

**CHAPTER VIII  
METEOROLOGICAL TOWER AND WIND ENERGY CONVERSION SYSTEM  
REGULATIONS**

Section 1. Introduction

a. *Title*

These regulations shall be known, cited and referred to as the Meteorological Tower and Wind Energy Conversion System Regulations in Chapter VIII of the *Zoning Resolution of Natrona County, Wyoming*.

b. *Purpose*

These Regulations are adopted for the following purposes:

(1) To assure that large-scale development and production of wind-generated electricity in Natrona County is consistent with the intent and purpose of the *Zoning Resolution of Natrona County*,

(2) To identify and protect different and competing property rights and uses; and

(3) To promote the supply of wind energy and energy production from renewable energy sources.

c. *Authority*

These 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, W.S. §18-5-101 et. seq.

(2) Title 18 Counties, Chapter 5 Planning and Zoning, Article 2 Planning and Zoning Commission, W.S. §18-5-201 et. seq.

(3) Title 9 Administration of the Government, Chapter 8 Land Use Planning, Article 1 General Provisions, W.S. §9-8-101 et. seq.

d. *Severability*

All parts and provisions of these regulations shall be severable. If any clause, section, subsection, or provision of these regulations shall for any reason be adjudged by any court of competent jurisdiction to be invalid, illegal or unconstitutional, such judgment shall be confined in its operation to the clause, section, subsection, or

provision of these regulations directly involved in the controversy in which such judgment shall have been rendered, and shall not affect any other clause, section, subsection, or provision of these regulations or the application thereof.

## Section 2. Definitions

a. "Applicant" shall mean the entity or person who submits to the County, pursuant to the *Subdivision Regulations of Natrona County, Wyoming, Chapter 2, Section 3* and the *Zoning Resolution of Natrona County, Wyoming, Chapter XI, Section 3* an application for a permit related to a MET Tower or WECS Project.

b. "Board" shall mean the Board of County Commissioners of Natrona County, Wyoming.

c. "Conditional Use Permit" shall mean the permit defined in Chapter XI, Section 2 of the *Zoning Resolution of Natrona County, Wyoming*, and as required in these regulations.

d. "County" shall mean Natrona County, Wyoming.

e. "Decommissioning Plan" shall mean a plan included in a Conditional Use Permit and approved by the Board that contains requirements related to the decommissioning and removal of all facilities and infrastructure associated with a MET Tower or WECS Project and reclamation of disturbed lands.

f. "Department" shall mean the Development Department of Natrona County, Wyoming.

g. "Financial Assurance" shall mean cash payment, certificates of deposit, annuities or good and sufficient surety bonds, running to the benefit of the County and conditioned upon and assuring performance of all requirements of a Conditional Use Permit for a WECS Project or MET Tower.

h. "Meteorological Tower" shall mean a MET Tower.

i. "MET Tower" shall mean any tower together with associated instrumentation or devices used for assessment of wind energy.

j. "MET Tower Site" shall mean a contiguous parcel of land, delineated and described by survey, on which all facilities, devices and infrastructure associated with a MET Tower are situated.

k. "Operator" shall mean the persons or entities responsible for the day-to-day operation and maintenance of any WECS Project or MET Tower, including any third party subcontractors.

l. "Owner" shall mean the persons or entities with an equity interest in a MET Tower, MET Tower Site, WECS Project, or WECS Project Site, including heirs, successors, and assigns and excluding unaffiliated persons who own no interest in the MET Tower or WECS Project but whose land is leased to the Owner or Operator or covered by a waiver or other land use agreement related to the MET Tower Site or WECS Project Site.

m. "Primary Structure(s)" shall mean and include, but is not necessarily limited to, structures such as residences, quonset huts, barns, commercial buildings, hospitals, day care facilities and excluding structures such as storage sheds and loafing sheds.

n. "Professional Engineer" shall mean a qualified individual who is a licensed professional engineer in Wyoming.

o. "PSC" shall mean the Public Service Commission of Wyoming.

p. "Public Utility" shall mean a public utility as defined in W.S. §37-1-101(a)(vi).

q. "Tower Height" shall mean the distance from the highest point of a vertical rotor blade on a WECS Project tower to the top surface of the foundation.

r. "Wind Energy Conversion System" shall mean a WECS Project.

s. "WECS Project" shall mean all necessary devices that together convert wind energy into electricity, including but not limited to any wind energy conversion system project, project towers, project substations, rotors, nacelles, generators, electrical components, foundations, transformers, electrical cables, transmission poles and lines, roads, maintenance buildings, and all other associated or related support facilities.

t. "WECS Project Site" shall mean a contiguous parcel of land, delineated and described by survey, on which all facilities, devices and infrastructure associated with a WECS Project are situated.

### Section 3. Applicability

a. These regulations apply to:

(1) All MET Towers and MET Tower Sites;

(2) All WECS Projects and WECS Project Sites having an aggregate generating capacity greater than 10 kW, or that may be used to provide electricity to power purchasers, consumers, or at a location other than the WECS Project Site; and

(3) All lands within the unincorporated portions of the County.

b. These regulations shall not apply to WECS Projects having an aggregate generating capacity of 10 kW or less and that will be used to provide electricity only on the Owner's property.

#### Section 4. Prohibition

No MET Tower or WECS Project governed by Section 3 of these regulations shall be located, erected, used, occupied, constructed, reconstructed, enlarged, changed, maintained or altered except in conformity with these regulations. The approval of a Conditional Use Permit for a MET Tower or WECS Project shall not satisfy or waive any requirements to obtain other certificates, permits and approvals under the *Zoning Resolution of Natrona County, Wyoming*.

#### Section 5. Enforcement

These regulations shall be enforced by the Department, which shall have the authority to grant all required permits, make inspections and make all decisions reasonably necessary to properly carry out the provisions hereof. No mistake, oversight or dereliction on the part of any official or employee of the County shall legalize, authorize or excuse the violation of any portion of these regulations.

#### Section 6. Violations

No person shall locate, erect, use, occupy, construct, reconstruct, enlarge, change, maintain or alter any MET Tower, WECS Project, or related structure or building in violation of the provisions of these regulations. If the Department finds a permit related to a MET Tower or WECS Project is being or has been violated or is in default, the Department may enforce the terms and conditions of the permit, and pursue all other remedies available under the *Zoning Resolution of Natrona County, Wyoming* and Wyoming law. If the Department finds persons or entities to be in violation of any provision of these regulations, the Department shall give written notice to the person or entity of the nature of the violation and, if the violation is not remedied or corrected within ten (10) business days, the Department may pursue all remedies available under the *Zoning Resolution of Natrona County, Wyoming* and Wyoming law, and may refer the matter to the County Attorney for legal action.

#### Section 7. Zoning District Restrictions

a. MET Towers and WECS Projects shall not be allowed in any zoning district other than Ranching, Agricultural and Mining (RAM), Urban Agricultural (UA), and Use Control Area (UCA).

b. MET Towers and WECS Projects shall be a conditional use in RAM, UA, and UCA zoning districts.

c. Prior to the commencement of construction related to a MET Tower or WECS Project, a Conditional Use Permit shall be approved by the Board.

#### Section 8. MET Tower Conditional Use Permit

a. Pursuant to the *2000 Zoning Resolution of Natrona County, Wyoming* as amended, an Applicant for a MET Tower Conditional Use Permit shall participate in a pre-application conference with Department representatives.

b. An application for a MET Tower Conditional Use Permit shall contain:

(1) The name, address, and telephone number of each Applicant, Owner and Operator.

(2) A description of the business structure of each Applicant, Owner, and Operator.

(3) The name, address, and telephone number of all affiliates, parents, or subsidiaries of each Applicant, Owner and Operator.

(4) The name, address, and telephone number of each partner, joint venture entity, or agent associated with the MET Tower.

(5) The name, address and telephone number of each person or entity of public record who owns an interest in the surface estate, including lessees, of lands within the boundary of a MET Tower Site.

(6) A MET Tower site plan drawn at a scale acceptable to the Department and containing the following:

(i.) The perimeter and dimensions of the MET Tower Site;

(ii.) The names and locations of all streets, roads or highways on or contiguous to the MET Tower Site;

(iii.) The locations of all duly recorded easements or rights-of-way on the MET Tower Site;

(iv.) The names and locations of all rivers, streams or waterways on or contiguous to the MET Tower Site;

(v.) The use, location and dimension of all structures on the MET Tower Site (include location of all proposed structures, distance to the MET Tower Site boundary line, and distance between MET Towers and other structures);

(vi.) A scale;

(vii.) A north arrow; and

(viii.) GPS coordinates.

(7) Compliance with each of the showings required by Chapter XI, Section 2d at page 107 of the *2000 Zoning Resolution of Natrona County, Wyoming*.

(8) Access

(i.) Applicant(s) shall furnish a sworn affidavit evidencing acquisition of rights-of-way or other access agreements providing rights of ingress and egress across any private, state or federal lands between a MET Tower Site and public roads. For BLM or State right-of-way grants, Applicant(s) may furnish a copy of the signed BLM or State Right-of-Way Grant application together with evidence that applicable fees have been tendered to the BLM or State.

(ii.) The Owner(s) or Operator(s) shall grant to the County access to the MET Tower Site at reasonable times and upon request to inspect and, if necessary, to perform decommissioning of a MET Tower and reclamation of disturbed land.

c. Approval of a complete MET Tower Conditional Use Permit application shall be contingent upon demonstration of the following:

(1) Notice to Ownership and Control of Surface Estate

(i.) That the Applicant(s) give written notice to the persons or entities of public record owning an interest in the surface estate of lands adjacent to the MET Tower Site. Such notice shall include the name and address of the Applicant(s) and the Department and a copy of the MET Tower site plan. The Applicant(s) shall not be required to give notice to persons or entities that have agreed in writing to the construction, operation, maintenance, and removal of the MET Tower.

(ii.) All surface lands within a MET Tower Site shall be owned or controlled by the Owner(s) or Operator(s). For this purpose, land shall be deemed controlled by the Owner(s) or Operator(s) if it is subject to a recorded lease, waiver, or other written agreement with the landowner under which the landowner has consented to the construction, operation, maintenance, and removal of the MET Tower. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from conditionally approving the MET Tower Site if the Owner(s) or Operator(s) has applied for a lease or easement from a state or federal agency.

(iii.) The Applicant(s) shall submit to the Department proof that the aforesaid written notice was given or that Applicant(s) has a recorded lease, waiver or other written agreement with the surface owner.

(2) Design Criteria

(i.) Design, construction, operation, maintenance, and decommissioning of all MET Tower and infrastructure in compliance with County, state and federal laws and regulations. This shall include compliance with all applicable industry standards, including but not necessarily limited to the American National Standards Institute and the National Electrical Commission.

(ii.) Certification by a Professional Engineer prior to construction that the design of the foundation and tower is within accepted professional standards.

(iii.) That a MET Tower be painted in accordance with applicable FAA requirements. All MET Towers shall comply with the provisions of W. S. 10-4-305 captioned "Marking obstructions".

(iv.) That no signage or logos of any type shall be installed on a MET Tower except for signs related to safety, warning, emergency contact, and manufacturer's name or logo. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from approving other signage on a MET Tower.

(v.) Red navigation marker balls or other acceptable marker devices such as flags or reflectors shall be installed and maintained on guy wires supporting MET Towers.

(3) Aviation and Emergency Services Notification

(i.) The Applicant shall submit to the Department proof of delivery of copies of the proposed MET Tower site plan to providers of emergency services in the County.

(ii.) The Applicant shall submit to the Department proof of delivery of the proposed MET Tower site plan to public and commercial aviation service providers in the County. The Department will provide the Applicant with the list of public and commercial aviation service providers.

(4) Noxious and Invasive Weeds

(i.) Control of all noxious and invasive weeds and plant species within the disturbed surface land of the MET Tower Site until decommissioning is complete and the County has released any financial assurance for the MET Tower.

(5) Decommissioning and Removal

(ii.) For MET Tower and MET Tower Sites which are not owned or operated by a Public Utility subject to decommissioning requirements of the PSC, removal of a MET Tower and commencement of reclamation of disturbed land after the Conditional Use Permit is issued; provided that, the Applicant(s) shall give thirty (30)

days written notice to the Department prior to removal of the MET Tower. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from extending any applicable deadline for removal of a MET Tower.

(iii.) That the Operator(s) shall give written notice to the Department within ten (10) days after operations cease.

(iv.) For the removal of structures, infrastructure, and debris, including any infrastructure or equipment installed up to two (2) feet below the ground surface.

(v.) For reclamation of the disturbed surface lands, including recontouring and revegetation. On private land, the surface owner shall determine the reclamation requirements.

#### (6) Met Tower Setbacks

(i.) MET Tower(s) shall be set back from the boundary of a MET Tower Site a distance not less than 1.10 times the applicable Tower Height. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from approving a MET Tower Site with MET Tower setbacks which are other than 1.10 times the applicable Tower Height from the MET Tower Site boundary.

(ii.) A minimum distance of 1.10 times the Tower Height of a MET Tower between the MET Tower and any other Primary Structure(s) within the MET Tower Site, right-of-way boundaries of third party transmission lines, communication towers and roads.

#### (7) Financial Assurance and Insurance

(i.) For MET Tower and MET Tower Sites which are not owned or operated by a Public Utility subject to decommissioning requirements of the PSC, the Owner(s), and its heirs, successors or assigns, shall provide Financial Assurance in the form of a surety bond in the amount of one thousand dollars (\$1,000.00) per MET Tower and under such terms as the Board deems acceptable, to cover the costs of decommissioning and removal of a MET Tower, reclamation of disturbed land, and repair of public roads. The bond shall remain in full force and effect until the WECS Project or MET Tower is fully decommissioned and all disturbed land has been reclaimed or the bond has been released by the Board, whichever first occurs. Nothing shall prevent the Board, upon notice and hearing and for good cause shown, from accepting other forms of financial assurance in lieu of a surety bond.

(ii.) Maintenance of general liability insurance coverage for all activities associated with a MET Tower and for a MET Tower Site in an amount not less



than one million dollars (\$1,000,000.00) per occurrence and with terms and conditions acceptable to the Board and evidenced by a certificate of insurance.

(8) Heirs, Successors, and Assigns

(ii.) That all terms and conditions of the Conditional Use Permit are binding upon the heirs, successors and assigns of the Applicant(s), Owner(s), and Operator(s) of a MET Tower.

(iii.) The Owner(s) shall give prior written notice to the Department of the Owner's intent to assign or convey an interest in a MET Tower or MET Tower Site, or any part thereof. The Owner's heirs, successors or assigns shall assume in writing all of the duties and covenants of Applicant(s), Owner(s), and Operator(s) under the MET Tower Conditional Use Permit and these regulations.

(9) Compliance with Additional Rules and Regulations

(ii.) All applicable FAA laws and regulations;

(iii.) All FCC laws and regulations;

(iv.) All provisions of W. S. §10-4-305;

(v.) All provisions of W. S. §35-10-401; and

(vi.) All Natrona County, state, and federal laws and regulations.

d. Conformance with the Conditional Use Permit

(1) Notice of Commencement of Operations

(i.) The Applicant(s), Owner(s) or Operator(s) shall give written notice to the Department when construction is completed and operations have commenced.

(2) MET Tower Removals, Relocations and MET Tower Site Expansion

(ii.) Applicant(s) shall provide the Department with thirty (30) days prior written notice of removal of a MET Tower from the MET Tower Site. In the event Applicant(s) desire to relocate a MET Tower(s) within the MET Tower Site, Applicant(s) shall promptly furnish written notice, including GPS coordinates for the new MET Tower location, to the Department and shall obtain an approved Building Permit prior to MET Tower relocation.

(iii.) Notice of planned expansion of a MET Tower Site shall be submitted to the Department in writing. MET Tower Site expansion(s) shall require a completed and approved Conditional Use Permit application before any expansion is undertaken.

(3) Conformance with the Conditional Use Permits for MET Towers shall be contingent upon compliance with all provisions of subsection 8c hereof.

## Section 9. WECS Project Conditional Use Permit

a. Pursuant to the *2000 Zoning Resolution of Natrona County, Wyoming* as amended, an Applicant for a WECS Project Conditional Use Permit shall participate in a preapplication conference with Department representatives.

b. An application for a WECS Project Conditional Use Permit shall contain:

(1.) The name, address and telephone number of each Applicant, Owner, and Operator.

(2.) A description of the business structure of each Applicant, Owner, and Operator.

(3.) The name, address, and telephone number of all affiliates, parents, or subsidiaries of each Applicant, Owner, and Operator.

(4.) The name, address, and telephone number of each partner, joint venture entity, or agent associated with the WECS Project.

(5.) The name, address, and telephone number of each person or entity of public record who owns an interest in the surface estate of lands within the boundary of the WECS Project Site.

(6.) The name, address, and telephone number of each person or entity of public record who owns an interest in the surface estate of lands adjacent to WECS Project Site boundaries.

(7.) A preliminary site plan for the WECS Project drawn at a scale acceptable to the Department and containing the following:

(i.) The perimeter and dimensions of the WECS Project Site;

(ii.) The proposed locations of foundations;

(iii.) The proposed locations of all structures and buildings;

(iv.) The proposed locations of all substations, electric cables, and transmission poles and lines;

(v.) The location and names of public access roads and turnout locations;

(vi.) The names and locations of all streets, roads or highways on or contiguous to the WECS Project Site;

(vii.) The locations of all duly recorded easements or rights-of-way on the WECS Project Site;

(viii.) The names and locations of all rivers, streams or waterways on or contiguous to the WECS Project Site;

(ix.) The planned location(s) of all proposed project structures and buildings together with use descriptions and dimensions of all structures and buildings on the WECS Project Site, distances to the nearest WECS Project Site boundary line, and distances between project towers and other structures;

(x.) A scale;

(xi.) A north arrow; and

(xii.) GPS coordinates for all proposed and existing WECS towers, buildings, and other facilities.

(8) A preliminary WECS Project summary including, to the extent available:

(i.) The nominal generating capacity of each tower;

(ii.) The names of potential equipment manufacturer(s);

(iii.) The maximum number of towers;

(iv.) The Tower Height of each tower;

(v.) The maximum diameter of the rotors; and

(vi.) A vicinity map of the proposed location of the WECS Project Site.

(9) A final WECS Project summary including "As Built" specifications shall be submitted upon completion of construction.

(10) Compliance with each of the showings required by Chapter XI, Section 2d at page 107 of the *2000 Zoning Resolution of Natrona County, Wyoming*.

(11) Access

i. Applicant(s) shall furnish a sworn affidavit evidencing acquisition of rights-of-way or other access agreements providing rights of ingress and egress across any private, state or federal lands between a WECS Project Site and public roads. For BLM or State right-of-way grants, Applicant(s) may furnish a copy of the signed BLM or State Right-of-Way Grant application together with evidence that applicable fees have been tendered to the BLM or State.

ii. The Owner(s) or Operator(s) shall grant to the County access to the WECS Project Site at all reasonable times and with reasonable notice to conduct inspections related to compliance with the Conditional Use Permit.

c. Approval of a complete WECS Project Conditional Use Permit application shall be contingent upon demonstration of the following:

(1) Notice to Ownership and Control of Surface Estate

i. That the Applicant(s) give written notice to the persons or entities of public record owning an interest in the surface estate of lands adjacent to the WECS Project Site. Such notice shall include the name and address of the Applicant and the Department and a copy of the WECS Project site plan. The Applicant(s) shall not be required to give notice to persons or entities that have agreed in writing to the construction, operation, maintenance, and removal of the WECS Project.

ii. All surface lands within a WECS Project Site shall be owned or controlled by the Owner(s) or Operator(s). For this purpose, land shall be deemed controlled by the Owner(s) or Operator(s) if it is subject to a recorded lease, waiver, or other written agreement with the landowner under which the landowner has consented to the construction, operation, maintenance, and removal of the WECS Project. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from conditionally approving the WECS Project Site if the Owner(s) or Operator(s) has applied for a lease or easement from a state or federal agency.

iii. The Applicant(s) shall submit to the Department proof that the aforesaid written notice was given or that Applicant(s) has a recorded lease, waiver or other written agreement with the surface owner.

(2) Design Criteria

i. Design, construction, operation, maintenance, and decommissioning of all WECS Project facilities and infrastructure in compliance with County, state and federal laws and regulations. This shall include compliance with all applicable industry standards, including but not necessarily limited to the American National Standards Institute and the National Electrical Commission.

ii. Submission of copies of publicly available vendor specifications and drawings of proposed WECS Towers and other project structures and facilities.

iii. Certification by a Professional Engineer prior to construction that the design of the foundations and towers is within accepted professional standards.

iv. Submission of reports related to noise levels anticipated to be caused by the WECS Project.

v. A plainly visible warning sign regarding voltage be placed at the base of all pad-mounted transformers and substations. No other signage or logos of any type shall be installed on the towers except for signs related to safety, warning, emergency contact, and manufacturer's name or logo. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from approving other signage on towers.

(3) Aviation and Emergency Services Notification

(a) The Applicant shall provide proof to the Department of delivery of the proposed WECS Project site plan and project summary to public and commercial aviation service providers in the County. The Department will provide the Applicant with the list of public and commercial aviation service providers.

(b) The Applicant shall provide proof to the Department of delivery of copies of the proposed WECS Project site plan and project summary to providers of local emergency services in the County.

(c) Cooperation with local fire department and/or the Emergency Management Coordinator to develop an emergency response plan.

(4) Noxious and Invasive Weeds

i. Control of all noxious and invasive weeds and plant species within the disturbed surface land of the WECS Project Site until decommissioning is complete and the County has released the financial assurance for the WECS Project.

(5) WECS Tower Setbacks

(i.) Except as otherwise expressly provided for in subparagraphs (d) and (e) hereof, no WECS Tower shall be located closer than 1.10

times the WECS Tower Height to a Primary Structure(s), third party transmission line(s), communication tower(s) or road(s).

(ii.) All WECS Project structures shall be set back a distance not less than 1.10 times the WECS Tower Height from approved WECS Project Site boundaries.

(iii.) Notwithstanding any provisions to the contrary set forth herein, all WECS Project Site boundaries shall be set back a distance of not less than one-half mile from the then-current municipal boundary of any incorporated municipality, unless waived by the municipality.

(iv.) All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from Interstate 25, U. S. Highway 20-26 and U. S. Highway 87.

(v.) All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from State Highway 220, State Highway 251, State Highway 252, State Highway 253, State Highway 254, State Highway 256, State Highway 258, State Highway 259, State Highway 387 and State Highway 487.

(vi.) All WECS Project structures shall be set back from County and State Parks a minimum of one-quarter mile.

(vii.) WECS Project towers shall be set back from the boundary of a WECS Project Site a distance not less than 1.10 times the applicable Tower Height. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from approving a WECS Project Site with a boundary that is other than 1.10 times the applicable Tower Height from the blade tips on all towers and any buildings and structures constructed in association with the WECS Project.

(viii.) Setback distances may be modified at the discretion of the Board if the following standards are met:

(A.) Affected adjacent property owner(s) have waived applicable setback requirement(s), together with recordation of such waiver(s) at the Office of the Natrona County Clerk.

(B.) Additional standards and regulations to minimize the degradation of the visual, environmental or acoustic character of the area have been adopted by the County upon formal consideration, review and public hearing(s).

(ix.) Setback Waivers

(A.) Setback waivers obtained by Applicant(s) pursuant to the provisions of this section shall clearly identify the specific setback being waived. The waiver shall include the legal description (section, township and range) of the parcel affected by the waiver. The waiver shall be signed by a party authorized to waive

the setback requirement and shall be notarized. A copy of the recorded waiver shall be furnished by Applicant(s) to the Department prior to commencement of any WECS-related construction.

(6) Use of County Roads

(i.) Applicant(s), Owner(s), or Operator(s) proposing to use any County, municipal or State road(s), for the purposes of ingress and egress to the WECS Project site, transporting WECS(s) for construction, operation, or maintenance of the WECS(s) shall:

(A.) Identify all such County, municipal or State roads. Provide a preliminary mapping of haul routes within the County. Detail mapping of haul routes within the County shall be submitted promptly upon determination of such haul routes by Applicant(s).

(B.) Obtain required weight and size permits from relevant State or County government agencies.

(C.) Obtain new access, access modification or change of use of access permit; utility crossing permits from WYDOT for impacts to any State Highway facilities, as required.

(D.) For WECS Projects which are not owned or operated by a Public Utility subject to PSC regulation, secure bonding or other acceptable financial assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of repairing any damage to County roads caused by constructing, operating or maintaining the WECS Project.

(E.) Applicant(s), will consult, within thirty (30) days of permit issuance, with the Natrona County Road and Bridge Department for a determination by the Road and Bridge Department of whether a maintenance agreement, that may include mitigation, is required.

(ii.) Submittal of traffic study for the construction and operations phases of a WECS Project is required before any building permits are issued. .

(7) Insurance

i. Maintenance of general liability insurance coverage for all activities associated with a WECS Project and for a WECS Project Site in an amount and with terms and conditions acceptable to the Board and evidenced by a certificate of insurance.

(8) Heirs, Successors, and Assigns

i. That all terms and conditions of the Conditional Use Permit are binding upon the heirs, successors and assigns of the Applicant(s), Owner(s), and Operator(s) of the WECS Project.

ii. The Owner(s) shall give written notice to the Department of the Owner's intent to assign or convey its interest in the WECS Project or WECS Project Site, or any part thereof. The Owner's heirs, successors or assigns shall assume in writing all of the duties and covenants of Applicant(s), Owner(s), and Operator(s) under the WECS Project Conditional Use Permit and these regulations.

(9) Decommissioning and Reclamation

i. For WECS Projects which are not owned or operated by a Public Utility subject to decommissioning requirements of the PSC, decommissioning and removal of all facilities associated with a WECS Project and commencement of reclamation of disturbed surface within eighteen (18) months after operations cease. The Operator(s) shall give written notice to the Department within ten (10) days after (a) electricity generated by the WECS Project is not conveyed via transmission lines off the WECS Project Site for delivery to power purchasers or consumers for a period of six (6) consecutive months, or (b) less than sixty percent (60%) of the towers in the WECS Project generate electricity for a period of six (6) consecutive months, whichever occurs first. The Operator(s) shall give written notice to the Department thirty (30) days prior to commencing decommissioning and removal of WECS Project facilities and reclamation of the surface. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from extending any applicable deadline for removal of a WECS Project.

ii. For WECS Projects which are not owned or operated by a Public Utility subject to PSC regulation, completion of reclamation of disturbed surface within one (1) year after the WECS Project facilities are removed, except that the reclamation requirements on private surface land shall be determined by the landowner. The Applicant(s) shall give written notice to the Department when reclamation is completed. Nothing in this provision shall be construed to prevent the Board, upon notice and hearing and for good cause shown, from extending any applicable deadline for completing site reclamation.

iii. For WECS Projects that are not owned or operated by a Public Utility subject to decommissioning requirements of the PSC, a Decommissioning Plan that, at a minimum, provides:

(A.) An initial itemized estimate of decommissioning and reclamation costs certified by a Professional Engineer together with subsequent updates of said initial itemized estimate of costs for decommissioning and reclamation, also certified by a Professional Engineer, upon the occurrence of the earliest of (a) notice by the Owner or Operator to the Department of the intent to decommission the



WECS Project, or (b) every five (5) years after operations of the WECS Project commence.

(B.) For Financial Assurance in the form of a surety bond or other security acceptable to the Board, in an amount and under such terms as the Board deems acceptable, assuring performance of all requirements related to construction, operation, maintenance, and decommissioning of the WECS Project and reclamation of the disturbed land. The amount of the bond or other acceptable security required shall be within the discretion of the Board; provided that, at a minimum the bond or other acceptable security amount shall be equal to the estimated cost of decommissioning the WECS Project and reclaiming all disturbed lands as provided in subparagraph (i) above, adjusted to reflect increases in costs. The bond or other acceptable security shall remain in full force and effect until the WECS Project is fully decommissioned and all disturbed land has been reclaimed or the bond or other acceptable security has been released by the Board, whichever first occurs.

(C.) For the removal of structures, infrastructure, and debris, including any infrastructure or equipment installed up to two (2) feet below the ground surface.

(D.) For reclamation of the disturbed surface lands, including recontouring and revegetation. On private land, the surface owner shall determine the reclamation requirements.

(10) Compliance with Additional Rules and Regulations

- i. All applicable FAA laws and regulations;
- ii. All FCC laws and regulations;
- iii. All provisions of W. S. §10-4-305;
- iv. All provisions of W. S. §35-10-401;
- v. All requirements of the Wyoming Industrial Development Information and Siting Act, W.S. §35-12-101 et. seq.; and
- vi. All County, state, and federal laws and regulations.
- vii. The Applicant to provide copies of all non-confidential required studies and reports demonstrating compliance with these regulations, and all certifications and approvals from state and federal agencies related to requirements of these regulations, upon request.

d. Conformance with the Conditional Use Permit

(1) Notice of Commencement of Operations

i. The Owner(s) or Operator(s) shall give written notice to the Department when construction of the WECS Project has commenced.

ii. The Owner(s) or Operator(s) shall give written notice to the Department when construction is completed and operations have commenced. For purposes of this subparagraph b, operations shall be deemed commenced when electricity generated by the WECS Project is conveyed via transmission lines off the WECS Project Site for delivery to power purchasers or consumers.

(2) WECS Project Tower Removals, Relocations, Additions and WECS Project Site Expansion

i. Owner(s) or Operator(s) shall provide the Department with thirty (30) days prior written notice of removal of a WECS Project Tower from the WECS Project Site. In the event Owner(s) or Operator(s) desire to relocate or add a WECS Project Tower(s) within the WECS Project Site, Owner(s) or Operator(s) shall promptly furnish written notice, including GPS coordinates for the new WECS Project Tower location, to the Department and shall obtain an approved Building Permit prior to WECS Project Tower relocation.

ii. Notice of planned expansion of a WECS Project Site shall be submitted to the Department in writing. WECS Project Site expansion(s) shall require a completed and approved Conditional Use Permit application before any expansion is undertaken.

(3) Conformance with the Conditional Use Permit for WECS Projects shall be contingent upon compliance with all provisions of subsection 9c hereof.

Adopted 09/2009