a proper reference for restoration.
16 The Board of County Commissioners and the State of Wyoming Department of
17 Transportation may require the applicant to enter into a reasonable road use agreement
18 for the use of county roads or state highways prior to construction of the facility.

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

21 M. Noise Limitations. Submit sufficient information regarding noise, to demonstrate
22 compliance with Section 13.20.050 H. Noise.

23 N. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to
24 be followed the anticipated useful life, or abandonment, or termination of the project,
25 including evidence of proposed commitments with affected parties (county, any lessor or
26 ~~property land~~owner, etc.) that ensure proper final reclamation of the ~~wind energy siting~~
27 ~~and facility~~WECS project. Among other things, revegetation and road repair activities
28 should be addressed in the plan. Upon approval of the ~~Wind Energy Siting and~~
29 ~~Facility~~WECS Permit and review of the decommissioning plan, the Platte County Board of
30 Commissioners shall set an amount to be held in bond, escrow, or other acceptable form of
31 funds. The decommissioning plan shall state that the ~~facility~~WECS applicant or permittee
32 ~~owner/operator~~ shall provide Platte County with Financial Assurance to cover the estimated
33 costs of decommissioning and that the county shall have access to the facility and to the
34 funds to effect or complete decommissioning one (1) year after cessation of operations. In
35 addition, the applicant shall provide the county with a new estimate of decommissioning of
36 the ~~wind energy siting and facility~~WECS every (5) years under the same conditions as forth
37 above.

- 1 O. Annual Review and Reporting. The ~~applicant, owner, and/or operator permittee~~ shall
2 submit to the Platte County Planning Office on the first Monday of July each year following
3 project approval a report regarding maintenance and operation of the permitted WECS
4 Project. This report shall include:
- 5 a. Any physical modifications to the WECS Project and/or its infrastructure.
 - 6 b. Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of
7 any public roads, received by the applicant, owner(s) ~~and/or operator, parent~~
8 ~~company, permittee or operator~~ concerning the ~~wind energy siting and~~
9 ~~facility WECS~~, and the resolution of such complaints.
 - 10 c. Calls for emergency services, including the nature of the emergency and how it was
11 resolved.
 - 12 d. Status of liability insurance.
 - 13 e. Any other information that the county may reasonably request.
- 14 P. Additions. Other probable and significant impacts, as identified through the review process.
- 15 Q. If approved. An as-built project plan shall be submitted to the Planning Office to show the
16 final location of all facilities, easements, rights-of-way, and transmission lines.

17 Section 13.20.090 – Indemnification and Liability.

- 18 A. The applicant, owner(s), ~~parent company, permittee and/or operator~~ of the WECS ~~of the~~
19 ~~wind energy siting and facility p~~Project shall defend, indemnify, and hold harmless the
20 County of Platte and its officials from and against any and all claims, demands, losses, suits,
21 causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including
22 attorney's fees, without limitations, arising out of acts or omissions of the applicant,
23 owner(s), ~~parent company, permittee and/or operator~~ associated with the construction
24 and/or operation of the ~~wind energy siting and facility WECS~~ project.
- 25 B. The ~~applicant, owner, and/or operator of the wind energy siting and facility~~ permittee of the
26 WECS pProject shall maintain a current general liability policy covering bodily injury and
27 property damage with limits of at least two million dollars (\$2,000,000) per occurrence and two
28 million dollars (\$2,000,000) in the aggregate. Evidence of liability coverage must be reported to
29 the Platte County Planning Office on an annual basis, and any loss of coverage must be
30 reported within three (3) working days of loss. Failure to maintain coverage shall be considered
31 a cessation of operations.

32 Section 13.20.100 – Extension and Transfer of Permits.

- 33 A. Extension of Permit: If construction of the ~~wind energy siting and facility WECS Project~~ has
34 not been commenced or the facility has not become operational as required, the permittee
35 may request the Board of County Commissioners to extend the permit for a period of up to
36 twelve (12) months upon a showing of good cause. The permittee shall provide such

1 information as is necessary for the Board of County Commissioners to determine whether
2 good cause exists for the extension. Good cause may include, but is not limited to, good
3 faith efforts to obtain required authorization for the facility from other agencies with
4 regulatory jurisdiction, delay in construction due to weather conditions, pending litigation,
5 or other causes which have delayed the project, and which are beyond the reasonable
6 control of the Permittee. The Permittee may request not more than two (2) separate
7 extensions, with such total extension period not to exceed twenty-four (24) months.

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

21 Section 13.20.110 – Remedies.

- 22 A. The applicant's, owner's, or operator's failure to materially comply with any of the above
23 provisions by the applicant or permittee shall constitute a default under these Regulations.
24 B. Prior to implementation of the existing County procedures for the resolution of such
25 default(s), the appropriate County body shall first provide written notice to the ~~owner(s)~~
26 and operator(s), applicant and permittee setting forth the alleged default(s). Such written
27 notice shall provide the ~~owner(s) and operator(s)~~ applicant or permittee a reasonable time,
28 not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
29 C. If the County determines in its discretion, that the parties cannot resolve the alleged
30 default(s) within the good faith negotiation period, the existing County regulation
31 provisions addressing the resolution of such default(s) shall govern.
32 D. When a decision is issued after hearing on an application for a permit under this article, the
33 decision is final for purposes of judicial review.
34 E. Any party aggrieved by the final decision of the board of county commissioners may have
35 the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of
36 Appellate Procedure.

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

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

Non-Commercial WECS shall be allowed as an Accessory Structure to an existing or proposed primary use in all zoning districts and shall be permitted by the issuance of an approved [building Construction eCertificate](#) when applicable, as defined herein, or by the issuance of a Special Use Permit.

- A. Approval as an Accessory Structure with only a [building Construction eCertificate](#) is subject to compliance with the standard applications requirements and compliance with all the following Non-Commercial WECS as set forth below, except for manufacturer designed roof mounted units which will comply only to A-2 and A-6 through A-15 below:

- a. Minimum Parcel Size and Total Height. The minimum parcel size to establish a Non-Commercial WECS is one acre and the maximum tower height on a parcel less than five (5) acres in size is sixty feet (60'). Parcels between five (5) and thirty-five (35) acres in size shall have a maximum tower height of one hundred feet (100'). Parcels of thirty-five (35) acres and larger shall have a maximum tower height of one hundred forty feet (140'). Any proposal that will exceed these standards will require an approved Special Use Permit prior to issuance of a [building Construction eCertificate](#).
- b. Noise. WECS shall not exceed 40 dbA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe winds storms.
- c. Setbacks. The WECS shall be setback one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.
- d. Clear Zone. The WECS shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines. The clear zone may be waived if the anchoring system for the structure is certified by a Wyoming Licensed Engineer.
- e. Tower Security. Any climbing apparatus must be located at least twelve feet (12') above the ground, and the tower must be designed to prevent climbing within the first twelve feet (12').
- f. Lighting. Wind energy systems shall not be artificially lighted with accent lighting. Wind energy systems must be lighted in accordance to the regulations and

guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

- g. Signs/Advertising. No tower shall have any sign, writing or picture that may be construed as advertising.
- h. Colors. All towers shall be an FAA approved neutral color and be non-reflective.
- i. Multiple WECS. Multiple WECS are allowed on a single parcel as long as the owner/operator permittee complies with all Non-Commercial WECS Regulations contained herein. Units shall be installed in compliance with minimum setbacks and clear zone requirements and the minimum distance between wind energy systems shall be equivalent to one hundred and ten percent (110%) of the combined height of the tower plus the blade length.
- j. Approved Wind Turbines. At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI) or other small wind certification program recognized by the American Wind Energy Association.
- k. On-site Electrical Use. On the application, the application must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.
- l. Compliance with FAA Regulations. Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- m. Utility Notification. Permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- n. Removal of Defective or Abandoned WECS. Any WECS found to be unsafe by an authorized County official, or delegated party, shall be repaired by the owner permittee to meet federal, state, and local safety standards or removed within six (6) months.
- o. Cessation of Operation. If any WECS is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provided thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) day of receipt of notice.

- 1 p. Maintaining compliance. All applicable Federal, State, and local regulations shall be
2 met and continually maintained for all WECS.
3 B. A Special Use Permit is required for any Non-Commercial WECS that exceeds the standards
4 defined in A.1. or any other standard listed herein.
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