

RULES AND REGULATIONS GOVERNING THE PERMITTING OF COMMERCIAL SOLAR ENERGY FACILITIES

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Section 1. Purpose.

These rules are adopted for the purpose of establishing the County’s regulations governing issuance of permits for the location, erection, construction, reconstruction, or enlargement of a Commercial Solar Energy Facility.

Section 2. Authority.

These rules are adopted pursuant to the authority of W.S. 18-5-504(a)(i) and (d).

Section 3. Definitions. As used in these rules:

- (a) “Commercial solar energy facility” or “facility” means a facility with a rated power capacity of more than one-half (0.5) megawatt of electricity from solar power that includes all lands where the owner or developer has rights to erect solar energy facilities, including lands for battery storage.
- (b) “Enlarge” or “enlargement” means adding additional energy capacity that is not permitted as part of an original permitting process.

Section 4. Permit Applications.

- (a) Applicants shall submit a completed Commercial Solar Energy Permit Facility Permit application to the Public Works Department not less than sixty (60) days prior to a regularly scheduled Planning and Zoning Commission meeting. No application shall be scheduled for consideration until all information prescribed in this section is determined to be complete by the Department

no less than forty-five (45) days prior to a public hearing held by the Planning and Zoning Commission.

(b) Applications shall comply with all the requirements identified at W.S. 18-503.

(c) In addition, applications shall also contain the following information in a format, and within time frames, required by the Department:

(i) A general description of the facility, including its approximate total name plate generating capacity; the potential equipment manufacturer(s), type(s) of solar modules and name plate generating capacity of each, number of solar arrays; the maximum collector height and maximum dimension of individual collectors; expected on-line life; and parcel legal description.

(ii) The name, and mailing address, phone number, and email of the applicant and of all owners of lands upon which the facility will be located.

(iii) The names, and mailing addresses, of all property owners within one (1) mile of the proposed facility.

(iv) A site plan showing property lines (including identification of adjoining property owners); planned location of solar arrays; support structures; solar array setback distances from the facility outer boundary, public road rights-of-way, and occupied structures or residences within one (1) mile of the facility; public & private access roadways and turnout locations; substations; ancillary facility components; tower locations; transmission, collector systems; utility lines; easements of record; proposed easements; existing and finished ground contours; outdoor lighting locations and luminaire details; types of signage and location; and irrigation ditches. If the application is granted the applicant will be required to revise the site plan to show the final location of all facilities.

(v) Elevation drawings or renderings of typical solar arrays.

(vi) 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 facility.

(vii) A list of all State and Federal agencies whose approval is required for the facility and a copy of such approval, including all required studies, reports and certifications. In the event that a

State or Federal agency has not yet approved a required study, report or certification, then the permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the county.

- (viii) Letters all property owners upon which the facility will be located or other legal documentation (leases, etc.) which demonstrate consent of the property owners.
- (ix) Any other information normally required by the county as part of its Zoning Rules and Regulations.
- (x) Certification that the applicant will provide for public notices that include information on: the place, date and time of public hearings; applicant's name and contact information; a general description of the project; a location map; projected number of modules and electrical capacity of the facility; routes of ingress and egress; location of electric transmission lines and other related facilities; and an invitation to attend public hearings and/or submit written comments to the Department. Failure of the applicant to provide for such notice(s) may, at the discretion of the Department, result in removal of the application from Planning and Zoning Commission or Board agendas and cancellation of public hearings.
- (xi) All access permits for public roads and, if required by the county engineer or Wyoming Department of Transportation, road use agreement(s) for the use of county roads or state highways.
- (xii) Written comments on the emergency plan received from the county fire warden, county emergency management coordinator and the county sheriff.
- (xiii) A description of changes to agricultural production as a consequence of the facility.
- (xiv) Evidence of notice to record owners of mineral rights. Before submitting the application, the applicant shall provide notice to record owners and claimants of mineral rights located on or under the land where the proposed facility will be constructed.
 - A. Such notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined, and persons to contact for additional information.

- B. Such notice shall be mailed by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents.
 - C. Such notice shall be published twice in a newspaper of general circulation in Sheridan County where the project is to be located.
 - D. Such notice and details of steps taken to notify the record owners of mineral rights shall be entered into the record either within the application or as separate exhibit filed with the Department and parties.
- (xv) A drainage study quantifying the stormwater runoff and identifying necessary drainage improvements that will result in no net increase from historic runoff rates. For purposes determining runoff, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage so long as pervious conditions (i.e. native, pasture, etc.) are maintained underneath the solar photovoltaic cells, panels, and arrays.
- (xvi) A Solar Glare Hazard Analysis utilizing software for Photovoltaic (PV) systems that provide an assessment of when and where glare will occur throughout the year. If solar glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, anti-reflective coatings, screening, distance, and angling of Solar PV modules in a manner that reduces glare to surrounding land uses of non-participating property owners.
- (xvii) Commercial solar energy facility application fee.

Section 5. Application Consideration.

- (a) Following the Department's determination of completeness, the application shall be scheduled for consideration at the next regular meeting of the Planning and Zoning Commission occurring no sooner than forty-five (45) days following said determination.
- (b) The Planning and Zoning Commission shall conduct a public hearing. Following the hearing, the Commission shall make a recommendation to the Board to grant or deny the application.
- (c) Following the Commission's recommendation, the application shall be scheduled for a public hearing before the Board not more than sixty (60) days after the application is determined complete.

- (d) Within forty-five (45) days from the date of completion of the Board's hearing, the Board shall render its decision per W.S. 18-5-507.

Section 6. Minimum Standards.

(a) Setback distances.

- (i) Three hundred (300) feet from an occupied structure or residence unless waived in writing by the owner of the structure or residence.
- (ii) One hundred (100) feet of any outer boundary of the facility.
- (iii) In the Agricultural district, two hundred (200) feet from any public road right-of-way, or in any other zoning district, one hundred (100) feet from any public road right-of-way.
- (iv) For lands within the boundaries of any incorporated municipality, setbacks shall be as recommended by the governing body of the municipality within the boundaries of that municipality.
- (v) Setbacks required from public road rights-of-way for proposed facilities may be increased by the Board beyond those required herein to accommodate known big game animal migrations and frequent local wildlife movements and to reduce the risk of motor vehicle and big game animal collisions based on consultation with the Wyoming Game and Fish Department, Wyoming Department of Transportation and county engineer.

(b) Glare.

No facility shall be placed such that solar glare casts on to adjacent properties or public roads.

(c) Height.

- (i) No solar array shall exceed fifteen (15) feet in height above adjacent grade.
- (ii) On-site poles, interconnection or safety system equipment shall not be limited in height.

(d) Drainage.

- (i) Drainage improvements shall be installed that will result in no net increase above historic runoff rates.
- (ii) No facility shall be placed in a regulatory Special Flood Hazard Area (SFHA).

(e) Signage.

- (i) No advertising or promotional lettering shall be displayed on any facility beyond the non-illuminated manufacture's or applicant's logo.
- (ii) Safety, warning, regulatory, emergency contact, directional and identification signs shall be permitted.

(f) Airports.

Facilities shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.

(g) On-site Electrical Lines.

All on-site electrical transmission, collector and gathering lines shall be placed underground.

(h) Outdoor Lighting.

Facility lighting shall be limited to the minimum necessary and full cutoff luminaires (e.g. “dark-sky” compliant) are required.

(i) Zoning Districts.

Commercial Solar Energy Facilities shall only be located in the Agricultural, Heavy Industrial and Light Industrial zoning districts.

Section 7. Referral.

The Board may refer a permit application to the Wyoming Industrial Siting Council for additional permitting per W.S. 18-5-509 when the Board finds there are potentially significant adverse environmental, social or economic issues which the Board does not have the expertise to consider or authority to address.

Section 8. Revocation or Suspension of Permits.

The Board may revoke or suspend a permit per W.S. 18-5-511

Section 9. Extension of Permits.

If construction of the facility has not been commenced or the facility has not become operational as required, the Permittee may request the Board to extend the permit for a period of up to twelve (12) months upon a showing of good cause. The Permittee shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the facility from other agencies with regulatory jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Permittee. The Permittee may request not more than two (2) separate extensions, from the Board, with such total extension period not to exceed twenty-four (24) months.

Section 10. Transfer of Permits.

- (a) Permits may not be transferred without the prior approval of the Board.
- (b) The Board may transfer a permit upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the permit by the prospective transferee.