

MEMBERS PRESENT

Hal Hutchinson, Chairman
Jason Gutierrez, Vice Chairman
Chad Ziehl, Member
Robert Grant, Member
Matt Mitchell, Member

MEMBERS ABSENT

STAFF MEMBERS PRESENT

Megan Nelms, Senior Planner
Eric Nelson, County Attorney
Lori Hall, Planning Secretary

OTHERS PRESENT

John Masterson
Christine Mikell
Spencer Martin
Evelyn Carpenter
Andrew Schieder
Shane Porter

The meeting was brought to order by Chairman Hutchinson at 5:35 p.m.

The Chairman lead the Pledge of Allegiance, subsequently introduced himself and all present commission members, staff, and welcomed all. Chairman Hutchinson outlined the meeting procedures and how the commission receives public comment.

The chairman announced that the Overland Estates major subdivision application had been withdrawn.

APPROVAL OF MINUTES

Chairman Hutchinson requested for a motion for the approval of the meeting minutes from the May 10, 2022 County Planning Commission Meeting. Mr. Ziehl motioned, Mr. Mitchell seconded the motion. All voted Aye. Motion carried.

**Case No. CUP20-002 - Dinosolar Solar Utility Installation CUP Extension Request
John Masterson, Attorney/Christine Mikell, Enyo Energy**

Ms. Nelms presented the case details and recommended the approval of the request to extend the date for commencement of construction of the project to December 2026.

John Masterson approached the commission to speak about the extension request as well as the next case on the agenda, CUP 22.02 Dinosolar Energy Storage System (BESS) Request. He gave an overview of the entire solar project and stated that they are not changing any of the major factors that the County considers in their approval of the permit. They are not changing the character of the project, not increasing the megawatts or the "footprint" of the project. He stated this is a unique situation in that they already have an approved permit, and due to circumstances somewhat out of their control, they are before the commission to request the construction commencement date extension.

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Christine Mikell then spoke to the commission on the need for the extension. She started by letting the commission know that earlier in the day she met with the County Fire Marshall and provided him with the same presentation. She began by stating that they were unable to secure a power purchase agreement during the most recent RFP requests from PacifiCorp and that in fact, no project in Wyoming were selected. However, they have released additional RFP and they are seeking renewables system wide. Their application is due in February 2023 and they will know in April if they were selected. She said they feel very confident about their possibility for selection because their project now has four signed interconnection agreements and they can add the storage to that. She said that if you look at PacifiCorp's system, there are not many projects that have these interconnections already in place, so it will put them at an advantage. She added that they are requesting the addition of the battery storage tonight because PacifiCorp is now requiring that if you submit a solar project for consideration, you must have storage with it.

Mr. Mitchell asked what kind of power output is involved. If it was a hot summer day and everyone was running their air conditioner, would this project be able to power the city? Ms. Mikell responded that it would far exceed the power needs for Casper. Mr. Mitchell then asked about lithium batteries and how they function over time. He was also curious if there was any supply issue with lithium for the battery storage. Is there a supply issue with the lithium?

It was the consensus of staff and the Chairman to finish the presentation and have a vote on the extension request prior to the presentation on the BESS CUP request. Ms. Mikell thanked the commission.

The chairman then opened the public hearing and asked if there was anyone to speak in favor of the application.

Andrew Schnieder approached the commission and spoke in favor of the project, stating he thought it would be a great thing for the county with regards to tax revenue and economic development.

John Kornkven also spoke in favor of the project. He asked if this project was going to affect the Six Mile Road and the Westwind Road extension and if that was still in consideration. County Attorney Nelson replied that, to his recollection, there was a corridor reserved through the solar project so that if the extension was ever constructed, there would be room to build the road through the project.

No one spoke in opposition to the application. The chairman then closed the public hearing.

The chairman then asked Ms. Mikell and Mr. Masterson to provide any rebuttal information. Ms. Mikell responded to the question about the proposed Westwinds Road. She stated that at the north end of the project, there is a corridor reserved for the right-of-way for the road should it come to pass. It's not an actual, defined alignment, and they are flexible of where the road would be located, but they have set aside land for it. As far as access, they would prefer to use that road if it is ever constructed, but otherwise, they will be using Melodi Lane for access to the project, as was originally presented with the application.

The chairman then asked what kind of responsibility does Dinosolar have to complete that road through the middle of their project. Ms. Mikell stated they have no responsibility of completing the road. She has spoken with County Commissioners on this topic as well. Dinosolar only leases they land the project is located on. So they cannot obtain an easement for the road and then give it to the County. The County

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would need to secure its own easement to build the road. She stated they are happy to work with the county in sharing costs on the road, but the county would need to obtain the easement themselves. The chairman then stated that he wasn't necessarily thinking in terms of them building the road, but providing the financial means to pay for the construction. Ms. Mikell stated that she has been told that that would be a discussion to have between Dinosolar and the County at the building permit level and that she has been told that the building permit fees may go towards building the road, but she is not sure how that would all work.

The chairman stated that they asked questions about construction of Westwind Road years ago and that it came up again last year with this original CUP application. He felt the county should have some support from the developer regarding construction of the road. Attorney Nelson replied that he recalled that the area was set aside for the potential construction of the road but that there was discussion that negotiations between Dinosolar and the county would happen independently if the county decided to move forward with the road. However, he has not been involved in any conversations since 2020 and at this point, it is probably an open question and there are many ways it could go if the road project were to come to fruition.

The chairman then asked if it would be appropriate for the commission to recommend to the Board that a cost sharing requirement be placed as a consideration on the permit. Attorney Nelson stated that he recalled that at the original permit approval, the potential cost sharing for the road with Dinosolar/Enyo would be negotiated separately from the CUP. He said that since all we are looking at is the date extension, addition of this topic would be a big enough change that we would need to look at a new permit for the project. He stated that we don't even know the county's future plan right now in terms of constructing the road and that he is comfortable that if the time comes, we can address and discuss the topic separate of this request and not tying it up with this project CUP.

Mr. Masterson approached the commission and stated that his recollection was the same as Attorney Nelson's. He reminded the commission that all the land for the project is private and Dinosolar is only leasing it. That is why Dinosolar cannot guarantee the location of an easement or the ability to secure it.

The chairman then asked if there were any further questions or discussion. There was none. He then asked for a motion.

Mr. Mitchell moved to approve the extension for the date of commencement of construction for the Dinosolar CUP. Mr. Ziehl seconded. Voting was as follows:

Hal Hutchinson	Yes
Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes
Motion carried	5/0

**Case No. 22.02 CUP - Dinosolar Battery Storage System (BESS) Conditional Use Permit
Christine Mikell, Enyo Energy**

Ms. Nelms presented the case and gave an overview of the project. She stated that staff was recommending approval of the conditional use permit for the BESS system.

John Masterson, attorney for the applicant, approached the commission and gave a short presentation, giving an overview of the entire solar project and how the BESS system is interrelated to the project.

Ms. Mikell then approached the board to continue the presentation. She started by stating that PacifiCorp is looking for 1150 megawatts with their next round of RFPs, so it is very competitive, but they stand a good chance. She then gave an overview of the taxes generated by the project, including property, lodging and sales & use taxes. Over the 35 year life of the project, with the solar and battery storage, it will amount to approximately \$148 million in tax revenue to the county.

She provided an overview of the entire project and then introduced Evelyn Carpenter who provided a technical overview of the BESS system and answered the commission's questions. She stated that most utilities are requiring storage with their projects as it helps to smooth prices and makes the energy more marketable. They are able to take solar energy during the day and store it until peak times, when people are getting home, turning on the A/C, etc. It allows them to then inject solar energy into the grid during non-solar hours.

To answer Mr. Mitchell's questions, she gave an overview of how battery technology has evolved over time. The industry has progressed and now they are mostly using lithium ion batteries as they are able to handle the charge and discharge daily. They are also less maintenance the other batteries, they are very self-contained. Evelyn addressed Mr. Mitchell's question about battery degradation and explained battery augmentation and how they add additional batteries over the life of the project. As batteries degrade, they add other batteries. With regard to lithium supply, it is in high demand, but the technology is changing and evolving and there are other batteries being developed, and if we see supply chain issues regarding lithium, then other technologies will be utilized.

She then showed pictures of how the batteries are set up on site. This is an approximately 25-acre parcel within the footprint of the solar installation project. She gave a technical overview of how the battery system operates and asked if there were any further questions.

Commissioner Gutierrez asked how storm water and battery storage work together and if they are compatible with each other. Ms. Carpenter responded that they will have a storm water management plan for the site to ensure water does not enter the battery enclosures. The enclosures themselves also sit on piles and they put gravel around it, so they are elevated. He stated that the plan in the information packet showed the batteries being placed in the storm water detention area. She replied that the site would be designed to accommodate that.

Shane Porter from WLC Surveying stated that the detention area was just placed on the exhibit, that the design is not fully finished. It was placed there knowing that they will be grading a 25-acre area flat and

they are just holding the storm water back to prevent it to go downstream and ensure that it is released slowly.

Commissioner Gutierrez then asked if the battery site was lined, or how they contain the fire suppression chemicals if they are ever discharged. She replied that each battery has a temperature and other monitors on them which is monitored 24/7. If for some reason certain cells started over heating, the water based suppression system would only affect those battery cells that are alarming. It would not flood the entire enclosure. In the event of a gas system discharging, the gas system would flood the enclosure and put out any thermal event and the gas is vented out the top of the enclosure.

The Chairman then asked some general questions about the battery storage buildings such as how tall they are, if they produce noise and required setbacks. Evelyn and Ms. Mikell provided the answers. There was general discussion on potential development near the battery storage sites.

The Chairman then asked if, as they add capacity to the batteries as they degrade, would they need a new CUP? Megan responded that it would only require a new permit if they made a substantial change to the project, such as increasing the footprint or the project or expanding it somehow. That would be the only reason they need a new permit. The Chairman then asked if the Town of Bar Nunn was notified of this CUP request. Megan stated that the Town was notified and that the Planning Office received no public comment on the application.

Christine approached the board and reiterated that they had met with the Fire Marshall. She stated that he said he would reach out to the building department with his comments, but his main question was the ability to disconnect from the system, which they can do. She said that overall, he felt comfortable with the project and what their safety plans were. She stated they were going to work closely with the fire department and ensure compliance with all fire codes. Megan restated that the county had not received any written comments from the Town, the Fire Department or any members of the public.

The chairman then asked about access into the BESS area, the exhibit shows two accesses. He asked that, if there was a wildfire, did fire feel there was adequate access. Christine then gave a brief overview of the different access points for the solar and BESS projects and stated fire has adequate access at all points throughout the projects.

The chairman then opened the public hearing.

Andrew Schneider spoke in favor of the application. No one spoke in opposition.

The chairman then closed the public hearing and asked if there were any further questions or discussion. Commissioner Gutierrez said that he would like to add two planning considerations, that written comments from the Fire Department and the Town of Bar Nunn be attached to the permit/final resolution.

The chairman asked if there were any further questions or discussion. Commissioner Gutierrez stated he wanted to add two considerations, that the County obtain a written letter of support from the County Fire Marshall and the Town of Bar Nunn.

Ms. Mikell addressed the commission again to reiterate that these facilities are very expensive and they are going to do everything in their power to ensure nothing happens to them. They do not want to see the Town of Bar Nunn harmed by a fire and they definitely do not want anything to happen to their equipment.

The chairman then asked for a motion. Mr. Grant motioned to approve the application including the additional considerations per Mr. Gutierrez. Mr. Ziehl seconded. Voting was as follows:

Hal Hutchinson	Yes
Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes
Motion carried	5/0

Casper Mountain Land Use Plan Update / Amendments

This agenda item was removed from the table and Megan gave an overview of the Plan and a recap of the May 10th meeting. She provided information on public comment that was provided, a summary of the comments and changes that were made to the plan draft. She also provided a response to the issues and questions asked by the Planning Commission at the previous meeting.

Attorney Nelson the provided an overview of the statute, stating that since these are not rules, the plan will be forwarded to the Board of Commissioners for approval, however they do not have to place the plan out for a 45-day comment period.

Melissa Ruth, consultant with Logan Simpson they gave a presentation about the development process for the plan. She provided an overview of the public input process, how the plan was developed and what kinds of changes and update were made to the plan.

Commissioner Gutierrez inquired about commercial uses and if they were only allowed in the red zones shown on the map. Melissa responded that comments on the plan were that people wanted smaller commercial on the mountain. Megan stated that it is important to remember that actual uses and zone district locations will be addressed in the Zoning Resolution, not in the land use plan. She said that they should think of the plan as a vision of what the community wants to see on the mountain and the zoning resolution as the rules or action items that will get us to that vision.

Commissioner Ziehl then asked about campgrounds and where they would be allowed. The chairman then asked about bed & breakfasts and if they would be allowed outside the commercial areas on the map. Mr. Nelson then interjected, explaining that all local governments must have a land use plan in order to enact zoning rules. This plan is intended to be a visionary document, not a law or rule. He provided an

overview of a Wyoming Supreme Court case from 2021 from Laramie County where the County lost because they put the weight of law on their Land Use plan versus enacting zoning rules.

Jason noted that on the future land use map, some areas of commercial need to be added in the resort areas along the river and Highway 220. There are many short term rentals and bed and breakfasts in the area that cater to fishing tourists. Megan acknowledged that and stated she would ensure it is added to the plan map.

The chairman then opened the public hearing and asked if anyone wished to speak in favor of the plan.

Andrew Schnieder spoke in favor of the plan, stating that the costs are too great to delay approving the plan. He is supportive of the process that staff and the consultants have utilized to garner public input and he supports moving the plan forward.

Doug Haupt approached the commission and stated he was not for or against the plan, but he was wondering about a steering committee. He thought that, after the last meeting, one was going to be formed. He wanted to know how the plan would affect him personally and his property on the mountain. He also asked if they were going to do anything about campers and campgrounds or water and sewer access. Not for or against ...wondered about a committee? Doug questioned how is this going to affect me? Attorney Nelson Eric stated that there may be some changes that affect Mr. Haupt over time, that again this is a visionary document, not a rule. Megan also encouraged Mr. Haupt to join the county in the process of developing the zoning rules. Topics like campgrounds will be addressed. Megan stated that that anticipated timeline for adopting the new zoning regulations would be in August-September of this year.

The chairman then closed the public hearing and ask if there was any further discussion. Mr. Mitchell requested that everyone in the community be part of the process and that they need to get involved. It is the only way for things like this to be successful. Mr. Grant stated he felt the plan looked really good and will be a positive step for the county in developing the new zoning regulations.

With that, the chairman asked for a motion. Mr. Mitchell moved to approve the amendments to the Casper Mountain Land Use Plan. Mr. Grant seconded. Voting was as follows:

Hal Hutchinson	Yes
Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes
Motion carried	5/0

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Public Comment

Kelly Boyle approached the commission and thanked them for the discussion. He said he understands much better now the intent of the plan and how it will be used. That it is just that, a plan, not a law.

Adjournment

There being no further business to come before the Board, the Chairman adjourned the meeting at 7:51 p.m.



Hal Hutchinson, Chairman

Natrona County Planning and Zoning Commission



Tracy Good

Natrona County Clerk

NOTE: Natrona County Planning and Zoning Commission meeting minutes contain a summary of discussions and are not intended to be verbatim.