

PLATTE COUNTY WIND ENERGY SITING REGULATIONS

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I. INTRODUCTION

A. Title

These Regulations shall amend the Platte County Zoning Rules and Regulations and be known, cited and referred to as the Platte County Wind Energy Siting Regulations.

B. Purpose

This Section of Regulations has been adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Platte County is safe and effective;
2. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area;
3. To facilitate economic opportunities for local residents;
4. To promote the supply of wind energy in support of Wyoming's goal of increasing energy production from renewable energy sources.

C. Authority

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

Title 18 Counties. Chapter 5 Planning and Zoning, Article 1. County Planning Commission, §§18-5-101 to 18-5-107

Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission, §§18-5-201 to 18-5-207

Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, §§9-8-101 to 9-8-302.

D. Severability

If any section or provision of the Platte 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 does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Platte County Commissioners declares that it would have adopted the valid portions and application of

these Regulations without the invalid part, and to this end the provisions of these Regulations are declared to be severable.

II. DEFINITIONS

- A.** "Applicant(s)" means the entity or person who submits to the County, pursuant to Sections V and VI of these Regulations, an application for a preliminary plan review or the siting of any WECS, WECS Project or Substation.
- B.** "Financial Assurance" means reasonable assurance, at the discretion of the County Commissioners, from a credit worthy party that the costs associated with but not limited to, construction; maintenance; consequences from an abandonment; or a failure to properly execute closure, post-closure care are recoverable from applicant(s) under these Regulations.
- C.** "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.
- D.** "Owner" means the entity or entities with an equity interest in the WECS(s), 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, 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.
- E.** "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.
- F.** "Primary Structure(s)" means structures such as residences, quonset huts, barns, commercial buildings, hospitals, and day care facilities. Primary Structure(s) excludes structures such as storage sheds and loafing sheds.
- G.** "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Wyoming.
- H.** "Special Permit" see Chapter III of the Platte County Zoning Rules and Regulations.

- I. "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.
- J. "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.
- K. "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 pursuant to Section V of these Regulations and including the project area as defined by the Owner.
- L. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- M. "WECS Tower Height" means the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

III. APPLICABILITY

These Regulations govern the siting of WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 100 kW or less who locate the WECS(s) on their own property are not subject to these Regulations. Excepted facilities shall comply with Chapter XV of these Regulations, Non-Commercial WECS. Approval of any Special Permit does not preclude the need to obtain approved Zoning Certificates for individual structures, additions and changes.

IV. PROHIBITION

No WECS Project, transmission lines or Substation governed by Section III of these Regulations shall be constructed, erected, installed, or located within Platte County, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to these Regulations.

V. PRELIMINARY PLAN REVIEW APPLICATION

Approval of a WECS Project is expressly not granted by approval of a preliminary plan review and does not negate or minimize requirements of other agencies in any manner.

Any preliminary plan review process is meant to consider the land use from a local zoning and land use perspective versus the required studies and formal details of the Project. This puts Platte County, adjacent counties, neighboring property owners and the general public on notice that a property is under consideration for a potential WECS

Project, gives the Applicant some awareness of potential issues associated with a particular property and minimizes costs to the Applicant until such time that a full WECS Project is planned.

- A.** A Special Permit application may be submitted to request approval of a preliminary plan for a site for a potential WECS Project as an approved land use 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. Preliminary plan applications shall not require that studies, detailed site plans, formal agreements and other information requested per these Regulations be submitted. A separate Special Permit application will be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations. A Preliminary Plan application will contain financial assurance that the applicant is capable of constructing and operating the proposed WECS Project.
- B.** The Special Permit application process for anemometers/meteorological towers represents a type of preliminary plan as it allows the County, neighboring landowners and the general public to be made aware that a property is being studied for a potential WECS Project with a Special Permit request for an anemometer/meteorological towers. Again, a separate Special Permit application would be required at a future date to proceed further with any WECS Project and that application will necessarily meet all applicable requirements of these Regulations.
- C.** An Applicant may skip either type of preliminary plan process as noted above in A. or B. and proceed directly to the full WECS Project application.
- D.** Upon approval of a preliminary plan anemometers/meteorological towers and other non-invasive or temporary structures may be permitted by the Board of Commissioners upon recommendation by the Planning Office.

VI. SITING APPROVAL APPLICATION

- A.** To obtain siting approval, the Applicant(s) must first submit a Special Permit application to the County.
- B.** The Special Permit application shall contain or be accompanied by the following information:
 - 1.** A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;

2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner(s) and Operator(s), and all property owner(s);
 3. A site plan for the installation of a WECS Project showing the planned location of each WECS Tower, 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, 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;
 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of these Regulations and with all applicable State and Federal Regulations;
 5. Letters of consent to permit from all property owners; and
 6. Any other information normally required by the County as part of its Zoning Rules and Regulations.
- C. The Applicant shall notify Platte County of any changes to the information provided in Section VI.B. that occur while any approval of the Special Permit application is pending.

VII. 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 Commission (“NEC”). Applicants 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 Special Permit under these Regulations, a Professional Engineer licensed in the State of Wyoming shall certify, as part of the Zoning Certificate 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*

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color that will help the project blend with the natural visual character of the area.

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 County.

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 15 feet from the ground.

E. *Climb Prevention*

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Site appropriate security enclosures with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

F. *Setbacks*

1. All WECS Project structures shall be set back at least one-quarter mile from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height.
2. All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from third party transmission lines, and communication towers.
3. All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. This does not apply to property lines within WECS Projects.
4. All WECS Project structures shall be set back a distance of one-half mile from any primary structure in a Residential Zoning District. If such property is undeveloped the required setback shall be at the center of the property or more restrictive point as determined by the County.

5. All WECS Project structures shall be set back a distance of one mile from any incorporated municipality, unless waived by the municipality.
6. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from Interstate 25.
7. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from Highway 34, Highway 26, Highway 270, Highway 319, and Highway 320.
8. All WECS Project structures, except transmission lines, shall be set back a distance of at least 1.10 times the WECS Tower height from public roads.
9. All WECS Project structures shall be set back from State Parks a minimum of one-quarter mile.
10. All WECS Project structures shall be set back from the Guard Camp Facility a minimum of one mile.
11. The Applicant does not need to obtain a variance from the County/Municipality upon waiver by either the County/Municipality or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.
12. Setback distances may be modified at the discretion of the County Commissioners if the following performance standards are met.
 - a. Affected adjacent property owner(s) have provided a waiver to the setback requirement, including such recordation at the Office of the County Clerk.
 - b. To minimize the degradation of the visual character of the area additional performance standards may be adopted by the County upon formal consideration, review and public hearing(s).

G. *Compliance with Additional Regulations*

Nothing in these Regulations is intended to preempt other applicable State and Federal laws and regulations.

H. *Use of Public Roads*

1. An Applicant(s), Owner(s), or Operator(s) proposing to use any county, municipality, township, village or State road(s), 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; utility crossing permits from WYDOT for impacts to any State Highway facilities.
- d. The Applicant(s) at the discretion of the County 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 County Commissioners.

- e. If potential road impacts are determined to extend beyond County boundaries the Applicant(s) 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 Platte County Planning Department prior to the scheduling of the hearing for the WECS Project(s).

- 2. To the extent an Applicant(s), Owner(s), or Operator(s) must obtain a weight or size permit from the County, the Applicant(s), Owner(s), or Operator(s) 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 County 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 Platte 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 Owner shall furnish proof of compliance with the requirements of any such county.

I. *Additional Permitted Uses*

The County may allow the Applicant(s) 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 the County on individual bases. Information on local historical issues may be included, or required, with approval of such accessory uses.

VIII. OPERATION

A. *Maintenance*

1. The Owner(s) or Operator(s) of the WECS must submit a yearly statement 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 and after the life of the operation. This shall be maintained to the satisfaction of County Weed & Pest.
3. Periodic maintenance will include upkeep to all structures and grounds for material state and aesthetics. 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(s) 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 VI.B.1. and VI.B.3. 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(s) shall take reasonable measures to mitigate such anticipated interference.
2. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other

communications venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint as reasonably feasible.

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

C. *Coordination with Local Fire Department*

1. The Applicant(s), Owner(s) or Operator(s) shall submit to the local fire department and/or the Emergency Management Coordinator a copy of the site plan.
2. Upon request by the local fire department and/or the Emergency Management Coordinator, the Owner(s) or Operator(s) 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 Planning Office, County Attorney's Office and with subsequent approval by the Board of Commissioners.

IX. 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 Platte County Planning Office.

If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance of Federal, State and/or Local requirements, the Applicant(s) at the discretion of the County 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*

The Applicant(s) for the WECS shall comply with all applicable FAA requirements.

B. *Local Aviation Facilities*

The Applicant(s) will minimize all applicable concerns and/or potential impacts with existing local public or private aviation facilities.

C. *Military*

The Applicant(s) for the WECS shall comply with all Military requirements whenever applicable.

D. *Federal Communication Commission*

The Applicant(s) for the WECS shall comply with all FCC requirements.

E. *Wyoming Industrial Siting Council*

The Applicant(s) for the WECS shall comply with all Wyoming Industrial Siting Council requirements.

F. *Environmental*

1. United States Fish and Wildlife Service (USFWS)

The Applicant(s) 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(s) 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(s) for the WECS Project shall comply with all applicable DEQ requirements.

4. Noise Levels

The Applicant(s) for the WECS Project shall comply with all Federal, State and Local requirements.

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(s) should be aware that the County will strictly enforce Wyoming Statue 35-10-401 if obstruction, injury and/or pollution occurs related to the WECS Project.

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

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

X. WYOMING GAME AND FISH DEPARTMENT (WGF)

The Applicant(s) is advised to request information from WGF during initial site selection regarding any crucial or important wildlife and habitat areas that may be present. The Applicant should include annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The Applicant will need to assure access to the wind development area for the purposes of annual wildlife monitoring activities. The County will route the WGF for comment to be reviewed and incorporated into any report and approval.

XI. ARCHEOLOGICAL AND HISTORICAL RESOURCES

The Applicant(s) is advised to seek 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 County will route the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment to be reviewed and incorporated into any report and approval.

XII. LIABILITY INSURANCE

The Owner(s) or Operator(s) of the WECS Project(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application. If the application is approved, the Owner(s) or Operator(s) of the WECS(s) shall provide proof of insurance to the Board of County Commissioners annually.

XIII. DECOMMISSIONING PLAN

Prior to receiving siting approval under these Regulations, the County and the Applicant(s), Owner(s), and/or Operator(s) must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A.** Provisions describing the triggering events for decommissioning the WECS Project or any portion thereof upon 18 months of continuous non-operation of the facility or of any aspect of any facility, unless by force majeure;
- B.** Provisions for the removal of structures, debris and cabling, including those below the soil surface down to 24 inches;
- C.** Provisions for the restoration of the soil and vegetation;
- D.** An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five (5) years;
- E.** Financial Assurance to begin in year 15, secured by the Owner(s) or Operator(s), for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs;
- F.** Identification of and procedures for County access to Financial Assurances;
- G.** A provision that the terms of the Decommissioning Plan shall be binding upon the Owner(s) or Operator(s) and any of their successors, assigns or heirs; and
- H.** A provision that the County/Municipality shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
- I.** A provision that the County/Municipality 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.
- J.** The applicant shall provide financial assurance in one, or a combination of the following, at the discretion of the County Commissioners: self bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the County Commission as part of the permit application procedures and prior to the approval of applicant(s) application. The Platte County Commission 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. Applicant(s) shall be notified in writing within 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 Board of County Commissioners, and upon receipt of the Board'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 Board of County Commissioners; and

- K.** Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Board of County Commissioners provides notice to the owner(s) or operators(s) and any surety that a violation(s) exists and the Board 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 County Attorney shall bring suit to recover the costs of performing the activities where recovery is deemed possible.

XIV. REMEDIES

- A.** The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under these Regulations.
- B.** Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner(s) and Operator(s), setting forth the alleged default(s). Such written notice shall provide the Owner(s) and Operator(s) a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C.** If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County regulation provisions addressing the resolution of such default(s) shall govern.
- D.** Enforcement. The provisions of these Regulations are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

XV. NON-COMMERCIAL WECS

Non-Commercial WECS shall be allowed as an Accessory Structure to an existing or proposed primary use in all zoning districts and shall be permitted by the issuance of an approved Zoning Certificate when applicable, as defined herein, or by the issuance of an approved Special Permit and Zoning Certificate when applicable.

- A.** Approval as an Accessory Structure with only a Zoning Certificate is subject to compliance with the standard applications requirements and compliance with all of the following Non-Commercial WECS as set forth below:
 - 1.** 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'). Any proposal that will exceed these standards will require an approved Special Permit prior to issuance of a Zoning Certificate.

2. Noise: WECS shall not exceed 40 dbA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe winds storms.
3. Setbacks: The WECS shall be setback a distance of one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.
4. 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.

5. 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').
6. 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.
7. Signs/Advertising: No tower shall have any sign, writing or picture that may be construed as advertising.
8. Colors: All towers shall be white or gray or other neutral color and be non-reflective.
9. 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.

- 10.** Approved Wind Turbines: At the time of application, the Applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI) or other small wind certification program recognized by the American Wind Energy Association.
 - 11.** On-site Electrical Use: On the application, the application must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.
 - 12.** Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 - 13.** Utility Notification: Permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - 14.** Removal of Defective or Abandoned WECS: Any WECS found to be unsafe by an authorized County official, or delegated party, shall be repaired by the owner 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, the 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.
 - 15.** Maintaining compliance: All applicable Federal, State and local regulations shall be met and continually maintained for all WECS.
- B.** A Special Permit must be approved for any Non-Commercial WECS that exceeds the standards defined in A.1. or any other standard listed herein.