

**GOSHEN COUNTY LAND USE PLAN**

**GOSHEN COUNTY, WYOMING**

**APPENDIX H**

**WIND ENERGY SITING REGULATIONS**

Recommended for approval by Goshen County Planning Commission on \_\_\_\_\_, 2017.

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# **WIND ENERGY SITING REGULATIONS GOSHEN COUNTY, WYOMING**

## **I. INTRODUCTION**

### **A. Title**

These regulations shall be “Appendix H” to the Goshen County Land Use Plan, and be referred to as the “Goshen County Wind Energy Siting Regulations.”

### **B. Purpose**

These regulations have been adopted for the following purposes:

1. To promote the supply of wind energy in support of Wyoming’s goal of increasing energy production from renewable energy sources;
2. To assure that any approval of a permit for the development and production of wind-generated electricity in Goshen County considers the health, safety and general welfare of the public;
3. To minimize the degradation of the visual character of the area;
4. To minimize impact to wildlife;
5. To facilitate economic opportunities for local residents and the community;
6. To be consistent with the general goals and purpose of the Goshen County Land Use Plan.

### **C. Authority**

The Goshen County Wind Energy Siting Regulations are adopted under the authority granted by the following Wyoming statutes:

1. Title 18 Counties. Chapter 5 Planning and Zoning, Article 1. County Planning Commission, §§18-5-501 to 18-5-513;
2. Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission, §§18-5-201 to 18-5-208; and
3. Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, §§9-8-301 to 9-8-302.

### **D. Applicability**

These regulations govern the siting, or enlargement, of any Wind Energy Conversion System (WECS), WECS project and substations in Goshen County, except to the extent an application for a permit is made or required to be made to the Industrial Siting Council as provided in Wyoming statute. Whenever the provisions of these regulations are found to be inconsistent with state regulations, the regulation imposing the more restrictive standard shall control. The owners of Non-Commercial WECS(s) as defined herein are subject only to requirements set forth in Section IX.

**E. Prohibition and Penalties**

1. No WECS Project, transmission lines or substation shall be located, erected, installed, constructed, re-constructed, or enlarged, within Goshen County, unless prior siting approval has been obtained for each individual WECS and substation pursuant to these regulations.
2. No owner, operator or other person shall:
  - (a) Commence to locate, erect, install, construct, or re-construct a WECS Project, transmission lines or substations on or after July 1, 2017 without first obtaining a permit required by these regulations;
  - (b) Enlarge a WECS Project which was constructed prior to July 1, 2017 without first obtaining a permit;
  - (c) Construct, reconstruct, operate, erect, maintain, enlarge, change or use a WECS Project other than authorized in the permit.
  - (d) Cause any of the acts specified in this subsection to occur.
3. Any person violating these regulations shall be liable for a civil penalty of not more than ten thousand dollars (\$10,000.00) for each violation. Each day of a continuing violation constitutes a separate offense.
4. Any wind turbine tower or wind generator erected or operated in violation of these regulations shall subject the owner of the tower or generator to a civil penalty of seven hundred and fifty dollars (\$750.00) per day for each tower or generator deemed in violation of these regulations.
5. Any penalties collected pursuant to this section shall be paid and credited as provided by Wyo. Stat. § 8-1-109.

**F. Preemption or Conflict with Other Laws**

Nothing in these regulations is intended to preempt other applicable local, state or federal laws, rules or regulations. In the event of any conflict, the more stringent requirement shall control.

**G. Severability**

If any section or provision of the Goshen County Wind Energy Siting Regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication shall 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 Goshen County Commissioners declares that it would have adopted

the valid portions and application of these regulations without the invalid part, and to this end the provisions of these regulations are declared to be severable.

## II. DEFINITIONS

**"Applicant"** means the entity or person who submits, pursuant to these regulations, an application to Goshen County for a preliminary plan review or an application for the siting of any WECS, WECS Project or Substation.

**"Attorney"** means Goshen County Attorney.

**"Clerk"** means Goshen County Clerk.

**"Commissioners"** means Goshen County Board of Commissioners.

**"Enlarge" or "Enlargement"** means the addition of wind turbines which are not permitted as part of an original permitting process.

**"Financial Assurance"** means reasonable assurance, at the discretion of the Goshen County Commissioners, from a credit worthy party that the costs associated with but not limited to, construction, maintenance, consequences from abandonment, or a failure to properly execute closure or post-closure care will be recoverable from any applicant, owner or operator under these regulations.

**"Immission"** means the sound energy received at a receiver (dwelling or property line) transmitted from the source (Wind Generation Device) which emitted sound energy (see Emission).

**"Industrial Siting Council"** means the council created by Wyo. Stat. §35-12-104.

**"Non-Commercial WECS(s)"** have a generating capacity of 25kW or less and are located solely on Owner's property. The owners of Non-Commercial WECS(s) as defined herein are subject only to requirements set forth in Section IX.

**"Operator"** means the entity responsible for the day-to-day operation and maintenance of any WECS, WECS Project or Substation, including any third party subcontractors.

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

**"Planner"** means Office of the Goshen County Planner.

**“Planning Commission”** means Goshen County Planning and Zoning Commission.

**“Preliminary Plan Review”** means an initial review for the purpose of providing an applicant formal feedback about potential issues that the proposal may face. The Preliminary Plan Review expressly does not grant approval and does not negate or minimize requirements that may arise during later reviews of final proposals.

**"Primary Structure"** means any structure such as a residence, Quonset hut, barn, commercial building, hospital, school and daycare facility. Primary structure excludes any structure such as a storage shed, loafing shed, or pump house.

**"Professional Engineer"** means a qualified individual who is licensed as a professional engineer in the State of Wyoming.

**“Permit”** is any document or approval issued by the Commissioners which authorizes a WECS project, including substations, in Goshen County.

**"Substation"** means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

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

**"WECS Project"** means the WECSs and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent MET towers as specified in the siting approval application, including the project area as defined by the Owner. WECS Project does not include WECS with a generating capacity of 25kW or less which are located solely on owner's property

**"WECS Tower"** means the support structure to which the nacelle and rotor are attached.

**"WECS Tower Height"** means the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

### **III. PRELIMINARY PLAN PROCESS**

#### **A. Preliminary Plan for Site Location or Study**

Any applicant shall submit a preliminary plan to the Planner which identifies the site of a potential WECS Project whereby the concept of said use is approved without implying that a WECS Project is approved or that any particular structure will ultimately be approved. A Preliminary Plan shall include the potential use of location of anemometers/meteorological towers for the purpose of studying the feasibility of a site.

#### **B. Preliminary Plan**

1. The submission of a preliminary plan puts Goshen County, adjacent counties, neighboring property owners and the general public on notice that a property is under consideration for a potential WECS Project. It may provide the owner with some awareness of potential issues associated with a particular property and minimize costs to the applicant until such time a full WECS Project is planned. Any applicant who submits a preliminary plan will be invited to attend a meeting before the Planning Commission and the Commissioners who will review the plan and who may make recommendations. Approval of a preliminary plan does not constitute approval of a WECS project, or any part thereof.
2. An applicant must submit an Application for WECS permit which will be reviewed solely upon the contents of the application without any regard for the preliminary plan or the preliminary process.

### **IV. APPLICATION PROCESS FOR WECS USE PERMIT**

#### **A. Contents of Application**

Any owner or applicant who desires to locate, erect, install, construct, re-construct, and/or enlarge a WECS Project shall submit an application to the Office of the Planner. The application, shall at a minimum, contain the following information:

1. The name, address, and phone number of each applicant, owner and operator, including their respective business structures, and of every property owner;
2. The name, address, and phone number of each non-participating property owner located within two (2) miles of the WECS Project site;
3. A general legal description which adequately defines the limits of the project.



4. A WECS Project summary, including, to the extent available: a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS, number of WECS, and name plate generating capacity of each WECS; and the maximum height of the WECS Tower(s) and maximum diameter of the WECS rotor(s);
5. A site plan for the installation of a WECS Project showing the planned location of each WECS tower (latitude, longitude), guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations (latitude, longitude), substation(s), electrical cabling from the WECS Tower to the substation(s), ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
6. All information and certification required by Wyo. Stat. §18-5-503 and §18-5-504;
7. Letters of consent to permit from all property owners and copies of any executed leases or similar agreements;
8. A list of all local, state and federal agencies requiring approval and the projected timeline for obtaining approval from these agencies. If approved, applicant shall provide a copy of such approvals, including all required studies, reports, and certifications demonstrating compliance with the provisions of these regulations and compliance with all applicable state and federal regulations. When a WECS Facility requires a Federal National Environmental Policy Act (NEPA) document and approval, the applicant shall submit, with the application for a WECS Facility Permit, a completed, published electronic Draft NEPA document for the proposed WECS Facility; and
9. Any other information as may be required by the Planning Commission, Planner or Commissioners to consider the application;

## **B. Supplemental information**

1. **Liability insurance.** An applicant, on behalf of the owner and operator, shall demonstrate the ability to obtain a general liability policy covering bodily injury and property damage of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Upon approval of the permit, both the owner and operator shall, within thirty (30) days, provide proof of the insurance policy to the Planner and Clerk who shall maintain a copy on file. The owner and operator shall maintain such insurance at all times during operation and decommissioning. Further the owner and operator shall provide proof of such insurance on an annual basis and file a copy with the Clerk.

2. **Roads.** An applicant shall identify all publicly maintained roads which may be used during any phase of study, construction, operation, maintenance and decommission. An Industrial Road Use Agreement for Goshen County shall be required at the time of the application.
3. **Wyoming Game and Fish Department (WGF).** An applicant shall request, during initial site selection, information from WGF on critical habitat of protected species that may be present. The applicant should obtain a letter from WGF verifying that the applicant has coordinated with WGF about the project site selection and describing any annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The applicant will need to ensure access to the wind development area for the purposes of annual wildlife monitoring activities, if required. The applicant need not complete duplicative studies, but shall provide the County Planning Office with wildlife studies contained in existing environmental assessments and/or formal NEPA studies such as the Environmental Impact Statements which cover the project area. The County Planning Office will also route the application to WGF for comment and review of pertinent reports. WGF will have forty-five (45) days from the date it receives the application to provide the County Planning Office with its comments concerning the application. If no comments are received within forty-five (45) days, the County Planning Office will assume the application is in order with the WGF and proceed with the permitting process. If the project requires review by the Wyoming Industrial Siting Council, the project is exempt from this provision.
4. **Archeological and Historical Resources.** Any applicant is advised to seek comments and approval from appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant federal, state and local issues and to include relevant reports in the application process. The applicant need not complete duplicative studies, but shall provide the County Planning Office with relevant historical or archeological studies contained in reports required by other jurisdictions. The County Planning Office will also route the application to the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment and review. These agencies shall have forty-five (45) days from the date they receive the application to provide the County Planning Office with its comments concerning the application. If no comments are received within forty-five (45) days, the County Planning Office will assume the application is in order and will proceed with the permitting process. If the project requires review by the Industrial Siting Council, the project is exempt from this provision.
5. **Environmental Impact.** Any applicant is advised to seek advice from NRCS, EPA, Wyoming DEQ or any appropriate agency with regard to impact to the environment.
6. **Noise.** The WECS Facility requirements shall include a report on the following including any necessary mitigation measures:

a. The applicant shall provide a report describing the impact of the proposed WECS with the application on the adjacent community and residents. It shall describe in detail all noise studies/models and must demonstrate compliance with all ANSI/ISO standards for outdoor measurements and model predictions. Where such standards/protocols include confidence limits or limitations of use the report shall present them and provide an explanation how they were addressed. Applicable ANSI Standards include: S12.9 “Quantities and Procedures for Description and Measurement of Environmental Sound” Part 4 “Noise Assessments and Prediction of Long-term Community Response” and ISO 9613-2 “Acoustics-Attenuation of sound during propagation outdoors, Part 2, “General Method of Calculation.” The computer model developed to estimate sound propagation from the WECS into the community shall be constructed to represent the sound immissions at the receiving properties for the predicable worst case conditions for sound immissions and propagation including that of a stable nighttime atmosphere with high levels of wind shear and turbulence above the temperature inversion boundary. Models shall be constructed using octave band sound power levels covering the range of 31.5 to 4,000 Hz minimum. Predictions shall address all parts of the community where sound immission levels may exceed 30 dBA and 40 dBC. All measurements, models, and reports shall be produced and certified by a qualified acoustical consultant with Full Member status with the Institute of Noise Control Engineering (INCE) and include:

- i. A description and map of the project’s sound producing features, modeled in dB(A) and dB(C), and the basis for the expectation.
- ii. A description and map of the existing land uses and structures including any residences, hospitals, libraries, schools, places of worship, and parks within one and one quarter (1.25) miles of the exterior boundary of the proposed WECS. Said description shall include the location of the structure/land use, distances from the source of the sound or WECS and background (as defined in S12.9, Part 1 for “residual noise) decibel readings (including appropriate documentation per ANSI standards for reporting, keyed to the date and time when measurements are taken, for each identified land use and structure described and mapped.
- iii. A description of the project’s proposed sound control features shall be described in detail including specific measures to minimize noise impacts to structures and land uses identified in the preceding item. Information and potential post construction mitigation options shall be described. If there are no post construction mitigation methods available, a statement to that effect shall be included along with reasons supporting that statement.
- iv. The report shall address the potential for any and all adverse impacts from wind turbine sound immissions on the community and its residents located within 1.25 miles from the boundary of the WECS.

- v. The report shall provide sufficient detail to permit complete peer review and include the information required in Ansi s12.18 “Procedures for Outdoor Measurement of Sound Pressure Levels” Section 9, Reporting.

**7. Visual Impact.** WECS Facilities shall not adversely impact scenic areas which are considered important by federal, state and local governments. Important scenic areas include visual corridors, viewsheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Goshen County, and any adverse visual impacts caused by the proposed WECS Facility, the Commissioners shall take into account the federal, state and local important scenic areas, the WECS visual simulations and public comment. The Commissioners may require specific design standards or restrictions that may mitigate or prohibit the degree to which the WECS Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting.

- a. Visual Simulation Standards: The Applicant shall employ representative sampling to achieve a fair and accurate result regarding the visual impacts of the proposed WECS Facility to residents of Goshen County. A minimum of 25 key vantage points providing the worst case scenario, in coordination with the Planning Department, that are representative of the diverse public usage of the land including recreational, residential and business.
- b. WECS Facility Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, Wind Generation Devices or WECS and other WECS Facility structures shall be painted a non-reflective and unobtrusive color that blends with the landscape and is accepted by the Commissioners. The color selected shall be compatible with the natural visual character of the area.
- c. Significant Shadow Flicker: WECS Facilities shall be designed so that there is no Significant Shadow Flicker at an adjacent property unless waived in writing and recorded against the property by the landowner in the Goshen County Clerk’s office.
- d. Visibility, Screening and Buffering: WECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining viewshed.
- e. Light Pollution: WECS Facilities, including buildings and structures, shall be located to make maximum use of existing terrain, vegetation and structures for purposes of maintaining the viewshed.

- f. Screening of Outdoor Storage: Except during construction, reconstruction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened.
- g. Buried Collector and Gathering Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines is not feasible or will violate other guidelines, standards or applicable law. Any variance must be approved by appropriate State and local authorities.
- h. Signage: There shall be no advertising or promotional lettering of any type allowed on any WECS Facility structures or Wind Generation Devices beyond the manufacturer's or applicant's logo on the nacelle of the turbine.

**8. Social and Economic Impact.** The social and economic reporting requirements shall include the following and any mitigation measures to address adverse social and economic impacts:

- a. The estimated amount of property, sales and other taxes to be generated by the project in Goshen County and outside of Goshen County.
- b. Estimated local expenditures of construction materials in Goshen County.
- c. The estimated number of construction jobs and estimated construction payroll. Estimated number of local construction job opportunities.
- d. The estimate the construction workforce spending in Goshen County.
- e. The estimated number of federal, state and local government jobs effected and added as a result of the WECS project.
- f. The estimated number of permanent jobs and estimated continuing payroll.
- g. The estimated demographic characteristics of the construction and permanent work force including workers, family members and any adverse impacts on local infrastructure i.e., schools, housing, EMS, local and state government, law enforcement, health, etc..

- h. The estimated costs of the WECS Facility's impact on roads or other public infrastructure.
- i. A mitigation plan to address identified significant adverse socio-economic impacts.

**9. Air Quality.** Conduct a study to determine air quality changes brought about by WECS development.

### **C. Notification of Changes Pending Review**

The applicant shall immediately notify the Commissioners of changes to any of the information contained in the application while it is pending review and consideration by the county.

### **D. Fees for Application**

Goshen County, upon receipt of an application under these regulations for the permitting of a wind energy facility, shall charge the applicant a fee of \$5,000 minimum or \$250 per tower whichever is greater. Goshen County shall charge the applicant these permit fees to cover the anticipated administrative costs of processing and considering the application, conducting public hearings, issuing any permit and overseeing compliance with the permit conditions and requirements.

### **E. Procedure for Processing Application**

1. The permit application and corresponding fees must be delivered to the Planner.
2. The applicant shall submit twelve (12) paper copies of the permit application and one copy in electronic PDF format.
3. The Planner will forward the permit application to the members of the Planning Commission.
4. The Planning Commission will meet, within thirty (30) days of submission, to review the permit application and determine whether the application is complete.
5. If the permit is determined to be incomplete, the Planning Commission will outline the additional information which is required. The applicant shall provide the additional information to the Planner within thirty (30) days of notification.
6. The Planning Commission will consider any additional information supplied by the applicant and forward the permit application to the Commissioners with a recommendation of approval or a recommendation of denial.

7. Upon receipt of an application, the Commissioners shall conduct a review of the application to determine if it contains all the information required by these regulations. If the Commissioners determine that the application is incomplete, it shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information from the Commissioners. When the Commissioners determine that the application is complete it shall notify the applicant that the application is complete and shall provide notice of the date and time at which the public hearing will be conducted.
8. The applicant shall cause a public notice of the hearing to be published in a newspaper of general circulation in Goshen County for two (2) consecutive weeks with the last publication at least ten (10) days prior to the public hearing. The notice shall include a brief summary of the proposed wind energy facility, invite the public to submit comments, and identify the time and date of the hearing.
9. The Commissioners shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comment on the application shall be accepted by the Commissioners for not less than forty-five (45) days after determining that the application is complete.

#### **F. Decision of the Commissioners**

1. Within forty-five (45) days from the date of completion of the public hearing the Commissioners shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by these regulations and state statute. The decision shall be subject to the remedies provided herein. The Commissioners shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted by the Commissioners and the standards required by these regulations. A permit shall not be granted if the application is incomplete or if all notices required herein have not been timely given.
2. A copy of the decision shall be served upon the applicant by certified mail, return receipt.
3. In making its findings, the Commissioners should consider the following:
  - a) whether the application is complete;
  - b) how the proposed WECS Project will positively or negatively affect the public health, safety, morals or general welfare of the community;
  - c) whether the WECS project will adversely affect the public interest by overburdening services provided by Goshen County;

- d) whether the applicant has complied with these regulations or any requests made by the Planning Commission and the Commissioners;
- e) whether the applicant has adequately addressed the following impacts: air quality, water quality, general nuisances to off-site property owners, soil disturbance, wildlife, cultural resources and negative economic impacts.

### **G. Judicial Review**

When a decision is issued by the Commissioners after hearing on an application for a permit under these regulations, the decision is final for purposes of judicial review. Any party aggrieved by the final decision of the Commissioners may have the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

### **H. Referral**

1. If the Commissioners receive an application to permit a wind energy facility which does not meet the definition of a facility as defined in W.S. §35-12-102(a)(vii), the Commissioners may refer the facility to the Wyoming Industrial Siting Council for additional permitting consistent with the requirements of the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119, but the provisions of W.S. §39-15-111 and §39-16-111 shall not apply. A referral shall be made only when the Commissioners finds there are potentially significant adverse environmental, social or economic issues which the Commissioners does not have the expertise to consider or authority to address.
2. Any facility referred to the Wyoming Industrial Siting Council under this section may apply for a waiver of permit application pursuant to W.S. §35-12-107.
3. Upon receiving a referral pursuant to this section and within fifteen (15) days after receipt of the referral, the Director of the Wyoming Department of Environmental Quality may reject the referral by giving written notice of the rejection to the county making the referral and the applicant. No appeal from the decision of the director under this subsection shall be allowed.
4. A referral made pursuant to this section shall not relieve the Commissioners from its obligation to consider whether the proposed wind energy facility should be permitted under these regulations.
5. A referral made pursuant to this section shall be made no later than thirty (30) days after an application is deemed complete by the Commissioners.

## **V. DESIGN AND INSTALLATION**



### **A. Design Safety Certification**

1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”) and National Electrical Code (“NEC”). Any applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energie (“GL”), or an equivalent third party.
2. Following the granting of a permit under these regulations, a Professional Engineer licensed in the State of Wyoming shall certify, as part of the WECS application, prior to construction that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

### **B. Color**

Wind Generating Devices, WECS and other WECS Facility structures, towers and blades shall be painted white or gray or another a non-reflective and unobtrusive color which will help the project blend with the landscape. The color selected shall be compatible with the natural visual character of the area. The color shall not conflict with colors required by the Federal Aviation Administration or other federal agencies.

### **C. Signage**

There shall be no signage or logo of any type allowed on the WECS tower(s) with the exception of safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the Commissioners.

### **D. Warnings**

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

### **E. Climb Prevention**

1. All WECS Towers must be un-climbable by design or protected by anti-climbing devices such as:

- a. Site appropriate security enclosures with locking portals at least six (6) feet high; or
- b. Anti-climbing devices twelve (12) feet vertically from the base of the WECS Tower.

## **F. Setbacks**

1. All WECS Project structures shall be located such that the base of any tower is at a distance of not less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance.
2. All WECS Project structures shall be located such that the base of any tower is at a distance of not less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way.
3. All WECS Project structures shall be constructed such that any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, is at a distance of not less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified.
4. All WECS Project structures shall be located such that the base of any tower is at a distance of not less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure.
5. All WECS Project structures shall be located such that the base of any tower is at a distance of not less than one mile from the limits of any city or town.
6. Setback distances may be modified at the discretion of the Commissioners upon:
  - a. affected adjacent property owner(s) providing a waiver to the setback requirement, including such recordation at the Office of the Clerk;
  - b. the determination by the Commissioners that a significant degradation of the visual character of the area will occur; or
  - c. the determination by the Commissioners that health, safety or welfare of the public will require a different setback.

7. 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.

#### **G. Use of Public Roads**

1. Any applicant, owner, or operator proposing to use any county, municipality, township, village or state road, for the purpose of transporting WECS(s) or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s), shall:
  - a. Identify all such public roads. Detail mapping of haul routes shall be submitted with the development application.
  - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
  - c. Obtain new access, access modification or change of use of access permit and utility crossing permits from WYDOT for impacts to any State Highway facilities.
  - d. Obtain new access, access modifications, or change of access permit, and utility crossing permit from the Goshen County Road and Bridge Department.
2. The applicant, at the discretion of the Commissioners, may be requested to provide additional studies and reports prepared by a qualified professional(s) to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long term road maintenance agreement will be required at the discretion of the Commissioners.
3. If potential road impacts are determined to extend beyond the boundaries of Goshen County, the applicant will be responsible to contact all potentially impacted jurisdiction(s), and to provide written documentation of the contacts as well as written statements from the jurisdiction(s) that they are aware of the potential impact. All required written statements shall be provided to the Planning Department prior to the scheduling of the hearing for the WECS Project(s).
4. To the extent an applicant, owner, or operator must obtain a weight or size permit from Goshen County, the applicant, owner, or operator shall:
  - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and

- b. Secure Financial Assurance in a reasonable amount at the discretion of the Commissioners for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS Project.
- c. The use of public roads and other infrastructure shall be in accordance with and compliance of federal, state and county regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same. If Goshen County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project(s), including counties in other states as applicable, the applicant, owner or operator shall furnish proof of compliance with the requirements of any such county.

#### **H. Additional Permitted Uses**

The Commissioners may allow the applicant to include certain accessory type uses on a WECS Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind farms in general. Directional signage may be permitted by Goshen County on an individual basis. Information on local historical issues may be included, or required, with approval of such accessory uses.

### **VI. OPERATION**

#### **A. Maintenance**

1. The owner or operator of the WECS must submit a yearly statement to the Commissioners noting that all aspects of the WECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all state and federal requirements.
2. Designated and declared weeds shall be controlled on permitted sites during the life of the operation and through completion of decommission. This shall be maintained to the satisfaction of the Goshen County Weed and Pest District.
3. Periodic maintenance will include upkeep to all structures and grounds. Routine scheduled maintenance shall include the repainting of equipment and structures, and ground work or landscaping as appropriate to the location and the installed or erected assets.

#### **B. Interference**

1. The applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section IV(A)(4) and IV(A)(5) of these regulations. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the applicant shall take reasonable measures to mitigate such anticipated interference.
2. If, after construction of the WECS(s), the owner or operator receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communications venues, the owner or operator(s) shall take steps to respond to the complaint as reasonably feasible.
3. The owner or operator shall mitigate the impact of lighting on existing residences as reasonably feasible and still meet FAA requirements.

#### **C. Coordination with Local Fire Department**

1. The applicant, owner or operator shall submit to the local fire department and/or the Goshen County Emergency Management Coordinator a copy of the site plan.
2. Upon request by the local fire department and/or the Goshen County Emergency Management Coordinator, the owner or operator shall cooperate with the relevant agency to develop any emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

#### **D. Transfer of Applications**

Applications may be transferable with appropriate documentation to be reviewed by the Planner's and Attorney's Office. The application will be considered by the Commissioners.

### **VII. FEDERAL, STATE AND LOCAL REQUIREMENTS**

WECS Project facilities shall be constructed to meet, and be maintained in compliance with all federal, state and local requirements. Written statements providing proof that the WECS Project is in full compliance with these relevant requirements shall be provided to the Goshen County Planning Office.

If credible issues arise at any time during the review, approval, or development process, which relates to compliance of federal, state and/or local requirements, the applicant, at the discretion of the Commissioners, may be requested to provide additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues. Nothing in these

regulations is intended to preempt other applicable federal, state and/or local laws and regulations.

**A. Federal Aviation Administration (FAA)**

Any applicant for the WECS shall comply with all applicable FAA requirements.

**B. Local Aviation Facilities**

The applicant will minimize all applicable concerns and/or potential impacts with existing local public or private aviation facilities.

**C. Military**

The applicant for the WECS shall comply with all military requirements whenever applicable.

**D. Federal Communication Commission (FCC)**

The applicant for the WECS shall comply with all FCC requirements.

**E. Environmental**

1. United States Fish and Wildlife Service (USFWS). The applicant for the WECS Project shall comply with all applicable USFWS requirements including federal endangered species regulations as established in the Federal Endangered Species Act.
2. United States Army Corp of Engineers (COE). The applicant for the WECS Project shall comply with all applicable COE requirements including the Federal Wetlands regulations as established in the Federal Clean Water Act.
3. Wyoming Department of Environmental Quality (DEQ). The applicant for the WECS Project shall comply with all applicable DEQ requirements.
4. Noise Levels. The noise generated by the operation of a large wind energy system or wind farm may not exceed a noise level of more than 50 dBA as measured at a non-participating residence. This level, however, may be exceeded during short-term events such as utility outages, severe weather events, construction or maintenance operations. Noise levels may exceed the 50 dBA limit along common property lines if written permission, as recorded with the Goshen County Clerk, is granted by the affected adjacent nonparticipating property owners. Sound measurements shall be made five (5) feet above ground level over 10-minute measurement periods, on the basis of equivalent sound pressure levels and wind speed equal to 8 meters/second, using the procedures established by IEC 61400-11 (International Electrotechnical Commission, 2<sup>nd</sup> Edition, 2002-12.)

5. Materials Handling, Storage and Disposal
  - a. All solid wastes related to the construction, operation and maintenance of a WECS Project shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
  - b. All hazardous materials related to the construction, operation and maintenance of the WECS Project shall be handled, stored, transported and disposed of in accordance with all applicable Federal, State and Local laws.
6. Public Highway, Streets, Bridges or Navigable Streams. The applicant should be aware that Goshen County will strictly enforce Wyo. Stat. §35-10-401 if any obstruction, injury and/or pollution occurs as a result of or due to the WECS Project.

**F. Any and all other Federal, State and Local Requirements**

The Applicant for the WECS Project shall comply with all applicable governmental requirements.

**VIII. DECOMMISSIONING PLAN**

**A. Plan Required**

Prior to receiving siting approval under these regulations, Goshen County and the applicant, owner, and/or operator must formulate a decommissioning plan to ensure that the WECS Project is properly deactivated, shut down and removed.

**B. Contents of the Plan**

The decommissioning plan shall include:

1. Provisions for decommissioning the WECS facility or individual Wind Generation Device when no electrical energy is generated for a continuous period of twelve (12) months by the facility or individual Wind Generation Device. The Goshen County Board of Commissioners may extend the time for decommissioning once the generation of electricity has ceased for the facility or individual Wind Generation Device if the WECS facility provides good cause prior to the end of the continuous period stated herein.
2. Provisions for the removal of structures, debris and cabling, including those below the soil surface down to forty-eight (48) inches from original grade;
3. Provisions for the restoration of the soil and vegetation;

4. An estimate of the decommissioning costs certified by a professional engineer to be updated every five (5) years and submitted to the Commissioners;
5. Financial assurance, secured by the applicant, owner or operator, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;
6. Identification of and procedures for access by Goshen County to financial assurances;
7. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns or heirs;
8. A provision that Goshen County personnel, or delegated party, shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
9. A provision that Goshen County shall have the right to review and reconsider the WECS Project's decommissioning plan at the time of decommissioning, consistent with changes in the land use of the project at that time.
10. The applicant, owner or operator shall provide financial assurance in one, or a combination of the following, at the discretion of the Commissioners: self-bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the Commissioners as part of the permit application procedures and prior to the approval of the application. The Commissioners may reject the proposed forms of assurance of financial responsibility if the evidence submitted does not adequately assure that funds will be available as required by these rules. The applicant, owner or operator shall be notified in writing within sixty (60) days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may be canceled by the surety only after ninety (90) days written notice to the Commissioners, and upon receipt of the commissioner's written consent, which may be granted only when the requirements of the bond or assurance have been fulfilled. Financial assurance amount will be recalculated on a yearly basis at the discretion of the Commissioners; and
11. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Commissioners provide notice to the applicant, owner or operator and any surety that a violation exists and the Commissioners has decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or



abatement, the Attorney may bring suit to recover the costs of performing the activities where recovery is deemed possible.

## **IX. NON-COMMERCIAL WECS**

### **A. No Permit Required**

Goshen County does not require any permit for the installation and operation of non-commercial WECS provided that the owner complies with the requirement set forth hereafter. However, should the owner exceed any of the following requirement or conditions, the applicant, owner or operator shall be required to immediately submit, within thirty (30) days, an application for permit from Goshen County consistent with these regulations.

### **B. Requirements for Non-Commercial WECS**

1. The owner of any non-commercial WECS shall notify the Planner of the following: location of the system; the installation date; and any system failure which prevents the generation of electricity for more than sixty (60) consecutive days.
2. **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 and thirty-five (5-35) 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').
3. **Noise:** WECS shall not exceed forty (40) decibels, 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 wind storms.
4. **Setbacks:** The WECS shall be setback a distance of one hundred and fifty percent (150%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.
5. **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.

6. 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').
7. 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.
8. Signs/Advertising: No tower shall have any sign, writing or picture that may be construed as advertising.
9. Colors: All towers shall be white or gray or other neutral color and be non-reflective.
10. Multiple WECS: Multiple WECS are allowed on a single parcel as long as the owner/operator 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.
11. Approved Wind Turbines: The system's turbine and other components shall equal or exceed the standards of one of the following national certification programs: 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.
12. On-site Electrical Use: The proposed system will be used primarily to reduce on-site consumption of electricity.
13. Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
14. Utility Notification: Owners of Non-Commercial WECS shall notify utility companies of the customer's intent to install an interconnected customer owned generator. Off-grid systems shall be exempt from this requirement.
15. Removal of Defective or Abandoned WECS: Any WECS found to be unsafe by an authorized Goshen County official, or delegated party, shall be repaired by the owner to meet federal, state and local safety standards or removed within six (6) months. If any WECS is not operated for a continuous period of twelve (12) months, Goshen County will notify the landowner by registered mail and provide 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 as unreasonable,

they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice.

16. Maintaining compliance: All applicable federal, state and local regulations shall be met and continually maintained for all WECS.

## **X. ADDITIONAL REMEDIES FOR ENFORCEMENT**

- A. A failure to comply with any of the Goshen County Wind Siting Regulations may result in a denial of a permit. A failure to comply with any of these regulations following issuance of a permit shall constitute a violation and default of the permit. Goshen County may seek any and all legal remedies to enforce these regulations including injunctive relief. Any violations may also be subject to penalties as provided in these regulations.
- B. Goshen County, may, in its sole discretion, provide written notice to any owner or operator setting forth the alleged default or violation of the permit. Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default. If Goshen County determines in its discretion, that the parties cannot resolve the alleged default within this time period, Goshen County may proceed to enforce these regulations and compliance with appropriate legal remedies.

# Goshen County, Wyoming Wind Energy Conversion System Permit Application

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Goshen County Planning Office  
P.O. Box 160  
Torrington, WY 82240  
(307) 532-3852

Date of Submittal: \_\_\_\_\_  
Permit Number: \_\_\_\_\_

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## **Applicant Contact Information (Legally Responsible Person)**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

## **Land Owner of Record Contact Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

## **Engineering Firm Contact Information**

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Property ID Number:** 07-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

**Property Address or Description:** \_\_\_\_\_

**Legal Description (Attach separate sheet if necessary):** \_\_\_\_\_

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## **APPLICATION PROCESS**

**(Please read the attached information and sign below that you have received, read and understand the following Wind Energy Conversion System Permit)**

Permitting your project begins with seeking overall project and development approval from the Board of County Commissioners by applying for a WECS Permit.

**Step 1: Read the attached Regulations.** If you have any questions concerning the attached rules, please contact the County Planning Office at 307-532-3852.

**Step 2: Schedule a pre-application meeting.** The first step in the WECS Permit application process begins with scheduling a pre-application meeting (Contact County Planning at 307-532-3852). To assist you in the permitting process, it is highly recommended that you hire a Wyoming Licensed Professional Engineer.

**Step 3: Pre-application meeting.** At the pre-application meeting, bring a detailed conceptual narrative of your proposed project with any pertinent conceptual site plans or drawings. Our staff will review your project in relation to the WECS application requirements and rules. During the pre-application meeting, staff will identify necessary documentation, plans or studies in support of your application, and staff can informally review the elements of your intended submittal with the intention of expediting the formal review process.

**Step 4 (optional): Submit Sketch Conceptual Drawing, Preliminary Visual Simulations and Draft Project Impact Review.** Prior to final WECS Permit submittal, you may submit Sketch Conceptual Drawings, Preliminary Visual Simulations and a draft Project Impact Review Sketch Conceptual Drawing/Plat. How long this step takes depends on the nature and complexity of the project and what other demands on staff's time exist.

**Step 5: Final Commercial WECS Permit Application:** The next step is submittal of your application. Keep in mind our office recommends that you submit a final application along with any required supporting documentation at least 45 days prior to any public hearings. Understand that the Planning Office must have possession of a **complete** application before staff initiates a formal review leading to a final decision. All application forms and supporting documents need to be submitted as a unified submittal. We do not assemble a complete application piecemeal based on sporadic submittals of various documents. The scheduling of public hearings will not happen until staff actually receives, reviews, and obtains any additional information requested during review.

**Step 6: Review Period.** During the review period, staff will review the application for completeness and compliance with the WECS Permit Regulations. The review will identify other materials or information to be submitted. Your proposal/development plan will be submitted to other agencies and departments for review. As part of that review a preliminary plan will be presented to the Planning Commission. Once that review is complete, public hearings before the Planning Commission and the Board of County Commissioners will be scheduled. Staff will send

notifications to both adjacent and affected property owners/parties; post the property; advertise applications for public hearings; and prepare comments and recommendations.

**Step 7: Attend Planning Hearing.** The next step begins the public hearing process. The first hearing is with the Planning Commission and notice of the hearing must be advertised in a paper of general circulation for at least 30 days prior to the Planning Hearing. The Planning Commission will discuss your proposal and vote on a recommendation to approve, approve with conditions, or deny your application. Attendance is mandatory at the Planning Commission meeting by the applicant or his/her authorized agent. If the applicant or authorized agent is not present, the application will be tabled until proper representation can be present.

**Step 8: Attend Board of County Commissioners hearing.** The next hearing is with the Board of County Commissioners. Generally, this occurs at the next meeting after the Planning Commission takes action. In general, the Board meetings are held on the first and third Tuesdays of each month in the County Courthouse (Board of County Commissioner's meeting room). The Board of County Commissioners will consider the Planning Commission's recommendation and may table the matter for further study, proceed immediately to schedule a public hearing or deny the application. Attendance is mandatory at both the Planning Commission meeting and the Board of County Commissioner meeting by the applicant or his/her authorized agent. If the applicant or his/her authorized agent is not present the application will be tabled until proper representation can be present.

**Step 9: Final Approval.** Depending on the scope of the project and the conditions established with the WECS Permit by the Board of County Commissioners, the applicant may be required to submit a certification from a Wyoming Licensed Professional Engineer at the owner's expense. That certification will state that the WECS Permits were implemented and constructed in accordance with the approved WECS Permit and all applicable federal, state, county and local regulations.

**Step 10: Term of WECS Permit.** The term of a WECS Permit expires within 5 years of its approval date by the Board of County Commissioners unless:

- i. The developer has substantially commenced WECS construction under an approved County WECS Permit.
- ii. The developer has submitted evidence acceptable to the Board of County Commissioners that the WECS project is still viable and the delay in construction is caused by project management or coordination issues that are pending resolution in the near future.

The Board may renew the WECS Permit once up to one additional 5-year term. If the project is still not complete after the Board's renewal has ended, and the applicant still wishes to proceed with his/her project, the applicant must apply for a new WECS Permit.

**APPLICANT/OWNER CERTIFICATION**

**The undersigned hereby certifies and acknowledges that they:**

- Are responsible for identifying and complying with all applicable federal, state and local regulations concerning the use of and/or construction upon their property.
- Received a copy of the applicable WECS Regulations; have read and understand them; and, will abide by them.
- Provided information that is true, accurate and complete with the intent that the County relies upon such information.
- Accurately identified the legal boundaries of their property.
- Actually located in the ground from a previous survey, or had surveyed and set in the field, permanently and properly marked and monumented lot corners.
- Provided a true, accurate and complete site plan based on legal boundaries and actual lot corners.
- Have an unencumbered legal right to possess, use and occupy the subject property in the manner proposed.
- Grant Goshen County, its agents and employees, the right of ingress and egress to their property as reasonably necessary to process this application and to determine compliance with county regulations or conditions of this permit once it is granted.
- Will comply with WECS Regulations as set by the Board of Commissioners.
- Have read and understand the following Permit Application Requirements.

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of WECS Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Land Owner(s) of Record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Land Owner(s) of Record

\_\_\_\_\_  
Date

*(Attachment required for additional signatures)*

# Goshen County, Wyoming

## Wind Energy Conversion System Permit Approval/Denial

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Goshen County Planning Office  
P.O. Box 160  
Torrington, WY 82240  
(307) 532-3852

Date of Submittal: \_\_\_\_\_  
Permit Number: \_\_\_\_\_  
Applicant Name: \_\_\_\_\_

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### Wind Energy Conversion System Permit Action

#### PERMIT APPROVAL

This permit was issued by the Board of County Commissioners following a public hearing reviewing this application. The terms and conditions of this permit have been established by the application, and the Board of County Commissioners.

**Resolution #:** \_\_\_\_\_ **Resolution Date:** \_\_\_\_\_  
**Conditions of Approval:** See Board Resolution

**Signature:** \_\_\_\_\_  
**Chairman, Board of County Commissioners**

\*\*\*\*\*

#### PERMIT DENIAL

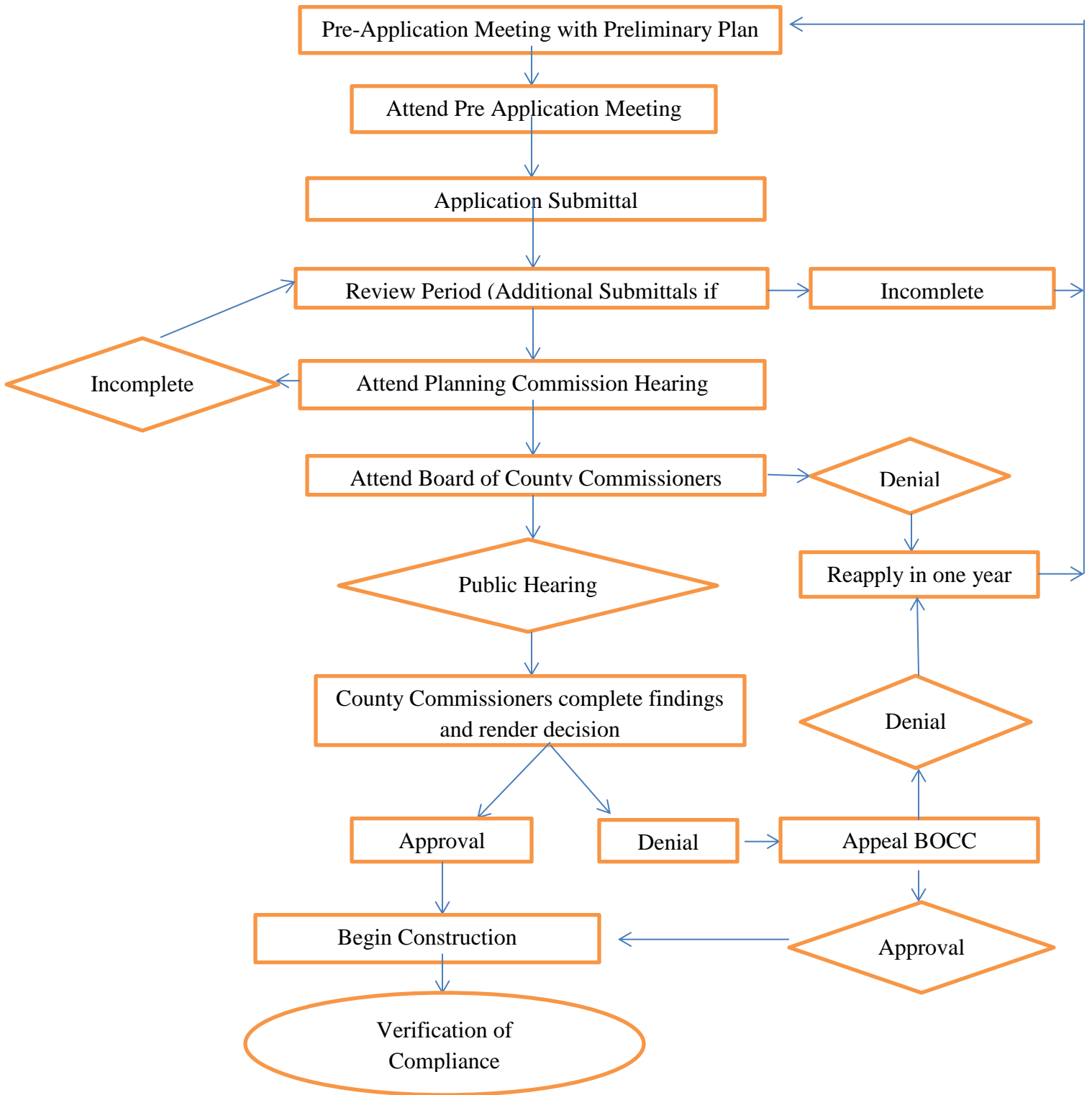
This permit was denied by the Board of County Commissioners. Denial of a Wind Energy Conversion System Permit constitutes a determination that the proposed permit does not comply with the provisions of the Goshen County Regulations. Please feel free to contact the Planning Department for further information.

**Resolution #:** \_\_\_\_\_ **Resolution Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
**Chairman, Board of County Commissioners**



# WIND ENERGY CONVERSION SYSTEM PERMIT APPLICATION FLOW CHART



## WECS Permit Application Requirements

With this completed application form, you must provide a professional report that complies with and contains all of the following application requirements:

- (a) **Owner Consent:** Evidence that the applicant is the owner of the property or has written permission of the owner(s) to make such application.
- (b) **Applicant/Owner Information:** Name, address and phone number of the applicant and owner and the applicant's contact person for the project.
- (c) **Project Rationale:** Relevant background information on the project, including timeframe and project life, phases of development, likely markets for the electricity produced and the possibilities for future expansion.
- (d) **Plot and Development Plan:** A conceptual development plan of the proposed wind farm drawn to scale and in sufficient detail to provide a clear description of the project. Applicant shall submit the following:
  - i) Drawing sheets must show the scale, a north arrow and the number of sheets in the sequence. Twelve copies (24"X36") of the development plan must be submitted with the application.
  - ii) Property description which includes a general vicinity map of the project and a legal description of the project boundary. Show physical dimensions of the property, the physical location of the project boundary, and site acreage.
  - iii) Structure location showing dimensions, setbacks, use, and means of access for the following:
    - A. Existing structures within project boundary;
    - B. Existing structures outside of project boundary: All occupied/manned structures and all non-occupied structures within 1,500 feet of the project boundary;
    - C. Proposed Accessory Structures: Accessory structures include support offices, facilities and structures related to the operation of the WECS. A general statement of how the developer will address potable water, sewage/waste disposal, and fire protection for these accessory structures is required.
    - D. Proposed Wind Turbines: Include a conceptual site plan of a typical individual wind turbine site and a map showing the approximate location of each turbine. If the exact number or dimensions of wind turbines is not known at the time of application, the site plan shall identify a maximum number and maximum number and maximum dimensions that will be expected and a range from minimum to the maximum number expected. For review purposes, all wind turbines shall be assigned a reference number.

- E. Existing Utilities, Pipelines and Related Structures: Show the location of all existing underground and above ground utilities, electrical lines, transmission lines, pipelines and any accessory support facilities.
  - F. Proposed Utilities, Electrical/Transmission Lines and Related Structures: Show all proposed utilities, electrical lines, transmission lines and any related accessory support facilities; state the approximate voltage of each electrical/transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/area wide map clearly showing the proposed route of proposed transmission lines and their accessory facilities.
- iv) A map showing the existing topography of the project site. USGS or other topographic map sources may be utilized.
  - v) A map showing proposed approximate drainage, grading and natural vegetation removal plan;
  - vi) A map showing wind characteristics, and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows;
  - vii) A map showing location of any delineated 100-year floodplains or wetlands.
- (e) **Visual Simulation:** Provide an accurate visual simulation of the project components by showing:
- (i) views from a reasonable number of key vantage points as determined by the applicant in consultation with staff and approved by the Planning Commission. These vantage points must consider a 360 degree view of the project site.
- (f) **Economic Analysis:** Provide an estimated economic cost/benefit analysis describing the impact of the project on the local and state economy with respect to the following:
- i) the amount of property taxes to be generated by the project;
  - ii) the amount of sales taxes to be generated by the project;
  - iii) the amount of other applicable taxes to be generated by the project;
  - iv) the construction dollars to be spent locally;
  - v) the number of construction jobs and estimated construction payroll;
  - vi) the number of permanent jobs and estimated continuing payroll;
  - vii) costs associated with the impact on roads or other County infrastructure in the area.

- (g) **Impacts and Mitigation Measures:** In the absence of a required environmental analysis by a state or Federal agency, provide a project impact review and a proposed impact mitigation plan. The project impact review and mitigation plan shall address all of the following:
- i) Environment:
    - A. wildlife and wildlife habitat on the site and in a biologically significant area surrounding the site;
    - B. any endangered or threatened species on the site and in a biologically significant area surrounding the site;
    - C. avian population, including migratory birds;
    - D. flora on the site;
    - E. soil erosion;
    - F. water quality and water supply in the area;
    - G. historic, cultural or archaeological resources within WECS project area; and
    - H. dust from project activities.
  - ii. Wind Energy Conversion System:
    - A. “A”-weighted and “C”-weighted noise levels at the residence nearest to the project boundary and at the property line of such residence nearest to the project boundary;
    - B. any wastes, either municipal solid waste or hazardous waste, generated by the project;
    - C. electromagnetic fields and communications interference generated by the project;
    - D. public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created;
    - E. a general discussion of any potential changes to the above assessment items that could be anticipated when considering the cumulative impacts of other adjacent wind energy projects.
- (h) **Life of Project and Final Reclamation of Project:** Provide a statement of the useful life of the project, a general description of the decommissioning, and the final land reclamation plan in the event the project is abandoned or terminated. Evidence, acceptable to the Board of County Commissioners, shall be presented demonstrating that the developer has entered into an agreement with the property owner that ensures proper final reclamation of the WECS project.

If the developer does not have a reclamation agreement with the land owner that is suitable to the Board, the developer shall comply with the following:

A Reclamation Bond shall be furnished to Goshen County, not later than 30 days before commencement of project construction that will be used to restore the site surface to a condition consistent with the pre-construction environment. The purpose of the Reclamation Bond is to assure that adequate funding is available to pay the costs of site reclamation, including removal of individual turbines and other above-ground project improvements subject to permit in the event of abandonment

of individual turbines or the entire project. The Reclamation Bond shall be in an amount equal to one hundred (100) percent of such costs, where such amount is determined by the Board of County Commissioners based upon estimates from knowledgeable contractors, except that the landowner should be given the option to maintain access roads for demonstrated ranching or farming purposes as approved by the Board of County Commissioners. The Reclamation Bond may not be cancelled, released or in any way terminated, without prior written approval from Goshen County, and shall continue as long as such turbines or other above-ground improvements exist. The Reclamation Bond must be written so as to survive any sale or other form of transfer of ownership of such turbines and other improvements. The company providing the Reclamation Bond must be authorized to provide bonds in the State of Wyoming and be acceptable to the Board of County Commissioners.

- (i) **Conceptual Transportation Plan for Construction and Operation Phases:** Provide a conceptual Construction and Operation Transportation Plan that shows the following:
  - i. Anticipated locations of the project's service road ingress and egress access points onto State or county roads. Any proposed access onto the state or county road system must meet respective requirements.
  - ii. The general layout of the proposed WECS service road system and the extent to which roads are planned to be upgraded.
  - iii. The plan for utilizing existing roadways to service the project area. To the greatest extent possible, the applicant must make use of existing roadways.
  - iv. The anticipated volume and designated route for traffic including routes for oversized and heavy equipment needed for construction, maintenance and repairs.
  - v. The proposed methodology of assuring to the public entities responsible for the roads, that repairs and on-going maintenance of roads and bridges to be used in both the construction and operation phases will be carried out.
  - vi. The plan for utilizing existing roadways within the project area.
  
- (j) **Important Notices:** State Fire Code Requirements: Wyoming Statute §35-9-108 requires that new construction or remodeling plans for all publicly owned buildings or buildings that are regularly frequented by the public (such as child care centers, night clubs, restaurants, bars lodge halls, theaters, churches, meeting halls, etc.) to be reviewed and approved by the State Fire Marshall (Wyoming Department of Fire Prevention and Electrical Safety, (307) 777-7288, Herschler Buildings, 1<sup>st</sup> Floor West, Cheyenne, Wyoming 82002). YOU ARE RESPONSIBLE for determining the need for review of your plans by the State Fire Marshall.