

August 6, 2013  
Green River, WY

The Board of County Commissioners met this day at 8:30 a.m. in Regular Session with all commissioners present. The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

*Commissioner West moved to approve the agenda. Commissioner Kolb seconded the motion.* After a brief discussion, the motion was approved unanimously.

**Approval of Minutes 7-16, 2003**

*Commissioner Kolb moved to approve the minutes. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**Acceptance of Bills**

**Approval of County Vouchers/Warrants, Monthly Reports, Bonds (Official Bond and Oath) and Abates/Rebates**

*Commissioner West moved to approve the acceptance of the bills which includes the county vouchers/warrants, monthly statements, bonds (official bond and oath) and the abates/rebates. Commissioner Kolb seconded the motion.* With no discussion, the motion was approved unanimously.

WARR#	NAME	DEPT	TOTAL
	Salaries (Net)		428,541.65
55684	Capital Business Systems	Clk, Treas	84.54
5	Centurylink	Grants Proj, Flt Veh Main, RS Off Bld A, Fire Marshal, Commiss, Juv Prob, GR Fcl Mt CH, Land Use, Coroner	452.10
6	Centurylink	Clk, Treas, Assess, Shrf, Co Atrny, GR Cir Court, Clk Dist Crt, Road & Bridg, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin	995.34
7	Centurylink	Commiss, Clk, Treas, Assess, Co Atrny, Juv Prob, GR Cir Court, IT Dept, GR Fcl Mt CH, Land Use, Comm Nur-Hom	1,452.27
8	Centurylink	Shrf, Clk Dist Crt, Road & Bridg, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, Shrf Emg Mgt, Comm Nur-Hom, Vet Services	1,962.26
9	Centurylink	IT Dept	1,117.98
55690	Centurylink	Elect	25.39
1	Centurylink	Shrf	70.95
2	Cigna	Human Svcs	18.24
3	Delta Dental	Intr Gv Pool	2,065.50
4	HCC Life Insurance Comp	Intr Gv Pool	23,476.16
5	Home Depot Credit Service	Shrf Dtn Mnt, GR Fcl Mt CH	317.90
6	Home Depot Credit Service	GR Fcl Mt CH	702.39
7	Paetec	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, Coroner, Land Use, Clk Dist Crt	298.32
8	Paetec	GR Fcl Mt CH, Road & Bridg, Flt Veh Main, Elect, Comm Dev&Eng, Human Resour, Purchasing, Grants Admin, RS Off Bld A, Shrf Emg Mgt, Fire Marshal, Comm Nur-Hom	323.28
9	Payment Remittance Center	Coop Ext/4H, Shrf, Land Use	3,438.57
55700	Payment Remittance Center	Fire Marshal, Elect	198.65
1	Payment Remittance Center	Fire Marshal, Elect	185.23
2	Payment Remittance Center	GR Fcl Mt CH	184.07
3	Payment Remittance Center	Vet Services	197.10
4	Payment Remittance Center	Vet Services	29.19
5	Payment Remittance Center	Fire Marshal, Elect, Co Atrny, Commiss, Land Use	1,034.52
6	Payment Remittance Center	Elect, Fire Marshal, Comm Dev&Eng, Co Atrny, Shrf Dtn Mnt	7,299.85
7	Payment Remittance Center	Shrf	1,928.00
8	Payment Remittance Center	Coroner	52.54
9	Questar Gas	GR JV Maint, GR Fcl Mt CH, GR Cir Court, GR Rsvlt Mai, GR Wrhs Main, GR Rd & Brdg	1,087.39
55710	Rocky Mtn Power	RS R&B Lagoo, GR Fcl Mt CH, RS Veh Maint, Thmpsn Bld A,	

		JV 731 Bld D, RS Off Bld A, Att Bld 731C, RS 333 Bdwy	5,523.80
1	Satcom Global Fze	Coroner	136.32
2	Shepard Construction Inc	Capital Proj	87,390.00
3	Sweetwater County Insurance	Employee Ben, Human Svcs, Intr Gv Pool	49,929.80
4	Sweetwater County Insurance	Employee Ben	240,977.50
5	Verizon Wireless	Shrf, Shrf Emg Mgt, Fire Marshal, Vet Services, IT Dept, Commiss, <b>Elect, Co Atrny</b>	<b>1,031.05</b>
6	Vision Service Plan	Human Svcs, Intr Gv Pool, Employee Ben	4,908.66
7	Walmart Community/Gecrb-P	Fire Marshal	19.54
8	West Side Water & Sewer Dist	RS Mnt/C Pur, Shrf Dtn Mnt	2,199.50
9	Wex Bank	Shrf	19,614.19
55720	Wyoming Dept Of Workforce	Shrf Dtn Mnt, Shrf Emg Mgt	130.24
55721	Wyoming Waste Services -	RS Rd & Brdg	155.18
55983	Amazon	Treas, Fire Marshal, Coroner, Clk Dist Crt	814.16
4	Centurylink	Co Atrny, Grants Proj, GR Cir Court, Clk Dist Crt, GR Fcl Mt CH, Flt Veh Main, Human Resour, Purchasing, Grants Admin, Land Use, RS Off Bld A, Comm Nur-Hom	1,305.94
5	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Juv Prob, IT Dept, Coop Ext/4H, Road & Bridg, Elect, Comm Dev&Eng, Shrf Emg Mgt, Fire Marshal	3,846.45
6	Centurylink	Commiss, Clk, Treas, Assess, Shrf, Co Atrny, Juv Prob, Grants Proj, GR Cir Court, IT Dept, Land Use, Clk Dist Crt, GR Fcl Mt CH	347.31
7	Centurylink	Road & Bridg, Elect, Capital Proj, Comm Dev&Eng, Grants Admin, Shrf Emg Mgt, Vet Services, Human Resour, Purchasing, Comm Nur-Hom	336.17
8	Paradigm System Solutions	Grants Proj	32,429.72
9	Questar Gas	RS 333 Bdwy, Facil 731C C, RS Off Bld A, JV 731 Bld D, Thmpsn Bld b, Thmpsn Bld A, RS Rd & Brdg, RS Veh Maint, Shrf Dtn Mnt, RS Mnt/C Pur	3,754.36
55990	R S Refrigeration Supply	Shrf Dtn Mnt	132.17
1	Rocky Mtn Power	GR Rd & Brdg, GR Wrhs Main	121.83
2	Union Telephone Company Inc	Assess, Co Atrny, Clk, Shrf Emg Mgt, Grants Admin, Road & Bridg, Clk Dist Crt, Commiss, GR Fcl Mt CH, Land Use, Vet Services	385.46
3	Union Telephone Company Inc	Commiss, IT Dept, Coroner, GR Fcl Mt CH, Fire Marshal, Comm Dev&Eng, Land Use, Purchasing, Road & Bridg, Juv Prob, Co Atrny, Coop Ext/4H	3,217.21
4	Union Telephone Company Inc	Shrf Dtn Mnt, Shrf	2,494.37
5	Walmart Community/Gecrb-S	Shrf Dtn Mnt, Shrf	677.71
6	Walmart Community/Gecrb-S	Shrf Dtn Mnt	360.10
7	Wells Fargo	Shrf Dtn Mnt, Shrf, Shrf Emg Mgt	433.03
8	Wells Fargo	Shrf	3,344.76
9	Bank Of The West	Gen Accts	117,274.07
56000	Cigna	Gen Accts, Employee Ben	45.26
1	Sweetwater County Section	Gen Accts	7,330.62
2	Valic	Gen Accts	250.00
3	Wyoming Dept Of Workforce	Gen Accts, Clk, Vet Services	6,332.14
4	Wyoming Retirement System	Gen Accts	3,042.30
5	058-Ncpers Group Life Ins	Gen Accts	16.00
6	Capital Business Systems	Shrf Emg Mgt, Clk, Treas	71.46
7	Rocky Mtn Power	GR JV Maint, GR Cir Court, GR Fcl Mt CH, GR Rsvlt Mai	11,762.65
8	Union Telephone Company Inc	Elect	43.92
9	Verizon Wireless	Fire Marshal, Shrf	976.90
56010	West Side Water & Sewer Dist	RS Mnt/C Pur, Shrf Dtn Mnt	2,199.50
56059	Accreditation Audit & Risk	Shrf Dtn Mnt	1,060.00
56060	Ace Hardware	GR Fcl Mt CH, Road & Bridg	196.02
1	Ace Hardware #11263-C	GR Fcl Mt CH, Road & Bridg	183.75
2	Ace Hardware #11263-C	GR Fcl Mt CH, Road & Bridg	246.77
3	Advanced Medical Imaging	Coroner	206.13
4	Afatasi, Esekia	Shrf	153.00
5	Airgas Usa LLC	Flt Veh Main	21.75
6	Alcohol & Drug Testing Serv	Shrf Dtn Mnt	455.00
7	Allbright, David	GR Fcl Mt CH	10.38
8	Alpine Pure Bottled Water	Vet Services, Co Atrny	101.00
9	Auto Parts Unlimited	Road & Bridg	413.94

56070	Autospa Inc	GR Fcl Mt CH	28.30
1	Awards Unlimited & Engraving	Road & Bridg	39.80
2	Battery Systems	Road & Bridg	468.50
3	Behavioral Interventions	Grants Proj	204.96
4	Bennett Paint & Glass	GR Fcl Mt CH	660.40
5	Bob Barker Company Inc	Shrf Dtn Mnt	4,920.33
6	Bookcliff Sales Inc	Road & Bridg	97.83
7	Buckboard Marina	Shrf	214.19
8	Bunning, Lisa	Co Atrny	14.02
9	C & J Enterprises	GR Fcl Mt CH	2,184.00
56080	Carquest Auto Parts	Flt Veh Main, Road & Bridg	26.94
1	Carquest Auto Parts	Road & Bridg, Flt Veh Main	1,223.32
2	Carrier Corporation	GR Fcl Mt CH, Shrf Dtn Mnt	5,066.20
3	Cartegraph Systems Inc	Comm Dev&Eng	4,120.00
4	CDW Government, Inc.	Comm Dev&Eng	152.29
5	City Of Green River	Animal Cntrl	970.00
6	City Of Rock Springs	Animal Cntrl	1,907.02
7	CNS Medical Group PC	Shrf Dtn Mnt	365.00
8	Coalition Of Local Govmnts	Gen Co Admin	15,000.00
9	Communication Technologies	Shrf, Shrf Emg Mgt	297.00
56090	Copier & Supply Co Inc	Shrf, Purchasing, Vet Services, Assess, Clk, Commiss, Land Use, Clk Dist Crt, Co Atrny	901.72
1	Copier & Supply Co Inc	Land Use, Shrf Dtn Mnt, Clk Dist Crt, Co Atrny	1,968.65
2	Cummins Rocky Mountain LLC	Capital Proj	2,624.11
3	Davies, Adam D	Co Atrny	3,025.00
4	Davis, Steven Dale	Elect	208.06
5	Debernardi, Damon A	Co Atrny	444.63
6	Dell Marketing L P	Treas	37.49
7	Divis, David S	Assess	127.69
8	DJ's Glass	Road & Bridg	980.00
9	Drinkle, Patricia W	Assess	127.69
56100	Eastin, Vickie	Elect	545.32
1	Electrical Connections In	GR Fcl Mt CH	691.56
2	F B McFadden Wholesale Co	Shrf Dtn Mnt	111.60
3	F B McFadden Wholesale Co	Shrf Dtn Mnt, Shrf	5,734.14
4	Fastenal Company	GR Fcl Mt CH	3.02
5	Felderman, Kimmie	Grants Proj	69.94
6	Fett, Joyce A	Shrf	406.81
7	Fleetpride	Road & Bridg	233.68
8	Fremont Motor Rock Spring	Road & Bridg, Flt Veh Main	322.88
9	FSH Communications, LLC	Shrf Dtn Mnt	70.00
56110	G & K Services	Road & Bridg	810.42
1	G & K Services	Road & Bridg	90.27
2	Garris, Steven M	Shrf	29.54
3	Grainger	Shrf	85.99
4	Greenline Equipment	Road & Bridg	2,800.00
5	Hamner, Tanya	Coop Ext/4H	974.79
6	Hampton Inn & Suites	Co Atrny	316.00
7	Harrington & Company	GR Fcl Mt CH	81.07
8	Haskell, Larry R.	Shrf	8.63
9	High Security Lock & Alarm	GR Fcl Mt CH	56.50
56120	Holiday Inn Express -Chey	Shrf	139.99
1	Homax Oil Sales Inc	Shrf, Road & Bridg	30,353.07
2	Horizon Laboratory Llc	Coroner	998.00
3	Howard Supply Company, LLC	Road & Bridg	448.02
4	IBS Incorporated	Flt Veh Main	652.21
5	Industrial Hoist And Crane	Road & Bridg	171.38
6	Industrial Solutions Inc	GR Fcl Mt CH	717.00
7	Industrial Supply	Commiss, Clk Dist Crt, Road & Bridg	118.08
8	Intermountain Equipment S	Road & Bridg	295.00
9	Ipromo	Shrf	1,562.50
56130	ISC Inc	Shrf Dtn Mnt	1,659.93
1	J & S Solar Products	Flt Veh Main	90.00
2	Jack's Truck & Equipment	Road & Bridg	1,802.58
3	Jenny Service Co	Shrf Dtn Mnt	2,217.82
4	Joint Powers Telecom Board	IT Dept	36,540.00
5	K-Motive & Sports	Flt Veh Main	819.92
6	Kenworth Sales - Rock Springs	Road & Bridg	207.38
7	Krazy Moose	Co Atrny	148.40
8	Kroger - Smith's Customer	Coop Ext/4H	71.39
9	Kroner III MD L F	Shrf Dtn Mnt	7,732.00
56140	L N Curtis & Sons	Fire Marshal	42.94
1	Lake, Cassandre R.	Co Atrny	55.34
2	Lawn World	GR Fcl Mt CH, Shrf Dtn Mnt	3,050.00
3	Lawson Products Inc	Road & Bridg	959.92
4	Lea/Aid Acquisition Compa	Shrf	208.00
5	Lewis And Lewis Inc	Road & Bridg	943.34
6	Lippman, Leonard	Shrf	93.30
7	Local Government Liability	Risk Mngmt	154,105.00
8	Lyle Signs Inc	Road & Bridg	2,965.26
9	Macy's Truck Repair Inc	Road & Bridg	34.17
56150	Manpower	GR Fcl Mt CH	7,725.33

1	Marchal, Krisena	Grants Admin	27.50
2	Matthew Bender & Co Inc	Shrf Dtn Mnt	464.39
3	Max Service Specialty Inc	Road & Bridg	422.00
4	McBride, Ryan	Shrf	153.00
5	McKee Foods Corporation	Shrf Dtn Mnt	575.04
6	Meadow Gold Dairy	Shrf Dtn Mnt	2,471.71
7	Medicalproducts LTD Inc	Coroner	408.32
8	Memorial Hospital Of SW Co	Title 25	32,604.97
9	Mendenhall Equipment Co.	Shrf Dtn Mnt	1,373.86
56160	Modern Electric Company	Capital Proj	39,891.59
1	Moore Medical, LLC	Shrf Dtn Mnt	167.35
2	Moore, Danielle	Co Atrny	13.04
3	Mountain West Business So	Juv Prob	30.00
4	Mountainland Supply Company	GR Fcl Mt CH	300.40
5	National Business Systems	Treas	2,062.08
6	Net Transcripts Inc	Co Atrny	828.90
7	Nicholas & Company	Shrf Dtn Mnt	3,033.50
8	Norco Inc	GR Fcl Mt CH	222.07
9	Office Depot Inc	Commiss	101.99
56170	Pacific Steel & Recycling	GR Fcl Mt CH, Road & Bridg	474.33
1	Pinedale Roundup Rough	GR Fcl Mt CH	48.95
2	Plan One/Architects	Capital Proj	118,932.97
3	Pms Screen Printing	Fire Marshal	406.00
4	Professional Systems Tech	Shrf Dtn Mnt	1,195.94
5	Public Defender	Public Defnd	5,000.00
6	Public Safety Center, Inc	Shrf	210.67
7	Quill Corporation	Shrf Dtn Mnt, Purchasing, GR Fcl Mt CH, Coop Ext/4H, Flt Veh Main, Assess, Clk, Treas	82.33
8	Quill Corporation	Clk Dist Crt, Treas, Shrf, Clk, Shrf Dtn Mnt, Flt Veh Main, Co Atrny, Vet Services, Coop Ext/4H, Fire Marshal, GR Fcl Mt CH	624.85
9	Quill Corporation	GR Fcl Mt CH, Fire Marshal, Shrf, Clk, Shrf Dtn Mnt, Commiss, Co Atrny, Treas, Land Use, Clk Dist Crt	1,686.00
56180	Quill Corporation	Shrf Emg Mgt, Clk Dist Crt, Shrf, Treas	3,182.53
1	R S Refrigeration Supply	GR Fcl Mt CH	19.19
2	Real Kleen Inc	Shrf Dtn Mnt	710.90
3	Riverside Nursery	Shrf Dtn Mnt	234.95
4	Rock Springs Chamber Of Comm	Commiss, Gen Accts	187.50
5	Rock Springs Newspapers Inc	Comm Dev&Eng	127.00
6	Rock Springs Newspapers Inc	Treas	11,651.32
7	Rock Springs Newspapers Inc	Land Use	194.94
8	Rock Springs Winnelson Co	GR Fcl Mt CH	58.36
9	Rocky Mountain Home Care	Shrf Dtn Mnt	14,026.66
56190	Rocky Mountain Wash, LLC	GR Fcl Mt CH	10.25
1	Rocky Mtn Information Net	Shrf	200.00
2	Ron's Ace Rentals	Flt Veh Main, Road & Bridg	240.50
3	Safety-Kleen Systems Inc	Road & Bridg	221.62
4	Shadow Mountain Water	Vet Services	27.00
5	Shopko Hometown - Pharmacy	Shrf Dtn Mnt	3,331.95
6	Skaggs Companies	Shrf, Shrf Dtn Mnt	642.49
7	Skaggs Companies	Shrf, Shrf Dtn Mnt	1,144.75
8	Smyth Printing Inc	Road & Bridg	211.03
9	Snap On Tools	Road & Bridg	1,087.10
56200	Standard Plumbing Supply	Shrf Dtn Mnt	297.90
1	Sterling Communications	Fire Marshal, Road & Bridg, Shrf Dtn Mnt	4,395.34
2	Sw-Wrap	Grants Proj	2,136.71
3	SWCO Conservation District	Conservation	8,205.03
4	Sweetwater Co Circuit Court	Co Atrny	40.00
5	Sweetwater Medics LLC	cr ambul svc	21,697.20
6	Sweetwater Plumbing & Heat	GR Fcl Mt CH, Shrf Dtn Mnt	287.20
7	Sweetwater Trophies	Clk Dist Crt	540.36
8	Sweetwater Urology	Shrf Dtn Mnt	20.00
9	Swick's Matco Tools	Flt Veh Main	198.82
56210	Swisher Hygiene Franchise	Shrf Dtn Mnt	1,446.03
1	The Bike And Trike	GR Fcl Mt CH	364.99
2	The Tire Den Inc	Road & Bridg	2,054.65
3	The Tire Den Inc	Road & Bridg	1,282.00
4	Thos Y Pickett & Company	Assess	40,000.00
5	Tony Avendorph Associates	Shrf	1,153.00
6	Tri Air Testing Inc	Fire Marshal	154.00
7	Tyler Technologies Inc	Capital Proj	11,055.00
8	U S Foods Inc	Shrf Dtn Mnt	2,813.59
9	United Site Services Of N	RS R&B Lagoo	140.08
56220	United Truck & Equipment	Road & Bridg	276.20
1	Vaughn's Plumbing & Heating	GR Fcl Mt CH, Capital Proj	1,147.50
2	Vehicle Lighting Solution	Road & Bridg	383.77
3	W A R M Property Insurance	Risk Mngmt	224,725.57

4	Western Wyoming Community	Grants Proj	420.00
5	Western Wyoming Community	Coop Ext/4H	3,550.00
6	Whisler Chevrolet Company	Flt Veh Main	340.28
7	White Mountain Lumber	GR Fcl Mt CH, Road & Bridg	528.14
8	Wilkerson IV MD PC, James	Coroner	1,040.00
9	Wyoming Conf Of Building	Land Use	50.00
56230	Wyoming Coroner's Assn	Coroner	125.00
1	Wyoming Dept Of Trans.	Capital Proj	654.60
2	Wyoming Machinery Company	Road & Bridg	612.61
3	Wyoming Machinery Company	Road & Bridg	3,971.76
4	Wyoming Pathology Inc	Coroner	2,400.00
5	Wyoming.COM	IT Dept, Road & Bridg	4,290.80
6	Young At Heart Senior Cit	Grants Proj	2,312.83
56237	Zumbrennen's American Car	Road & Bridg	16.19
GRAND TOTAL			2,011,369.45

The following unlisted warrants are payroll warrants: 55722 – 55982. Unlisted warrants 56011 – 56058 are payroll warrants that will not be approved until the next BOCC meeting.

The following bonds were placed on file:

Allen Wilson                      Sweetwater County Recreation Board - Treasurer                      \$10,000.00

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TAXPAYER	VALUATION	TAXPAYER	VALUATION
CUTTING EDGE CURBING	-62	EOG RESOURCES INC	-3,584
CUTTING EDGE CURBING	-53	YATES PETROLEUM CORP	-6,443
CUTTING EDGE CURBING	-46	YATES PETROLEUM CORP	-6,591
CUTTING EDGE CURBING	-40	YATES PETROLEUM CORP	-15,531
A S A P ERRAND SERVICE	-1,864	ANADARKO E&P CO LLP	-16,677
A S A P ERRAND SERVICE	-1,697	ANADARKO E&P CO LLP	-43,997
XEROX LEASE EQUIP LLC	-98	ANADARKO E&P CO LLP	-5,951
SLAGS WELDING	-315	ANADARKO E&P CO LLP	-6,578
DEVON ENERGY PROD CO LP	-72,097	ANADARKO E&P CO LLP	-3,500
DEVON ENERGY PROD CO LP	-95,248	ANADARKO E&P CO LLP	-13,579
GOLDEN ENERGY PARTNERS LLC	-8,066	ANADARKO E&P CO LLP	-137,913
G&H RESOURCES	-2,703	ANADARKO E&P CO LLP	-3,204
BP AMERICA PROD CO	-1,682	ANADARKO E&P CO LLP	-357,452
BP AMERICA PROD CO	-68,197	ANADARKO E&P CO LLP	-3,764
BP AMERICA PROD CO	-196,971	ANADARKO E&P CO LLP	-12,913
BP AMERICA PROD CO	-762	MARATHON OIL CO	-577
BP AMERICA PROD CO	-798	YATES PETROLEUM CORP	-767
BP AMERICA PROD CO	-4,395		

### Commissioner Comments/Reports

#### Chairman Johnson

Chairman Johnson reported that the governor attended the CDC Ribbon Cutting in Green River and the NHFR and expressed his appreciation that the governor has been willing to come to Sweetwater County. Chairman Johnson attended a CLG meeting in Kemmerer regarding the transportation plan and the Rock Springs RMP and expressed his feelings that the commission representing Sweetwater County should continue to have some say in the plan. Chairman Johnson spoke that he was asked to testify in Casper in front of the EPA on the haze rules as they are being implemented in our area. Chairman Johnson met with the new superintendent of schools for School District #1, the conservation district regarding roads and with the WLCI concerning project proposals. Chairman Johnson noted that he has been asked to serve on a search and selection committee to find a replacement for Cindy DeLancey who has resigned as Executive Director of the WCCA.

#### Commissioner Van Matre

Commissioner Van Matre reported that he appreciates the way the county works together to solve problems. Commissioner Van Matre expressed that this year's county fair was a good experience and that he enjoyed his volunteerism. Commissioner Van Matre visited with Director of Juvenile Probation Karin Kelly and met with IT Director Tim Knight and noted that they have completed software programs in the Assessor's office. Commissioner Van Matre reported that they are making progress with the software at 333 Broadway with a goal for financial implementation of October 1<sup>st</sup>. Commissioner Van Matre visited with Museum Director Ruth Lauritzen concerning budget issues, Grants Manager Krisena Marchal, and Ann Owen from the CDC who gave him a tour of the facility. Chairman Johnson noted the importance of obtaining an occupancy permit for the Rock Springs CDC.

#### Commissioner Kolb

Commissioner Kolb reported that he attended the Airport Board meeting, a Fair Board meeting, and a Skywest meeting in St. George Utah. Commissioner Kolb publicly thanked Greene's Energy Services Inc. who flew them down on their aircraft and noted that they care about the airport and that he appreciated their help. Commissioner Kolb reported that the National Finals Rodeo was a fantastic event

and shared his feeling that it will generate future business for Sweetwater County. Commissioner Kolb expressed that the Sweetwater County Fair was well attended, noted that it is the second largest fair in Wyoming, and thanked the office staff for their hard work. Commissioner Kolb reported that he met with Judge James regarding the GAL program, County Treasurer Robb Slaughter, County Assessor Pat Drinkle, County Clerk Dale Davis, and Land Use Director Eric Bingham

#### **Commissioner Bailiff**

Commissioner Bailiff reported that he attended the Ribbon Cutting ceremony for the Green River CDC and the NHFR reception for the governor. Commissioner Bailiff mentioned that he attended the rodeo and toured vendor displays which were very impressive. Commissioner Bailiff reported that he met with Road & Bridge Forman Tony Carson from the Road and Bridge department and visited the fire warden regarding concerns with heating, cooling and ventilation in his building. Commissioner Bailiff noted that he attended the Red Desert Roundup Rodeo. Commissioner Bailiff spoke that he attended a Recreation Board meeting and met with a member of the Sheriff's office and with Emergency Management. Commissioner Bailiff noted that he met with Bruce Thomson, Clear View Improvement & Service District Board Treasurer, and that District Operations Supervisor Margaret Jones had put together an informational packet to present to the commission. Lastly, Commissioner Bailiff complimented the County Clerk's office for their efficiency in quickly processing payroll with the new system.

#### **Commissioner West**

Commissioner West reported that he attended a Southwest Counseling Service meeting and noted that they have two new members. Commissioner West spoke that he attended a Memorial Hospital Finance and Audit Committee meeting and noted that the Medical Office Building has run into delays with the anticipated completion date. Commissioner West shared that CEO Jerry Klein would like to know when a good time would be for the commissioners to be given a tour. Commissioner West shared the new positions that have been hired in the last few months noting that they have filled all hires needed for the cancer center. Commissioner West spoke that he attended several fair activities and that they were well organized and ran smoothly. Commissioner West reported that the Board of Health hired Dr. Grant Christensen as their new director. Lastly, Commissioner West noted that Farson-Eden is having a meeting on August 7th with the Wyoming Water Development Commission in regard to their community water system that he will attend which could prevent him from attending the Memorial Hospital Board meeting.

#### **County Resident Concerns**

Chairman Johnson opened county resident concerns. Hearing no comments, the hearing was closed.

#### **Action/Presentation Items**

##### **Parks & Recreation Board Appointment**

Chairman Johnson noted that Dr. Shelly Wall had declined her appointment due to serving on another committee. Following a brief discussion, *Commissioner Bailiff nominated Mary (Robin) Lonnevik. Commissioner Kolb seconded the motion.* After a brief discussion, the motion was approved unanimously.

#### **Break**

Chairman Johnson called for a five minute break

##### **Request Approval of 2013 Mill Levies**

Sweetwater County Assessor Pat Drinkle presented the 2013 Mill Levy worksheet. Following discussion, Chairman Johnson entertained a motion to approve the Mill Levies as presented by Pat Drinkle, County Assessor. *Commissioner Van Matre so moved to approve. Commissioner West seconded the motion.* After further discussion, the motion was approved after a roll call vote with Chairman Johnson and Commissioners West and Van Matre voting aye and Commissioners Bailiff and Kolb voting nay.

##### **Request Approval to Replace Vacant Position in Attorney's Office**

County Attorney Brett Johnson requested approval to replace a vacant position in the attorney's office. Chairman Johnson entertained a motion to approve the request. *Commissioner Van Matre so moved. Commissioner Bailiff seconded the motion.* With no discussion, the motion was approved unanimously.

##### **Approval of the FY 2014 Services to Victims of Crime Grant Documents**

Grants Manager Krisena Marchal presented the Approval of the FY 2014 Services to Victims of Crime grant documents and requested a motion to approve and authorize the chairman to sign. County Attorney Brett Johnson noted that the grant has been in effect for a long time. Following discussion, *Commissioner West moved to accept the FY 2014 Services to Victims of Crime grant contract. To approve and authorize the Chairman to sign the Certified Assurances and Special Provisions related to the FY 2014 Services to Victims of Crime grant and to approve, and authorize the Chairman to sign, the Division of Victim Services subgrantee audit requirements. Commissioner Kolb seconded the motion.* After further discussion, the motion was approved unanimously

##### **David Allison's Contract Extension-Public Lands**

Public Lands Director Mark Kot presented Resolution 13-08-CC-04 to extend a contract for Mr. David Allison to assist Sweetwater County in completing the update of the federal lands portion of the Sweetwater County comprehensive plan. Following discussion, Chairman Johnson entertained a motion to approve Resolution 13-08-CC-04. *Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**RESOLUTION 13-08-CC-04**  
**CONTRACT EXTENSION FOR MR. DAVID ALLISON'S PUBLIC LANDS**  
**CONSULTING SERVICES**

Whereas, Sweetwater County has determined it is necessary to update the Sweetwater County Comprehensive Plan as it relates to public lands; and

Whereas, on August 15, 2012, Sweetwater County contracted with Mr. Allison to provide consulting services to assist Sweetwater County in updating the Sweetwater County Comprehensive Plan as it relates public lands; and

Whereas, the Sweetwater County Comprehensive Plan – Public Lands Update is incomplete and Mr. Allison services are still needed for its completion;

Now therefore, let it be resolved that Mr. Allison's contract as approved by all parties on August 15, 2012 is hereby by extended with the same terms and conditions until August 15, 2014 (see attached August 15, 2012 Contract).

Dated this 6<sup>th</sup> day of August 2013

Sweetwater County Board of County Commissioners

\_\_\_\_\_  
Wally J. Johnson, Chairman

\_\_\_\_\_  
Gary Bailiff, Member

\_\_\_\_\_  
John K. Kolb, Member

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Reid West, Member

Attest: Consultant

\_\_\_\_\_  
Steven Dale Davis  
County Clerk

\_\_\_\_\_  
David L. Allison

**Approval of Human Service Contracts**

Accounting Manager Bonnie Phillips presented several Human Services contracts prepared by the County Attorney's office and signed by the agencies. Following discussion, *Commissioner Bailiff moved to approve all of these Human Service contracts. Commissioner Kolb seconded the motion.* With no discussion, the motion was approved unanimously.

**Break**

Chairman Johnson called for a five minute break.

**Approval of the Enhanced Air Service Cooperative Agreement**

Accounting Manager Bonnie Phillips presented the Enhanced Air Service Cooperative Agreement to be approved and signed. She noted that it has already been budgeted for. Following a brief discussion, Chairman Johnson entertained a motion to approve, and authorize the Chairman to sign, the Enhanced Air Service Cooperative Agreement. *Commissioner Kolb made the motion to approve the Enhanced Air Service Cooperative Agreement and have the Chairman sign. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**Federal Grant-Rehabilitate Runway 3/21**

Airport Manager Terry Doak presented a Federal Grant to Rehabilitate Runway 3/21. Following discussion, Chairman Johnson entertained a motion to have the grant agreement approved as presented and authorize the Chairman to sign. *Commissioner West so moved. Commissioner Kolb seconded the motion.* With no further discussion, the motion was approved unanimously.

**Renewal of BLM Right of Way Grant WYW82646**

Public Works Director John Radosevich presented a Renewal of Right of Way Grant WYW82646 Following discussion, Chairman Johnson entertained a motion to approve. *Commissioner Kolb moved to approve. Commissioner Bailiff seconded the motion.* With no further discussion, the motion was approved unanimously.

**Application to BLM to Amend Existing BLM ROW Grant for Realignment (1750 feet) of County Road 4-17 (Chilton Road)**

Public Works Director John Radosevich presented an application to BLM to amend existing BLM ROW grant for realignment (1750 feet) of County Road 4-17. Following discussion, *Commissioner Kolb moved to approve the request and authorize the chairman to sign. Commissioner West seconded the motion.* With no discussion, the motion was approved unanimously.

**Award of the 2013 Paint Striping Contract**

Public Works Director John Radosevich and Dinesh P. Sheth from Indo American Engineering, Inc presented the Paint Striping Bid Opening. After a detailed summary of the bids, Mr. Radosevich recommended to award the bid to S & L Industrial for a sum of \$174,618.18 and authorize the chairman to sign all necessary documents. Following discussion, Chairman Johnson entertained a motion to approve the request for \$174,618.18 and authorize the chairman to sign. *Commissioner Van Matre so moved. Commissioner Bailiff seconded the motion.* With no further discussion, the motion was approved unanimously.

**GAL and Court Library Discussion**

Accounting Manager Bonnie Phillips, Judge James, and Judge Lavery came forward to discuss the budget for the court library and Guardian Ad Litem program. Following discussion, it was acknowledged that purchases for the court library would go through County Purchasing. Deputy County Attorney Cliff Boevers noted that there is a statutory obligation to maintain a law library. The commission directed Accounting Manager Bonnie Phillips to draft a budget amendment adding \$20,000 for the court library.

Regarding the Guardian Ad Litem program, County Attorney Brett Johnson shared that, currently, there has not been an amount budgeted for Sweetwater County but that there is interest in re-involving our county. Judge James noted that Sweetwater County had previously participated in the GAL program but that the attorneys backed out of the program several years ago. She shared that the system has since been improved and that several local attorneys are interested in participating. Commissioner West suggested that the monies budgeted for Clerk of Court for the GAL program be moved into the commissioner's budget. It was decided to draft a budget amendment to move these funds.

**Request to Replace the 2009 Dodge 250 Animal Control Truck**

Sheriff Haskell presented a request for the replacement of a 2009 Dodge 250 Animal Control truck. Following discussion, *Commissioner Bailiff moved to approve with the understanding that flex fuel will be investigated. Commissioner West seconded the motion.* With no discussion, the motion was approved unanimously.

**Approval of the Project Safe Neighborhoods Grant Award**

Grants Manager Krisena Marchal and Sweetwater County Sheriff Haskell presented the approval of the Project Safe Neighborhoods grant award for the 2013 Western States Gang Conference and requested a motion to approve and authorize the Chairman to sign. Following discussion, Chairman Johnson entertained a motion to approve, and authorize the Chairman to sign, the approval of the Project Safe Neighborhoods grant award. Following discussion, *Commissioner West moved to accept the Project Safe Neighborhoods grant award for the 2013 Western States Gang Conference. Commissioner Kolb seconded the motion.* With no discussion, the motion was approved unanimously.

**Approval of the High Intensity Drug Trafficking Area (HIDTA) 52% Grant Award**

Grants Manager Krisena Marchal and Sweetwater County Sheriff Haskell presented the approval of the High Intensity Drug Trafficking Area (HIDTA) 52% grant award and requested a motion to approve and authorize the chairman to sign. Following discussion, Chairman Johnson entertained a motion to approve, and authorize the Chairman to sign, the approval of the High Intensity Drug Trafficking Area (HIDTA) 52% grant award. *Commissioner West moved to approve the HIDTA 52% grant award and accept the 48% grant award and authorize the Chairman to sign. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved unanimously.

**Break**

Chairman Johnson called for a five minute break.

**Potential Revision in Museum Budget**

Museum Director Ruth Lauritzen and Museum Board members Mark Chollak, Judy Graham, Donna Mundschenk and Sweetwater County Accounting Manager Bonnie Phillips appeared before the commission to discuss a shortage in the museum budget. Ms. Lauritzen noted that several cuts have been made, however, there will be insufficient cash on hand to carry them over until the first tax disbursement in October and asked for commission guidance in this matter. Following discussion, *Commissioner West moved to approve a disbursement of \$50,000 to the museum with whatever budget amendment that needs to be done to do so. Commissioner Van Matre seconded the motion.* With no discussion, the motion was approved with Commissioner Kolb voting nay.

**Tax Anticipation Agreement between RSNB Bank, the Fair Board and SWCO**

Events Complex Accountant Bob Perry was present to request approval of a Tax Anticipation Agreement between RSNB Bank, the Sweetwater County Fair Board, and Sweetwater County. Following discussion, Chairman Johnson expressed that the agreement requires their approval and to authorize the chairman to sign said agreement. *Commissioner Kolb moved to approve. Commissioner West seconded the motion.* With no discussion, the motion was approved unanimously.

Sheriff Haskell served the Sweetwater County Board of County Commissioners with legal papers regarding Rio Vista Water District.

**Lunch**

Chairman Johnson recessed the meeting for lunch. After the lunch break, Chairman Johnson opened the afternoon session.

**Public Hearing**

**Certification of Wind Energy Conversion System Regulations**

Land Use Director Eric Bingham presented the certification page and Resolution 13-08-CC-01 Wind Energy Conversion System Regulations noting that, prior to adoption of these rules, they were available for public inspection for more than 45 days and that staff recommendation to the board is to approve Resolution 13-08-CC-01 to repeal and replace Section 18 and to authorize the chairman to sign the certification page. Commissioner Kolb commented on the large amount of time and effort that has gone into drafting these regulations. Chairman Johnson complimented the Planning and Zoning commission and staff due to the long term consequences of these rules. Chairman Johnson opened the meeting to public comment. Attorney Clark Stith addressed the commission in reference to a letter and attachments submitted on August 5, 2013 regarding these regulations. Following discussion *Commissioner Kolb made the motion to approve Resolution 13-08-CC-01, Language Amendment to the Sweetwater County Zoning Resolution, repeal Section 18 Wind Farm Regulations and replace with Section 18 Wind Energy Conversion Systems and authorize the Chairman to sign the certification page. Commissioner Bailiff seconded the motion.* With no discussion, the motion was approved unanimously.

**RESOLUTION 13-08-CC-01**

**LANGUAGE AMENDMENT TO THE SWEETWATER COUNTY ZONING RESOLUTION  
REPEAL SECTION 18 – WIND FARM REGULATIONS AND REPLACE WITH  
SECTION 18 – WIND ENERGY CONVERSION SYSTEMS**

**Whereas**, the Board of Sweetwater County Commissioners (Board) is empowered by Wyoming Statutes 18-5-201 et. Seq. to regulate the use of land in the unincorporated areas of Sweetwater County; and,

**Whereas**, on January 11, 2013 the Sweetwater County Land Use Department advertised that a public hearing would be held before the Sweetwater County Planning and Zoning Commission at 10:00 a.m. on February 13, 2013 proposing to amend Section 18 of the Sweetwater County Zoning Resolution concerning Wind Energy Conversion Systems, and;

**Whereas**, the Sweetwater County Planning and Zoning Commission held a public hearing on February 13, 2013 regarding this *Language Amendment to the Sweetwater County Zoning Resolution*, and;

**Whereas**, the Sweetwater County Planning and Zoning Commission at their public hearing on February 13, 2013 requested and received public comment, and;

**Whereas**, after due consideration and discussion of all public comments received during a public hearing on February 13, 2013 the Planning and Zoning Commission voted 5-0 to recommend to the Sweetwater County Board of County Commissioners adoption of the proposed amendments to Section 18 of the Sweetwater County Zoning Resolution concerning Wind Energy Conversion Systems, and;

**Whereas**, the Sweetwater County Board of County Commissioners held a public hearing on the proposed amendments on May 21, 2013 which was tabled, and;

**Whereas**, the Sweetwater County Board of County Commissioners untabled the public hearing on the proposed amendments on June 18, 2013 and requested and received public comment, and after due consideration and discussion signed notice of its intention to repeal Section 18 of the Sweetwater County Zoning Resolution titled Wind Farm Regulations and replace it with Section 18 titled Wind Energy Conversion Systems, and;

**Whereas**, at least forty-five (45) days have lapsed since the Sweetwater County Board of County Commissioners expressed its intent, pursuant to W.S.§16-3-103(a)(i) of Wyoming’s Administrative Procedures Act, to repeal Section 18 titled Wind Farm Regulations and replace it with Section 18 titled Wind Energy Conversion Systems and adopt the language shown below:

**Section 18. Wind Energy Conversion Systems**

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**A. Overview**

This Section provides the regulatory framework for Wind Energy Conversion System Facilities. The regulations within this Section are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all unincorporated areas of Sweetwater County. Unless otherwise provided, the requirements of this Section are in addition to the zone district requirements set forth in the Sweetwater County Zoning Resolution.

**B. Intent and Purpose**

The intent of these regulations is to: provide for public safety, prevent hazards from the construction of commercial and non-commercial Wind Energy Conversion System Facilities, preserve environmental, historical and cultural resources, maintain the unique custom and culture of Sweetwater County, and to sustain the diverse existing uses of the land. In addition, the purpose is to consider and require carefully planned and compatible Wind Energy Conversion System Facilities in Sweetwater County;

**C. Definitions**

- 1) "Applicant(s)" means owner or developer.
- 2) "Application Submittal Meeting" means a mandatory meeting that the applicant shall schedule and attend for the purposes of the Department providing a summary review of the WECS Facility Application.
- 3) "Areas of Critical Environmental Concern" means areas within the public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. (Federal Land Policy and Management Act)
- 4) "Biologically Significant" means those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
- 5) "Bird Diverter Standards" means the requirements of BLM "Appendix K MET Tower Requirements for Wildlife" for flagging guy wires to reduce avian injuries or fatalities.
- 6) "Blade Glint" means small bright flashes of reflected light from a wind generation device.
- 7) "Board" means the Sweetwater County Board of County Commissioners.
- 8) "Commencement of Construction of a WECS Facility" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of a WECS Facility.
- 9) "Commercial WECS Facility" means a WECS Facility that produces more than 7.5 kilowatts.
- 10) "County" means Sweetwater County.
- 11) "dBA" means the A-Weighted measurement of sound pressure level which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz.
- 12) "dBC" means the measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent the low-frequency emissions and immissions of wind turbine noise.
- 13) "Decommissioning" means the removal from service, disassembly, and proper off-site disposal of the WECS Facility.
- 14) "Department" means the Sweetwater County Land Use Department
- 15) "Developer" means a land owner, person, contractor, subcontractor or their successors and assigns that have obtained permission from the owner by way of a lease, a contract or otherwise, to construct a WECS Facility on owner's land. The developer may be the applicant for a WECS Facility Permit.
- 16) "Emission" means the sound energy that is emitted by a source (Wind Generation Device). It is transmitted to a receiver (dwelling or property line) where it is immitted (see Immission).
- 17) "Endangered Species" means the classification provided by the U.S. Endangered Species Act to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

- 18) "Financial Assurance" means a security serving as collateral in the form of a surety bond, certificate of deposit, corporate guarantee, letter of credit, deposit account, insurance policy or other form acceptable to Sweetwater County to insure proper decommissioning, reclamation activities, and compliance with the Road Use and Maintenance Agreement.
- 19) "Foundation" means support for buildings or structures. A part of a building or structure, usually below the ground, that transfers and distributes the weight of the building or structure onto the ground.
- 20) "Greater Sage Grouse Core Area" means that sage grouse management and protection area as defined by the 2011-5 Executive Order issued by the Wyoming Governor's Office *as amended*.
- 21) "Growth Management Area" means the total area covered by Exhibit A of the Growth Management Plan and Agreement as amended.
- 22) "Immission" means the sound energy received at a receiver (dwelling or property line) transmitted from the source (Wind Generation Device) that emitted sound energy (see Emission).
- 23) "Industrial Siting Council" means the council created by W.S. 35-12-104, This definition is enabled by W.S. 18-5-501(a)(i).
- 24) "MET Tower" means a tower that measures wind speed for the purposes of gathering data for a Commercial WECS Facility.
- 25) "MET Tower - Permanent" means a monopole, non-lattice and non-guyed MET Tower.
- 26) "MET Tower - Temporary" means a tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term as may be extended pursuant to Section E.3.c.3 of these regulations.
- 27) "Nacelle" means the part of the wind turbine which houses a drive train and all other related components that support the electrical generation system.
- 28) "Net Metering" means a facility for the production of electrical energy that:
- a) Uses wind as its prime mover;
  - b) Has a generating capacity of not more than 7.5 kilowatts;
  - c) Is located on the applicant(s)/owner(s) premises;
  - d) Operates in parallel with the electric utility's transmission and distribution facilities; and
  - e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- 29) "Non-Commercial WECS Facility" means a WECS Facility with a single Wind Generation Device and with a generating capacity of 7.5 kilowatts or less located on property owned solely by the Applicant(s) to generate electricity for the Applicant's primary use, and is operated solely by the Applicant(s).
- 30) "Operator" means the primary person responsible for managing and maintaining the WECS Facility once the WECS Facility becomes functional by producing electricity.
- 31) "Original Grade" means pre-development grade of the surface
- 32) "Owner" means the surface owner of land. This definition is enabled by W.S. 187-5-501(a)(iv)
- 33) "Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.
- 34) "Pre-Application Meeting" means a meeting with the Department at the request of the applicant for the purpose of providing an overview of Sweetwater County's regulations and review of the proposed project.
- 35) "Primary Structures" means residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds and other non-occupied structures.
- 36) "Qualified Professional" means a Person with professional training, certification, experience and expertise in an area of concern such as environmental, engineering, surveying, economics and architecture, who is retained by the Applicant for the purposes of completing work required by these regulations. The Board reserves the right to review the credentials of each person hired by the applicant to perform work as a Qualified Professional.
- 37) "Shadow Flicker" means the visible flicker effect when rotating blades of the WECS cast shadows on adjacent property causing a repeating pattern of light and shadow.
- 38) "Significant Shadow Flicker" means more than 30 hours per year of shadow flicker on adjacent property.
- 39) "Special Status Species" means a plant or animal species that requires administrative protection or special management as required by state or federal law. Examples of Special Status Species include: Threatened, Endangered, or a Proposed Species under the Endangered Species Act, BLM Sensitive Species; or Wyoming's Species of Greatest Conservation Need.
- 40) "Substation" means the apparatus that connects the collector system of the WECS and increases the voltage for connection to the off-site transmission lines.
- 41) "Threatened Species", under the Endangered Species Act, means an animal or plant species, as determined by the U.S. Fish and Wildlife Service that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
- 42) "Transmission Lines" means non-utility owned electrical transmission lines.
- 43) "Wilderness Characteristics" means lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c. of the Wilderness Act.
- 44) "Wind Energy Conversion System" (WECS) is interchangeable with WECS Facility.
- 45) "WECS Facility" means anything that is a necessity or a component that exists for the project and is a part of the WECS Project. The WECS Facility includes, but is not limited to, the following systems and components: WECS and associated support facilities including, roads, substations, collection systems, gathering systems, transmission lines, operation and maintenance buildings, primary structures, ancillary facilities, components and equipment, and Wind

Generation Devices as specified in the application. The WECS Facility includes all WECS Facility Phases planned by the Developer.

- 46) "WECS Facility Area" means that region of land whose boundary is legally defined and established by the developer and encompasses the boundaries of all planned WECS Facility Phases and contains all elements for all WECS Facility Phases provided; however, that the boundary may not extend beyond property owned or controlled by the developer.
- 47) "WECS Facility Boundary" means the legally described limits of the WECS Facility Area that contains all the elements of a WECS Facility and the area encompassed by all planned WECS Facility Phases.
- 48) "WECS Facility Phase" means a portion of the WECS Facility and WECS Facility Area that the Developer chooses to develop at a future time, leaving the remainder of the WECS Facility to be developed as one or several additional construction units or projects.
- 49) "WECS Tower" means the support structure to which the nacelle and rotor is attached.
- 50) "Wind Generation Device" means all components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
- 51) "Wind Generation Device Height" means the distance from the highest point of the device to the original surface grade.

#### **D. Commercial WECS Facility Application Requirements**

No person shall commence or construct a Commercial WECS Facility without obtaining the required permit from the Board.

Non-Commercial WECS Facilities and MET towers will be administered in accordance with the Non-Commercial WECS Facilities requirements of these regulations.

Commercial WECS Facilities shall be administered as provided below:

- 1) WECS Facility Permit Application for a Commercial WECS Facility including all WECS Project Phases shall be accompanied with the following information:
  - a) **Fee:** The Applicant shall submit fees as required in Section N. in this Regulation and Section 25 of the Sweetwater County Zoning Resolution.
  - b) **Copies:** The Application submittal to the Department shall be accompanied by twenty hard copies and two memory sticks with digital copies on of a complete WECS Facility Permit Application.
  - c) **Certifications:** All certifications, affidavits, consents and acknowledgements required of the Applicant by these Regulations must meet the approval of the Sweetwater County Attorney's Office.
  - d) **Owner consent:** Letters from all surface property owners upon which the WECS Facility will be located or other legal documentation (memorandum of lease, etc.) which demonstrates consent of owners for the WECS Facility.
  - e) **Contact information:** The names, addresses, telephone numbers and email addresses of the applicants, developers, operators and owners of land within the WECS Facility.
  - f) **Public Utility Information:** Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission, if applicable.
  - g) **Adjacent Land Owners' Contact Information:** The names, addresses, telephone numbers and email addresses of all adjacent surface property owners within 2,640 feet of the WECS Facility Boundary.
  - h) **General Scope of WECS Facility:** Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced and status of power purchase agreement.
  - i) **Summary of the WECS Facility:** Provide a description of the WECS Facility including its total nameplate generating capacity and a nameplate capacity of each turbine, the equipment manufacturers, types of wind generation devices, complete component list of WECS, number of Wind Turbines, the maximum wind turbine height, maximum blade tip speed, the maximum diameter of the rotor, and the minimum distance between the ground and the rotor.
  - j) **WECS Facility Site Plan:** WECS Facility site plan shall include the following:
    - (1) Drawings, prepared by a Professional Engineer and Surveyor Licensed in the State of Wyoming, prepared to a suitable scale on 24" X 36" sheets and two memory sticks with digital copies, depicting the layout of the following:
      - (a) All existing structures, right of ways, and above and below ground facilities and utilities within the WECS Facility Area and within 2,640 feet of the proposed WECS Facility Boundary. If access is not attainable outside the WECS Facility Boundary, the applicant shall propose to the Board of an alternative plan that addresses any impact the project causes to any existing structures above and below ground and R.O.W.'s outside of the WECS Facility Boundary.
      - (b) All proposed WECS Facility components and structures, right-of-ways, and above and below ground facilities within the WECS Facility Area and within 2,640 feet of the WECS Facility Boundary including, but not limited to, the following:
        - a. WECS Facility boundary lines and property lines prepared by a Wyoming Licensed Surveyor.
        - b. Topographic lines showing the existing topography of the project and the surrounding area (USGS or other topographic maps may be utilized).
        - c. All existing and proposed public and private access roads and turnout locations including dimensions.
        - d. Utilities, pipelines and similar facilities.
        - e. Proposed location of each WECS Tower.

- f. Project reference number for each WECS Tower.
  - g. Anchor bases and all supports.
  - h. Layout, use and dimension of all structures and ancillary equipment within the WECS Facility Area, within 2,640 feet of the WECS Facility Boundary and within the geographical boundaries of any applicable setback. Identify all setback distances for all structures and ancillary equipment.
  - i. Fencing detail.
  - j. A Complete electrical layout of the entire WECS facility project including substation locations, transmission, collector and gathering lines and other ancillary facility components.
  - k. Map of Dominant Wind Characteristics: A non-proprietary 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.
- k) **Property Description and Vicinity Map:** Property description which includes a general vicinity map of the WECS Facility and a legal description of the WECS Facility Boundary (i.e. NW1/4, SE1/4, Sec 2, T42N, R6W), and acreage within this Boundary.
- l) **Construction Site Plan:** A construction site plan and narrative showing and explaining all components necessary during the project construction phase including, but not limited to, batch plants, stock piles, office trailers, lay down yards, water storage, health and sanitation facilities. This site plan shall be drawn to a suitable scale on 24" X 36" sheets and submitted in digital format.
- m) **Environmental Report and NEPA Compliance:** All applicants are required to prepare and submit to the County an Environmental Report. Said Environmental Report must satisfy all the requirements of this section. For those applicants who have complied with the requirements of a published Draft Environmental Impact Statement (Draft EIS) pursuant to the National Environmental Policy Act (NEPA), those applicants may request a waiver, from the Board, of some or all of the requirements of the Environmental Report. If no Draft EIS has been prepared pursuant to NEPA, the Board may grant a waiver or partial waiver if the applicant submits an Industrial Siting Application pursuant to the requirements of the Industrial Siting Council. No waiver shall be provided unless the applicant can demonstrate that the contents of the Draft EIS or the Industrial Siting Application, if applicable, substantially match, in whole or in part, the requirements of the Environmental Report herein. These Reports must be prepared by Qualified Professionals and submitted with the WECS Facility Permit Application, and include the following:

All applicants shall present an Environmental Report which contains the following specific report requirements; however, certain requirements and standards will be required of all applicants as specifically designated in Section 18.E.

- 1. **Wildlife and Habitat:** A report that includes a survey of all of the wildlife and habitat within the WECS Facility Area and in any Biologically Significant area surrounding the WECS Facility Area where legal access is available and as determined by the Wyoming Game and Fish Department or governing federal agency. Where legal access is not obtainable, the applicant shall advise the Land Use Department or the Board of County Commissioners. Wildlife mitigation and monitoring plan shall be prepared if recommended by the Wyoming Game and Fish and/or governing federal agency.

Said report shall address:

- a. All Special Status Species
- b. The presence of elk, mule deer, antelope and other mammal populations.
- c. All avian species present, including raptors and other migratory birds. Said report shall include the important habitat for those avian species, such as nesting, stop-over sites, roost sites, and hunting perches.
- d. All bats, both resident and migratory. Said report shall include surveys for hibernacula, maternity roosts and colonial roost sites.
- e. All wildlife crucial ranges including winter ranges, parturition areas, nesting areas, fish spawning areas, migration corridors and similar areas that are critical to wildlife.
- f. All Greater Sage Grouse Core Areas, leks and winter concentration areas.
- g. Wildlife Studies and Surveys shall be performed in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
- h. A Wildlife Impact Mitigation Plan, if recommended or required by Wyoming Game and Fish Department and governing federal agencies, prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
- i. A Wildlife Monitoring Plan, if recommended or required by Wyoming Game and Fish Department and governing federal agencies to monitor the effects of the developed WECS Facility on wildlife, prepared in conformance with the protocols and recommendations of the Wyoming Game and Fish Department and governing federal agencies.
- j. An inventory of all flora and the anticipated impacts to the flora within the WECS Facility Area and a flora mitigation plan prepared by a Qualified Professional, if determined necessary by the appropriate agency.
- k. A report, prepared by a Wyoming Licensed Professional Engineer, detailing produced water quality, supply, demand, disposal of water during the construction and maintenance of the WECS Facility, and the Project's effect on water quality and supply within 2,640 feet of the WECS Facility. This report shall include a water impact mitigation plan, if the report identifies significant adverse impacts.

1. An inventory of wetlands and riparian areas and any anticipated impacts to these areas within the WECS Facility Area, and an appropriate mitigation plan prepared by a Qualified Professional, if determined necessary by the appropriate agency.
2. Historical, Cultural and Archaeological Resources: The applicant shall coordinate with appropriate agencies for matters concerning cultural resources studies (archaeological and historic sites) and any other relevant federal, state and local issues. This information shall be provided with the application.
3. WECS Facility: 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 of how they were addressed. Applicable ANSI Standards include: S12.9 "Quantities and Procedures for Description and Measurement of Environmental Sound" Part 4 "Noise Assessment 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 predictable worst case conditions for sound emissions 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 about potential post construction mitigation options, such as operation in Noise Reduction Operating (NRO) modes 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 emissions 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.
- b. The effect on Areas of Critical Environmental Concern, County and State Parks, Wilderness Study Areas, lands with wilderness characteristics, Historical Areas and Trails, and other similar areas.
- c. The Applicant(s) shall provide certification and evidence that there will be no electromagnetic interference, caused by the WECS Facility, on any emergency and non-emergency telecommunication providers within Sweetwater County.
- d. All reasonable public safety concerns as to the potential hazards to properties, public roadways, communities and subdivisions that may be adjacent to, or within five miles of, the WECS Facility Boundary.
- e. Public and private aviation and airports/airstrips.
- f. Potential hazards from ice throw.
- g. Impact of Shadow Flicker on residences and occupied structures from any WECS Facility and estimated duration of the Shadow Flicker in hours per year.
- h. Light impact on neighboring properties and communities
- i. Potential hazards of Blade Glint.
- j. Identify fire hazards and mitigation measures.
- k. Potential hazards from collapse of damaged turbines or other system components caused by severe storms or other circumstances.

4. Social and Economic: 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 Sweetwater County and outside of Sweetwater County.
  - b. Estimated local expenditures of construction materials in Sweetwater County.
  - c. The estimated number of construction jobs and estimated construction payroll. Estimated number of local construction job opportunities.
  - d. Estimate the construction workforce spending in Sweetwater 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 impacts on roads or other public infrastructure.
  - i. A mitigation plan to address identified significant adverse socio-economic impacts.
- n. **Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan:** A Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan for each phase of the project shall be prepared by a Wyoming Licensed Professional Engineer, drawn to scale and include, but not be limited to, the following:
  - (1) Drainage calculations based on a 25 year storm event unless the location, terrain and topography dictate a higher amount.
  - (2) Existing and proposed contours
  - (3) Historic and produced flows
  - (4) Existing wetlands
  - (5) Established floodways
  - (6) Existing and proposed roadways
  - (7) Water management structures
  - (8) Drainage through the WECS Facility area
  - (9) Effects on downstream and upstream properties
  - (10) Erosion mitigation and runoff control
  - (11) Dust Control
  - (12) A mitigation plan that addresses the risks of erosion and flooding, including flooding on all adjacent, upstream and downstream properties.
- o. **Waste Management Plan:** A waste management plan that includes an inventory of estimated solid wastes to be generated and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS Facility.
- p. **Transportation Plan:** A transportation plan prepared in accordance with Section 18.F.
- q. **Emergency Management Plan:** Applicant(s) shall submit a written Emergency Management Plan for review and comment to the appropriate fire department or district, County Emergency Management Coordinator and the County Sheriff. If the WECS Facility extends into another county, the Emergency Management Plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other county. If the WECS Facility permit is granted, the plan shall be supplemented and revised following construction of the WECS Facility and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan.
- r. **Reclamation and Decommissioning Plan:** Provide a site and facility reclamation and decommissioning plan in accordance with Section H & I of these regulations and Wyoming Statute 18-5-503(a)(x). In addition, the applicant shall certify that any owner who is not the applicant has been notified of the requirements of the reclamation and decommissioning plan.
- s. **Certification to Provide As-Built Drawings** A certification that as-built drawings will be provided in compliance with Wyoming Statute 18-5-503(a)(viii).
- t. **Certification of Compliance with Zoning and Land Use Regulations:** Certify that the proposed WECS Facility will comply with the Sweetwater County Zoning Resolution and all other applicable Sweetwater County Development Codes and Land Use Regulations. Additionally, if explosives are to be stored on site, a Conditional Use Permit is required.
- u. **Certification of Compliance with Wyoming Statutes:** Certify that the proposed WECS Facility will comply with all the standards required by Wyoming Statute 18-5-504 if Sweetwater County has not adopted more stringent standards. If Sweetwater County has adopted more stringent standards, the certification requirement shall apply to the more stringent standards.
- v. **Certification of Compliance with Noise Standards:** Certification that the WECS project facility will not exceed any of the criteria herein at the project boundary line and at the nearest property line of land not owned by or leased to the WECS owner/operator.
- w. **Coordination with Local, State and Federal Agencies:** A list of all local, state and federal agencies requiring approval and the projected timeline for obtaining approval from these agencies. If approved, provide a copy of such approval, including all required studies, reports and certifications. When a WECS Facility requires a Federal National Environmental Policy Act (NEPA) document and approval, the applicant shall submit with

its application for a WECS Facility Permit a completed, published electronic Draft NEPA document required by the governing federal agency for the proposed WECS Facility.

- x. **Viewshed Impact Analysis and Proposed Mitigation Measures Report:** Provide an accurate visual simulation of the WECS Facility structures and components by showing a minimum of 25 key vantage points providing the worst case scenario, in coordination with the Department, that are representative of the diverse public usage of the land including recreational, residential, and business. These vantage points shall consider a 360 degree view of the project site. The applicant shall provide a report including the following:
- (1) Analysis of the viewshed impacts and mitigation program for all key vantage points; and,
  - (2) Visual rendering of the proposed WECS Towers, blades and other WECS Facility structures and facilities with color scheme represented on a relatively clear day.
- y. **Certification of Advertising and Promotional Lettering:** Certify that there shall be no advertising or promotional lettering on any WECS Facility structure, WECS Tower, turbine, nacelle or blade beyond the manufacturer's or applicant's logo on the nacelle of the turbine as approved by Sweetwater County.
- z. **Publication of Notice in Newspaper:** Certify that notice of the WECS Facility application will be published in the official newspaper of Sweetwater County and the official newspapers of all counties in which the proposed WECS Facility is located. This notice shall be published in all official newspapers at least twice in two (2) different weeks, at least twenty (20) days prior to the Board of County Commissioners public hearing on the application. The notice shall include a brief summary of the WECS Facility, invite the public to submit comments and identify the time and date of said hearing.
- aa. **Required Letters and/or Reports:** Provide letters and/or reports addressing issues or concerns from the following agencies related to the WECS Facility Area and surrounding region as determined by the Wyoming Game and Fish, Wyoming State Historic Preservation Office, Sweetwater County Conservation District, Wyoming Department of Environmental Quality and Federal Aviation Administration:
- i. Wyoming Game and Fish: A letter or report from the Wyoming Game and Fish addressing any environmental issues concerning endangered or threatened species, wildlife migrations or protected populations.  
  
Wyoming State Historic Preservation Office: A letter or report from the Wyoming State Historic Preservation Office addressing any historic, cultural or archaeological resources.  
  
Sweetwater County Conservation District: A letter or report from the Sweetwater County Conservation District addressing soil conditions and erosion within the WECS Facility Area.
- bb. Wyoming Department of Environmental Quality: A letter or report from the Wyoming Department of Environmental Quality addressing any land and water quality issues.  
  
FAA and Airport Notification and Letters of Approval: Provide letters from the FAA and the owners of the potentially affected public and/or private airports or airstrips demonstrating that the affected entities have been notified of the pending WECS Facility.  
  
**Notice of Mineral Rights:** Applicant(s) shall certify that notice has been provided to the record owners and claimants of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice shall contain the location of proposed WECS towers and underground wiring and may include notice by publication. The certification of notice shall be provided with the application. The notice shall comply with all standards and requirements adopted by the Industrial Siting Council as provided below:
- (1) Notice to record owners of mineral rights. Before submitting the application, the applicant shall provide notice to record owners of mineral rights located on or under the land where the proposed facility will be constructed.
  - (2) The notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined and persons to contact for additional information.
  - (3) The notice shall be mailed by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents.
  - (4) The notice shall be published twice in a newspaper of general circulation in the county or counties where the project is to be located at least 20 days prior to the public hearing.
  - (5) The notice and details of steps taken to notify the record owners of mineral rights shall be submitted with the application.
- cc. **Notice Requirements.** An affidavit by the Applicant(s) shall be submitted which certifies that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed WECS Facility and to all cities and towns located within twenty (20) miles of the WECS Facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress. The affidavit shall attest that notice was mailed to those owners of record on file at the Sweetwater County Clerk's Office.

**E. WECS Facility Compliance Standards:** The following standards are to be achieved by each Commercial WECS Facility whether it has been analyzed by NEPA or not. The final decision on whether or not a particular standard is achieved by a Commercial WECS Facility shall be made by the Board. The project shall also be installed as approved by the Board.

1. **WECS Facility Safety:** WECS Facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards that may be created to adjacent properties, public infrastructure, communities, aviation, etc. The following lists public safety matters that shall be addressed and implemented in the development of the WECS Facility.
  - a) Design Safety Certification: WECS Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) 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.

- b) Construction Standards: All WECS Facility structures and components shall conform to the most recent edition of the International Building, Plumbing, Fire, Mechanical and Fuel Code, and the National Electrical Code. Before the construction permit is issued, the Applicant shall provide drawings stamped by a Wyoming Licensed Professional Engineer certifying that all structures comply with the applicable code standard.
  - c) Airport and Aircraft Safety: WECS Facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS Facility installation established by affected airports. If approved by the FAA, all WECS Facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
  - d) Retro-fitting AVWS Systems: If a WECS Facility is approved without having an AVWS system installed, the Project Owner or Operator shall install an AVWS system within one year of when AVWS systems are approved by the FAA and made available.
  - e) Marking Guy Wires and Anchor Points: For projects that are placed on land with public access, 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 feet (15') from the ground. All guy wires must comply with the Bird Diverter Standards stated in Section 18.E.3.c.2.c.
  - f) Exterior Climb Prevention: All Wind Generation Devices and other similar WECS Facility structures must be un-climbable by design or protected by anti-climbing devices.
  - g) Potable Water and Sanitary Sewer: All permanent and occupied WECS Facility management and office buildings must have approved centralized potable water and sanitary sewer systems. This approval shall be obtained from the Sweetwater County Health Department or the Wyoming Department of Environmental Quality.
  - h) Impact on regional water supplies: The WECS Facility shall not adversely affect ground water resources, in particular the ground water supplies of nearby subdivisions or other developments.
  - i) Fire Prevention Measures:
    - (1) All structures shall comply with the most recently adopted edition of the International Fire Code adopted by Sweetwater County.
    - (2) Appropriate fire protection measures as required by the Sweetwater County Code Enforcement Specialist shall be implemented.
    - (3) All roads servicing primary structures or occupied accessory buildings shall be constructed to the standards of the most recently adopted edition of the International Fire Code.
  - j) As-Built Drawings: The Developer shall provide as-built drawings showing the location of all structures. All structures shall be constructed no greater than 50 feet from the locations identified with the permit application and must meet all setback requirements.
- 2) **Visual Impacts:** WECS Facilities shall not adversely impact scenic areas that 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 Sweetwater County, and any adverse visual impacts caused by the proposed WECS Facility, the Board shall take into account the federal, state and local important scenic areas, the WECS visual simulations and public comment. The Board 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 Sweetwater County. A minimum of 25 key vantage points providing the worst case scenario, in coordination with the Department, that are representative of the diverse public usage of the land including recreational, residential, and business.
  - b) Growth Management Area: Commercial WECS Facilities shall not be located within the identified Growth Management Area.
  - c) 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 Board. The color selected shall be compatible with the natural visual character of the area.
  - d) 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 Sweetwater County Clerk's office.
  - e) 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 the viewshed.
  - f) Light Pollution: WECS Facilities, including buildings and structures, shall utilize International Dark-Sky Association compliant fixtures or an approved equal unless subject to FAA regulations.
  - g) Screening of Outdoor Storage: Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened in accordance with the regulations of the Sweetwater County Zoning Resolution.
  - h) 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 will violate other guidelines, standards or applicable law.
  - i) 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 the applicants' logo on the nacelle of the turbine.
- 3) **Natural and Biological Resources.**
- a) Wildlife Critical Areas: WECS Facilities shall not be located in areas that would result in significant impact to wildlife, wildlife habitat, or crucial wildlife ranges as determined by the Wyoming Game and Fish

and/or the governing federal agency. Wildlife critical areas include, but are not limited to, crucial winter ranges, parturition areas, nesting areas, spawning areas, riparian areas and migration corridors.

- b) Lands with Special Characteristics: WECS Facilities shall not be located in Wilderness Study Areas, Lands with Wilderness Characteristics, Areas of Environmental Concern, federal, state or county parks, National Recreation Areas, historic trails or special management areas and the Sweetwater County Growth Management Area.
- c) MET Towers, WECS Facility Components and Avian Protection: Developers shall use MET Towers and WECS Facility components with designs that provide for the best prevention of injuries to avian predators and other avian species. For the purposes of avoiding bird collisions and to eliminate the need for MET Tower conversion during the WECS Facility construction phase, MET Towers shall comply with the following standards:
  - (1) Permanent MET Towers: Monopole, non-lattice, non-guyed towers are required on Permanent MET Towers. The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation MET Tower Database for the MET Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a MET Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
  - (2) Temporary MET Towers: Where guyed Temporary MET Towers are installed, the following stipulations apply:
    - (a) The State of Wyoming requires that the owner or leasee of a MET Tower meeting established criteria must enter data into the Wyoming Department of Transportation MET Tower Database for the MET Tower. For MET Towers meeting the established criteria, the State of Wyoming also requires that a MET Tower structure be made visible so that it is recognizable in clear air during daylight hours from a distance of at least 2,000 feet. Structures can be made visible by lighting, marking, painting, flagging, or otherwise constructing the tower in a manner that makes the tower visible from at least 2,000 feet.
    - (b) Bird diverters are required to be installed on guy wires.
    - (c) Bird diverters shall display the following characteristics:
      - i. Movement in at least a 5 mph wind and able to withstand winds above 20 miles per hour.
      - ii. Reflective in sunlight.
      - iii. 10 hours of luminescence at night.
      - iv. Incorporate UV reflection for lowlight conditions.
      - v. At least 18–square inches per single diverter design.
    - (d) Term of Temporary MET Towers: Not to exceed three years with an option of 1 renewal not to exceed three years. If an applicant has an obligation from a state or federal agency to report bird fatalities caused by MET Towers, the applicant shall provide a copy of said report to the Board of County Commissioners for each period in which the report is prepared. The Board may use this information in reviewing any application for renewal.
- d) Greater Sage Grouse Core Areas: No WECS Facility shall be located within Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended.
- e) Avian Protection: Whether or not the proposed WECS Facility is on public or private lands, Developers, Operators and Project Owners of WECS Facilities shall comply with all governing federal or state regulations regarding protection of avian species
- f) Construction and Access during Wildlife Use: The Developer shall only perform WECS Facility construction activities within wildlife crucial ranges or migration corridors as recommended by the Wyoming Game and Fish or authorized by the applicable governing agency. Portions of the WECS Facility inside crucial winter ranges or migration corridors shall be closed to vehicle use during their period of use by wildlife as determined by the applicable governing agency. Vehicles for emergency and routine maintenance will be allowed as approved by the applicable governing agency.
- g) Protection of Bats: WECS Facilities shall be designed to avoid identified areas of concentrated bat use as recommended by the Wyoming Game and Fish or authorized by the governing federal agency. If WECS Facilities are sited across known migration routes or between roosting and feeding areas, then these Projects may be subject to mitigation measures by the Wyoming Game and Fish or the governing federal agency. For WECS Facility applications that involve 30 or fewer turbines and are not otherwise reviewed by the Industrial Siting Council and where surveys have determined the WECS Facility will increase bat mortality, the turbine blade minimum “cut in” speed shall be set to wind velocities greater than 6 meters per second or as otherwise recommended by the Wyoming Game and Fish or other governing federal authority.
- h) Protection of Raptors:
  - 1. WECS Facilities shall not be permitted within or adjacent to areas of elevated raptor concentration that are recognized by the Wyoming Game and Fish Department or a governing federal agency.
  - 2. WECS Facilities shall be designed to avoid frequently used flight paths to and from nesting and/or roosting sites as determined by Wyoming Game and Fish or a governing federal agency.
  - 3. WECS Facilities shall be set back at a distance of at least 328 feet (100 meters) from rims to reduce mortality of soaring raptors, or as recommended by the Wyoming Game and Fish or a governing federal agency.

4. WECS Facilities shall not be located within canyons or passes to avoid conflicts with raptors, unless otherwise approved by the Wyoming Game and Fish Department or the governing federal agency.
- i) Historical, Cultural and Archeological Resources: On public lands or where otherwise required by law, WECS Facilities shall avoid sites with known sensitive historical, cultural, archaeological as determined by Wyoming State Historical Preservation Office and the governing federal agency. If mitigation is available, the selected site may be approved subject to the acceptance of the mitigation plan by the Wyoming State Historical Preservation Office and the governing federal agency. On private lands, the Board strongly encourages mitigation and preservation of these important historical, cultural and archaeological resources.
- j) Site Management of Air, Water, Soil and Vegetation:
1. Drainage from the WECS Facility shall not adversely affect upstream and downstream properties.
  2. Soil Erosion and Run-off: WECS Facilities shall avoid soil erosion and controlled runoff. Disturbance and construction on erodible soils and slopes shall be avoided.
  3. Dust Control: Dust Control within all phases of the WECS Facility is mandatory, and shall be accomplished with Magnesium Chloride by means acceptable to Sweetwater County and WDEQ.
  4. Noxious Weed and Invasive Species Control: Noxious weed control, as defined by Wyoming Statutes, shall be required in all phases of the WECS Facility. Invasive species, as defined by Sweetwater County Weed and Pest, shall be controlled in all phases of the WECS Facility.
  5. Vegetation: Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance to WDEQ and the reclamation plan approved by the Board.
  6. WECS Facility Area Ground Disturbance: Minimize site disturbance by limiting the number and widths of roads, construction staging areas, crane pad sites, etc.
  7. Topsoil Storage: Topsoil removed by grading shall be stored in accordance with the reclamation plan approved by the Board.
- k) Noise Management: Noise Immissions from the operation of a WECS shall not exceed:
1. forty-five (45) decibels on the dB(A) scale during the hours between 7 am and 7 pm MDT, and
  2. forty (40) decibels on the dB(A) scale during the hours between 7 pm and 7 am MDT. In addition, noise immissions shall not exceed fifty (50) decibels on the dB(C) scale during the hours between 7 pm and 7 am. Such noise immissions shall be measured at the nearest receiving property or lot line not owned or leased to the WECS owner/operator.

\* Property owners located within 1.25 miles of the proposed WECS project boundary, where noise immissions may exceed 50 decibels on the dBC scale or 45 decibels on the dB(A) scale day or 40 decibels on the dBA scale (night), may waive the noise management requirements by a written noise easement that meets the following requirements:

- a. The non-participating landowner is made aware of all risks in writing associated with granting the easement such as risks of potential adverse health effects from the sound levels on people and animals or property value issues including how such a lease could affect financing and future sales of the property.
- b. The noise easement will allow the WECS project to exceed the 50 dBC or 45/40 db(A) on the landowners' property.
- c. The term of the noise easement shall remain in effect for the duration of the WECS project until reclamation is complete.
- d. The noise easement shall be a non-exclusive easement.
- e. The easement shall be recorded in the Sweetwater County's Clerks Office as part of the chain of title for the subject property.
- f. Easement documentation shall be approved by the Sweetwater County's Attorney's Office and Board of County Commissioners.

Noise emissions shall be free of audible and inaudible tones that exceed a Tone to Noise Ratio greater than 10 for frequencies below 1000Hz or greater than 8 for frequencies of 1000 Hz and above. Procedures of ANSI S1.13 2005 (2010 or most recent) Measurement of Sound Pressure Levels in Air, Annex A Identification and evaluation of prominent discrete tones, Section A.7 Tone-to-noise ratio method.

All measurements shall be conducted using properly calibrated Type 1 sound testing instruments meeting ANSI S1.43 1997 (R2007 or most recent) Specification for Integrating-Averaging Sound Level Meters (or IEC 61672-1).

In addition, all test protocols must be in compliance with ANSI Standards for outdoor sound measurements and be under the supervision of a Full Member of the Institute of Noise Control Engineers (INCE). Applicable ANSI Standards include: S12.9, "Quantities and Procedures for Description and Measurement of Environmental Sound" Parts 1, 2, and 3; and S12.18 "Procedures for Outdoor Measurement of Sound Pressure Levels."

An anemometer accurate to  $\pm 10\%$  at 2m/s to full-scale accuracy. The anemometer shall be located 1.5 to 2 meters above the ground and orientated to record maximum wind velocity. The maximum wind velocity, wind direction, temperature and humidity shall be recorded in one (1) minute increments at a site within 5 m. of the measuring microphone.

Sound tests shall meet all requirements in ANSI S12.18 Method #2, Precision, to the extent possible, while still permitting testing of the conditions that lead to complaints. The meteorological requirements in ANSI S12.18 may not be applicable for some complaint tests. For sound measurements in response to a complaint, the compliance sound measurements should be made under conditions that replicate the conditions that caused the complaint without exceeding instrument and windscreen limits and tolerances.

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. The report shall identify any deviations from the requirements of this regulation, explain the basis for those deviations, and explain how those deviations impact the results of the tests.

4) **Commercial WECS Setbacks and Standards**

Commercial Wind Generation Device	Minimum Setbacks	Additional, Waivers & Similar
Primary Structure	5.5 times the Wind Generation Device Height or 1/2 mile, whichever distance is greater.	If the person owning the primary structure waives, in writing, the setback requirement of 5.5 times the height of the Wind Generation Device, the minimum setback shall be 1.5 times the Wind Generation Device Height.
Third Party Transmission and Distribution Lines	1.5 times the Wind Generation Device Height.	
Communication Towers	1.5 times the Wind Generation Device Height.	
WECS Facility Boundary Line	1.5 times the Wind Generation Device Height or a minimum distance of 1,600 feet, whichever distance is greater.	
County Residential Zone District and any City and Town	1.25 Miles	
Any Platted Subdivision	1.25 Miles	
Right-of-Way of all Federal, State, County and Municipal Roads	5.5 times the Wind Generation Device Height or 1/2 mile from the Right-of-Way (ROW), whichever distance is greater.	Unless waived by the Board. Measured from the edge of the Right-of-Way (ROW).
Railroads	5.5 times the Wind Generation Device Height or 1/2 mile from the Right-of-Way (ROW), whichever distance is greater.	Unless waived by the Board. Measured from the edge of the Right-of-Way (ROW).
Federal, State and County Parks, National Recreation Areas and Wildlife Refuges	A minimum distance of one (1) mile.	Unless waived by the Board upon recommendation from the applicable agency

A waiver from the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.

Setbacks shall be measured from the center of the Wind Generation Device foundation.

**F. Transportation and Other Public Infrastructure**

1) **Transportation Plan:** Any Applicants proposing to use any public or private roads for the purpose of transporting WECS Facility components or equipment for construction, operation, maintenance and decommissioning shall submit a Transportation Plan, prepared by a Wyoming Licensed Professional Engineer, that addresses and includes the following:

- a) **Legal Access and Public Roadways:** A report demonstrating how legal access will be provided to the WECS Facility. The report shall describe how private roadways within the project will be marked as private roadways and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.
- b) **WECS Facility Roadways and Haul Routes:** A report, with plans and maps, prepared by a Wyoming Licensed Professional Engineer, that:
  - 1. Explains and identifies all existing and proposed county, public, federal resource roads and private roads expected to be used in the construction, operation and decommissioning of the WECS Facility, including all roads that will be used as WECS Facility haul and transportation routes for all equipment and materials necessary for the WECS Facility.
  - 2. Includes the anticipated height, width, length, and weight data for all WECS Facility loads to be transported and the plan for upgrading, maintaining and reclaiming.
  - 3. Provides plans demonstrating compliance with the application site plan requirements.
- c) **Traffic Study:** A traffic study, prepared by a Wyoming Licensed Professional Engineer, of any public roadways leading to and away from the proposed project during construction, operation and decommissioning. This traffic study must assess the existing roadway conditions, evaluate the ability of the existing roadways and proposed roadway to accommodate WECS Facility traffic loads, identify proposed mitigation measures to address roadway impacts and propose a plan to implement identified mitigation measures. This traffic plan must address costs of mitigation. These costs are the responsibility of the Developer and must be addressed to the satisfaction of Sweetwater County in the Road Use and Maintenance Agreement.

2) **Road Use and Maintenance Agreement:** The Board of County Commissioners shall require the Applicants to enter into a Road Use and Maintenance Agreement for the use of County roads prior to construction of the project. The Road Use and Maintenance Agreement shall be developed by the Applicants for review by the Sweetwater County Engineering Department, Land Use Department, and the County Attorney's Office. In the Road Use and Maintenance Agreement, the Applicant shall certify and acknowledge that:

- a) Prior to preconstruction, site occupancy, over lot grading or construction of any component of the WECS Facility, the Applicant shall obtain and submit to Sweetwater County copies of all approved Federal, State and local government or agency required permits related to access, access modification, change of use of access permits; utility crossing permits or approved plans required by applicable governments and agencies necessary to address and mitigate impacts to any Federal, State or County Highway/Road facilities.

- b) The Applicant(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Facility.
- c) The use of public roads and other public infrastructure shall be in accordance and compliance with existing 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 the WECS Facility shall bear all costs required to return the public roads or other infrastructure to their original or better condition.
- d) Financial Assurance. The Applicant shall submit Financial Assurance in a sufficient amount to repair damage to all public roadways attributed to the construction, operation and maintenance of the WECS Facility. Said Financial Assurance shall be signed and sealed by the Applicant's engineer and approved by the Sweetwater County Public Works Director for final approval by the Board.

**G. Operations and Maintenance:**

- 1) The Developer or Operator shall perform routine and scheduled maintenance including the repainting of equipment and structures and servicing of the grounds and landscape. If the WECS Facilities are under the jurisdiction of the Wyoming Public Service Commission, the requirements of this subparagraph may not apply.
- 2) All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS Facility shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations.
- 3) On April 1st of every even numbered year after the third anniversary of the permit, the Developer or Operator of the WECS Facility shall submit to the Department a statement that lists all WECS Towers currently inoperative for longer than six (6) continuous months. All WECS Towers that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Developer or Operator provides a written plan and schedule acceptable to the Board for refurbishing and/or reactivating the inoperative WECS. If the Developer or Operator of the WECS Facility is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph may not apply.
- 4) The Developer or Operator of the WECS within the WECS Facility shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Sweetwater County Weed and Pest District or the appropriate public entity having jurisdiction.
- 5) To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Developer or Operator shall provide the Department with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Facility area, and public roads and turnouts connecting to roads of the WECS Facility. This Map shall be updated by the Developer or Operator every five (5) years or after the completion of any significant additional construction, whichever occurs first, and approved by the Department.

**H. General WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facilities owned or operated by a Public Utility subject to requirements of the Public Service Commission are exempt from Sweetwater County's and Wyoming Industrial Siting Council's decommissioning, reclamation and financial assurance requirement in accordance with W.S. 35-12-105(d) and (e). Documentation that the proposed WECS Facility is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission shall be provided with the application.
- 2) Commercial WECS Facilities under the jurisdiction of the Industrial Siting Council as provided under Wyoming Statute 35-12-102(a)(vii)(E) and (F) shall submit a WECS Facility decommissioning and reclamation plan and financial assurance that complies with the criteria of W.S. 35-12-105(d) and (e) and the Rules and Regulations of the Industrial Siting Council.
- 3) For all other Commercial WECS Facilities, pursuant to W.S. 35-12-102(a)(vii)(E) and (F), which are not subject to the Wyoming Industrial Siting Council, the applicant or developer shall meet the Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations as stated in these Regulations.
- 4) The chart below provides regulatory requirements for reclamation and decommissioning.

<b>Categories of Commercial Wind Energy Facilities</b>	<b>Regulatory Jurisdiction Regarding Decommissioning, Reclamation, Financial Assurance.</b>
WECS Facility development cost estimates meet or exceed the qualifying amount for an Industrial Siting Council Project.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations.
WECS Facilities that contain 30 or more WECS Towers.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers, accepted by the Industrial Siting Council after referral by the County Commissioners on the basis of environmental, social or economic factors.	Wyoming Statute 35-12-102(a)(vii)(E) and (F) and 35-12-105(d) and (e); Industrial Siting Council Rules and Regulations
WECS Facilities that contain less than 30 WECS Towers not referred by the County Commissioners nor accepted by the Industrial Siting Council.	Sweetwater County Decommissioning, Reclamation and Financial Assurance Regulations (See Section 18.I of these Regulations)

**I. WECS Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WECS Facility Decommissioning. The applicant shall provide a WECS Facility Decommissioning Plan which includes the following:

- a) Provisions regarding the removal and proper disposal of all wind turbines, towers, substations, buildings, structures, cabling, electrical components, foundations to a depth of forty-eight (48) inches from original grade, and any other associated or ancillary equipment or structures within the facility boundary above and below ground.
  - b) The Developer may request that buildings be left on site if approval is obtained from the owner and upon written notification to the Board.
  - c) WECS Facility or individual Wind Generation Device decommissioning shall begin:
    - 1. Within twelve (12) months after the end of the useful life of the facility or individual Wind Generation Device, or
    - 2. When no electrical energy is generated for a continuous period of twelve (12) months by the facility or individual Wind Generation Device.
    - 3. If the WECS Facility provides good cause prior to the end of the continuous period stated herein, the Board may extend the time for decommissioning once the generation of electricity has ceased for the facility or individual Wind Generation Device.
  - d) The facility decommissioning plan shall be updated and submitted to Sweetwater County every five years.
- 2) Interim Reclamation shall comply with the applicable permitting requirements of the Department of Environmental Quality Water Quality Division Storm Water Program.
- 3) Final Reclamation. The applicant shall provide a final reclamation plan which shall include:
- a) A detailed description of site conditions prior to construction, including topography, vegetative cover (including plant species and plant community structure), climate and land uses.
  - b) Regrading. Provisions regarding the regrading of all WECS Facility component and structure foundations, roads, and all other surface disturbances within the facility boundary to the natural contours of the area. Backfilling, grading and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:
    - 1. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.
    - 2. Contouring affected land to blend in with the topography of the surrounding terrain unless doing so would create an erosion problem or hazard.
    - 3. The WECS facility may leave a road un-reclaimed if approval is obtained from both the surface landowner and the Board.
  - c) Re-vegetation.
    - 1. After backfilling, grading and contouring, and the replacement of topsoil, re-vegetation shall be commenced in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be re-vegetated.
    - 2. Re-vegetation requirements shall include seedbed preparation, seed mixture, and post seeding maintenance of all disturbed areas.
    - 3. If applicable, documentation of any mulching and/or use of fertilizers.
    - 4. Reclamation shall consist of restoring the land using native or adaptive perennial vegetative cover to a condition equal to, or better than, the original condition.
    - 5. Re-vegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.
    - 6. Seeding of affected land shall be conducted during the first normal period for favorable planting conditions after final preparation, unless an alternative plan is approved by the Board. The species of vegetation to be used in re-vegetation efforts shall be described in the reclamation plan indicating the composition of seed mixtures and the amount of seed to be distributed on the areas on a per acre basis.
    - 7. The developer must control and minimize the introduction of noxious weeds into the re-vegetated areas until final reclamation is achieved.
  - d) The final reclamation plan shall be updated and submitted to the Board every five years.
- 4) Financial Assurance: The applicant shall provide Financial Assurances sufficient to assure complete decommissioning and site reclamation of the WECS Facility in accordance with the provisions of these rules. WECS Facilities subject to regulation by the Public Service Commission shall be exempt from these Financial Assurance provisions and from the Cost Estimation of Decommissioning and Site Reclamation provisions of Section 18.I.5 of these regulations.
- a) All Financial Assurances shall be in place prior to commencement of construction of any WECS Facility.
  - b) The amount of the Financial Assurance shall be adjusted up or down every five years from the date of permit issuance by the Board based on the results of Section 18.I.3 - Final Reclamation.
  - c) Additional Financial Assurances to cover risks not anticipated at the time of the permit may be required at any time by the Board, as reasonable and necessary, provided that the Board first gives thirty (30) days written notice stating the reason for and the amount of the additional Financial Assurance.
  - d) Financial Assurance in the form of domestic securities may be accepted in any of the following forms at the discretion of the Board with consideration of credit worthiness, financial strength, credit history, credit rating and debt.
    - 1. Surety bond with a corporate surety registered in Wyoming.

2. Certificate of deposit in the name of "Sweetwater County" with a state or federally insured financial institution in Wyoming. The permittee shall be entitled to all interest payments.
  3. Other forms of assurance such as corporate guarantee, letter of credit, insurance policy, or other forms of assurance as may be acceptable to the Board.
- 5) Cost Estimation for Decommissioning and Site Reclamation of the WECS Facility
- a) Estimates of cost for decommissioning and site reclamation shall be made by a Wyoming Licensed Professional Engineer and subject to review and approval by the Board.
  - b) Total decommissioning costs shall be estimated without regard to the salvage value of the equipment.
  - c) Decommissioning and site reclamation estimates shall be submitted to the Board in the application and every five years after the date of permit issuance until the completion of final reclamation.
  - d) The Wyoming Licensed Professional Engineer estimate of decommissioning and reclamation costs shall include the following:
    1. A general discussion of assumptions, including equipment, timeframes, backup calculations, procedures, methods and any other considerations used in developing the cost estimate.
    2. A detailed description of the decommissioning activities to be performed.
    3. A detailed description of the reclamation activities to be performed.
  - e) The Developer may request release of the Financial Assurance mechanism when the facility has achieved final reclamation. Final reclamation means that all surface disturbances have been re-graded and re-vegetated with a uniform perennial vegetative cover with a density of 90% of the native or adaptive background vegetative cover. Noxious weeds shall not be included in the density requirement in determining reclamation success.
- 6) The Board may grant a case by case variance to requirements of Section 18.I (Sweetwater County WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations) after considering whether good cause is shown by the applicant or landowner.

**J. Approval Process for WECS Facility Permit:**

- 1) Pre-Application Submittal Meeting: Prior to submitting an application for a WECS Facility, the applicant shall arrange and attend a Pre-Application Meeting with the Land Use Department.
- 2) Application Submittal Meeting: After preparing an application for the WECS Facility, the applicant shall arrange for and attend an Application Submittal Meeting. The purpose of this Meeting is for the Department to provide a summary review of the Application. This review determines whether the application is generally complete and Application is not missing major application components, such as the Transportation Plan or the Social and Economic Study. If, during this meeting, application components are found missing, the applicant has the following options:
  - a) The applicant may file the application as a final application to begin the review period by the County Commissioners as required by Wyoming Statute 18-5-505, or
  - b) The applicant may correct the identified application deficiencies and formally resubmit the corrected application at a later date.

It is important to note that the Application Submittal Meeting review by Staff is intended to be a summary review that assists the applicant to determine if the application contains the required components. This review is not a substitute for the statutory completeness review conducted by the Board, nor does this summary review commit the County to a finding that any of the required application components are complete.

- 3) Upon receipt of an application, the Board shall review the application to determine if it contains all the information required by W.S. 18-5-503 and Section 18 of the Sweetwater County Zoning Resolution and any other applicable rules and regulations. If the Board determines that the application is incomplete, it shall, within thirty (30) days of receipt of the application, notify the Applicant(s) of the specific deficiencies in the application. The Applicant(s) shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information. When the Board determines that the application is complete it shall notify the Applicant(s) that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. 18-5-506 and J.4 of these regulations shall be conducted. The determination by the Board that an application is complete is no assurance that a particular outcome will be achieved at the public hearing.
- 4) The Board 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 comments on the application shall be accepted by the Board for not less than forty-five (45) days after determining that the application is complete.
- 5) Decision of the board; findings necessary
  - a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the Board shall make complete findings, issue an opinion, render a decision on the record either granting or denying the application and state whether or not the Applicant(s) has met the applicable standards. The decision shall be subject to the remedies provided in W.S. 18-5-508. The Board shall grant a permit if it determines that the proposed WECS Facility complies with all standards properly adopted and the standards required by this regulation.
  - b) No permit shall be granted if the application is incomplete or if all notices required by this regulation and W.S. 18-5-503(a)(i) & (ii), and 18-5-504(c) have not been met.
  - c) A copy of the decision shall be provided to the Applicant(s).

**K. Administration & Enforcement of Commercial WECS**

- 1) Liability Insurance
  - a) Liability insurance. The applicant and or operator(s) of the WECS Facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$10 million in the aggregate. The applicant(s) shall provide proof of insurance to

the Board prior to the approval of the submitted application. If the application is approved, the owner(s) or operator(s) of the WECS shall provide proof of insurance annually.

- 2) Transfer of WECS Facility Permits
  - a) Notification of a proposed change of owner of the WECS Facility shall be provided to the Board forty-five (45) calendar days prior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Board within twenty (20) days after such transfer is complete. The transferee upon transfer of ownership shall be responsible for assuming all obligations under the approved WECS Facility Permit.
- 3) Revocation or Suspension of WECS Facility Permit
  - a) A WECS Facility Permit may be revoked or suspended by the Board for:
    1. Any materially false statement in the application or in accompanying statements or studies required of the Applicant(s).
    2. Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure.
    3. Failure to comply with the requirements in W.S. 18-5-501 through 18-5-513, or failure to comply with any order, rule or regulation which has been adopted under the authority of these statutes by the Board, or any rule or regulation of the Industrial Siting Council.
    4. Failure of the proposed WECS Facility to receive a required permit from the Industrial Siting Council pursuant to the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119; or
    5. Failure of the permitted WECS Facility to:
      - i. Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
      - ii. Maintain land rights necessary to operate the WECS Facility.
- 4) Expiration of WECS Facility Permits
  - a) Any WECS Facility for which a WECS Facility Permit is granted under this section must be commenced within three (3) years from the date of approval by the Board. If the WECS Facility is not commenced within three (3) years from said date of approval, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is not operational within two (2) years from the date of project or phase commencement, then the WECS Facility Permit shall expire and become null and void and be of no further effect. If the WECS Facility is to be constructed in phases, the applicant shall submit the schedule for completion of each phase for Board approval with his application, subject to a time limit of seven (7) years for phased development, which means all phased projects must be completely operational within seven (7) years of the date that the WECS permit was approved.
  - b) For the purpose of this section, “commencement of construction” means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of a WECS Facility. For the purpose of this section, the WECS Facility shall be considered to be “operational” if the project is transmitting electricity.
  - c) If the WECS Facility has not been commenced or has not become operational as required, the Applicant(s) may request an extension of the permit. The Applicant(s) shall apply to the County in writing for the extension no later than ninety (90) days prior to the expiration of the permit. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Such information may include, but is not limited to, good faith efforts to obtain required authorization for the WECS Facility from other agencies having jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Board shall promptly consider the application for the extension and either allow it or deny it. No permit shall expire during the time the decision on the extension is being considered.
- 5) Penalties for Violations of Commercial WECS’s
  - a) No person shall:
    1. Commence to construct a WECS Facility on or after July 1, 2010 without first obtaining a permit required by W.S.18-5-501-513 and this section;
    2. Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a WECS Facility after having first obtained a WECS Facility permit, other than in specific compliance with the permit; or
    3. Cause any of the acts specified in this subsection to occur.
  - b) Any person violating subsection (a) of this section is liable for a civil or criminal penalty as provided for in Wyoming Statute 18-5-512 or as amended.
- 6) Industrial Siting Council Referral. The Board may refer any application to the Industrial Siting Council to permit a WECS Facility which does not meet the definition of a facility as defined by W.S. 35-12-102(a)(vii) subject to the provisions found under W.S. 18-5-509 and W.S. 18-5-510.
- 7) Periodic Inspections.
  - a) Staff may perform periodic inspections of the WECS Project to verify WECS Facility Permit requirements.
  - b) The Project Owner or Operator shall provide an affidavit to the Land Use Department every five years certifying that the WECS project is in compliance with their WECS Facility permit.

**L. Construction Permit for Commercial WECS Facility Permit.**

Upon approval of the WECS Facility permit, the applicant shall submit to the Department a complete Sweetwater County WECS Commercial Construction Use Permit application that includes all of the following:

- 1) Evidence that all applicable conditions and terms of the approved WECS Facility Permit have been satisfied.
- 2) Construction Drawings. Building and foundation plans stamped by a Wyoming Licensed Professional Engineer as required by Section 18.E.1.
- 3) Floor plans of all buildings.
- 4) A final plan for site security.
- 5) Final documentation that the project is in compliance with all of the requirements of all applicable state and federal agencies.
- 6) After the Department receives a complete Construction Use Permit application, the Department will review it for compliance, and, if approved, the Department will issue a Construction Use Permit.
- 7) The Construction Use Permit shall be enforced pursuant to Section 18.K of these regulations.

**M. Non-Commercial WECS Facility Permit and MET Towers**

Non-Commercial WECS Facilities and MET Towers will be administered in accordance with these requirements and Section 18.E.3.c:

- 1) Non-Commercial WECS Facility Permit Standards and Application Requirements:
  - a) Maximum Wind Generation Device Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels five acres in size and larger shall have a maximum Wind Generation Device height of one hundred feet (100').
  - b) Maximum Wind Generation Device Limit: Parcels 5 acres in size and less shall be limited to one Wind Generation Device. Parcels 5 acres and more shall be limited to two Wind Generation Devices unless approved by the Board.
  - c) Noise: Sound emitted by a Wind Generation Device shall not exceed:
    1. forty (40) decibels on the dB(A) scale during the hours between 7 am and 7 pm MDT, and
    2. thirty five (35) decibels on the dB(A) scale during the hours between 7 pm and 7 am MDT. In addition, noise immissions shall not exceed fifty (50 ~~45~~) decibels on the dB(C) scale during the hours between 7 pm and 7 am. Such noise immissions shall be measured at the nearest receiving property or lot line. All other requirements of E.3) k. Noise Management shall be followed.
  - d) Setbacks: No Wind Generation Device shall be constructed on any property a distance of less than one hundred and fifty percent (150%) of the Wind Generation Device Height from all adjacent property lines.
  - e) Clear Zone: The Wind Generation Device shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the wind generation device. The clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.
  - f) Tower Security: All WECS's or Wind Generation Devices shall be un-climbable.
  - g) Lighting: All WECS structures shall have International Dark-Sky Association compliant fixtures or an approved equal in accordance with FAA regulations.
  - h) Advertising: No WECS or Wind Generation Device shall have any writing or picture that may be construed as advertising.
  - i) Colors: All towers shall be standard colors as provided by the manufacturer.
  - j) Approved Non-Commercial WECS or Wind Generation Device: At the time of application, the Applicant must present a certification from the manufacturer that the all of the system's turbines and other components are equal or exceed the standards of one of the following national certification programs such as the Institute of Electrical and Electronics Engineers ("IEEE"), National Electric Code (NEC), National Electric Safety Code, (NESC), American National Standards Institute (ANSI) or any other appropriate recognized standard and in no case shall the standards be less stringent than the requirements of the most recent edition adopted by the State of Wyoming.
  - k) Utility Notification: If applicable, permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company serving the property of the Applicant has been informed of the customer's intent to install an interconnected customer owned generator.
- 2) Administration and Enforcement of Non-Commercial WECS Facility Permit
  - a) Removal of Defective or Abandoned WECS's or Wind Generation Devices.
    1. Any Wind Generation Device found to be unsafe by an authorized County official, or designated authority, shall be repaired or removed with all due urgency within 14 days by the Owner(s) to meet federal, state and local safety standards. If any WECS Tower is not operational 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.
  - b) Construction Permit. No person shall construct a Non-Commercial WECS Facility without first obtaining a Construction permit for a Non-Commercial WECS Facility.

c) Maintaining compliance. All Non-Commercial WECS or Wind Generation Devices shall be maintained as per the manufacturer's specifications.

d) Neighborhood Concerns. All reasonable concerns of neighbors must be resolved before a Construction Use Permit for a Non-Commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process after receiving a Construction Use Permit application, the Department shall send a request for comment form to all property owners within 200 feet of the applicant's property, and will post the applicant's property with a sign that states the nature of the applicant's proposed Non-Commercial WECS Facility.

1. If the Land Use Department has not received any written objections during the 21 days following the latest date of either the posting or of the mailing of the request for comments, the Department will approve the applicant's request provided all requirements of these rules are met.

2. If any written objections are received from any adjacent property owners from properties within 200 feet of applicant's property, and the Wind Generation Device is rated to produce between 100 watts and 7.5 kilowatts, the Land Use Department will schedule a public hearing before the next regularly scheduled Planning and Zoning Commission meeting that allows for 30-day advertised notice.

3. At the public hearing, the Sweetwater County Planning and Zoning Commission will take testimony concerning objections to the proposed Non-Commercial WECS. After hearing and considering all testimony from staff and concerned parties, the Sweetwater County Planning and Zoning Commission will then make a recommendation to the Board to approve, conditionally approve or deny the application.

4. The Board shall conduct a public hearing on the application for a Non-Commercial WECS. The Board may approve, conditionally approve or deny the application at the conclusion of the public hearing based on evidence, comments, and the recommendation from the Planning and Zoning Commission. Notice of the hearing shall be provided in the same manner as for an application for a Zone Map Amendment, as per Section 26 of the Sweetwater County Zoning Resolution.

e) Penalties and Violation of Non-Commercial WECS Facility Permit

1. Violations of these regulations for Non-Commercial WECS Facilities shall be enforced in accordance with the Sweetwater County Zoning Resolution and pursuant to Wyoming Statute 18-5-204 through 18-5-206.

f) Fees – Non Commercial WECS Facility Permit Fees

1. The application fee for a WECS Non-Commercial Construction Use Permit as provided for in Section 25 - Application Fees.

#### **N. FEES – Commercial WECS**

1) **WECS Commercial Facility Application:** The application fee for a Wind Energy Facility shall be used to reimburse all staff costs that are incurred to review and process a Wind Energy Facility Application. The Land Use Department shall record all staff time, equipment, and expenses related to persons with the required expertise to review and process a Wind Energy Facility Application. This shall include, but not be limited to, meetings with County staff, meetings with the BLM and public agencies, completeness review required by County staff following the filing of an Application, review and public hearing preparation and processing. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility is filed. At the time of filing, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.

2) **WECS Construction Use Permit:** The Permit Fee for a WECS Construction Use Permit shall be used to reimburse all staff costs, including vehicle and equipment costs, the value of all staff time allocated to processing the application, and the expenses reported by any person with particular expertise that is hired to assist the County in reviewing the application and in determining compliance with all requirements of the applicant identified herein. The Land Use Department shall record all staff time and equipment required to issue the permit and conduct inspections. This shall include, but not be limited to, meetings with County staff prior to issuing the Construction Permit, meetings with other public agencies prior to issuing the Construction Permit, and site inspections. A Reimbursement Account shall be established for the Applicant when a WECS Construction Use Permit is approved. At the time of permit approval, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the account becomes less than \$20,000. The Land Use Department shall submit periodic invoices to the Reimbursement Account.

3) If the applicant fails to provide the required payments to the Reimbursement Account, all efforts and work on the project shall cease.

4) Once all construction has been completed and the project is operational, all fees paid by the applicant remaining in the Reimbursement Account will be returned.

**Now therefore be it resolved** that the Sweetwater County Board of County Commissioners, as authorized by Wyoming Statute, hereby repeals Section 18 of the Sweetwater County Zoning Resolution titled Wind Farm Regulations and replaces it with Section 18 titled Wind Energy Conversion Systems and **APPROVES** the proposed language as presented.

This resolution shall be filed in the Records of the Sweetwater County Clerk.

Dated this 6<sup>th</sup> day of August, 2013.

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

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Wally J. Johnson, Chairman

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Gary Bailiff, Member

ATTEST:

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John K. Kolb, Member

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Don Van Matre, Member

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Steven Dale Davis, County Clerk

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Reid O. West, Member

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**Executive Session(s)-Personnel/Legal**

Chairman Johnson entertained a motion to enter into executive session for legal, personnel and real estate. ***Commissioner Kolb so moved. Commissioner West seconded the motion.*** With no discussion, the motion was approved unanimously. A quorum of the commission was present.

Chairman Johnson called the meeting back to order and noted that the commission is giving direction to Human Resource to continue on a personnel issue.

**Action/Presentation Items Continued**

**Request Funding for Clearview Improvement and Service District**

Acting President & District Board Secretary Carmen Staub, District Operations Supervisor Margaret Jones, resident Ann Splett and daughter of Ms. Jones appeared before the commission to present a formal funding request for the Clearview Improvement and Service District. Ms. Jones made a request for funding for a water system model and sewer system study to determine what exactly is underground so that they can formulate a plan for improvement. Concerns were raised as to appropriate billing for water and sewer. The commission stressed the importance of having a plan in place before asking for funding.

Following discussion, ***Commissioner Bailiff moved to allocate, through the proper budgeting process, \$25,000 for a water system model and sewer system study. Commissioner West seconded the motion.*** After further discussion, the motion was approved after a roll call vote with Chairman Johnson and Commissioners Bailiff and West voting aye and Commissioners Van Matre and Kolb voting nay.

**Acceptance of MOA from City of Rock Springs**

Sweetwater County DSP Program Case worker Kimmie Felderman presented a Memorandum of Agreement between the City of Rock Springs and Sweetwater County to distribute \$10,000 to the DSP program to offset the cost of monitoring DUI offenders who are sentenced in municipal court. Following discussion, Chairman Johnson entertained a motion to approve the Memorandum of Agreement between the City of Rock Springs and Sweetwater County relative to the DUI supervised probation program and authorize the Chairman to sign said Memorandum of Agreement. ***Commissioner Bailiff so moved. Commissioner Van Matre seconded the motion.*** With no discussion, the motion was approved unanimously.

**Adjourn**

There being no further business to come before the Board this day, the meeting was adjourned subject to the call of the Chairman.

This meeting was recorded and is available from the County Clerk's office at the Sweetwater County Courthouse in Green River, Wyoming

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

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Wally J. Johnson, Chairman

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Gary Bailiff, Member

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John K. Kolb, Member

ATTEST:

\_\_\_\_\_  
Don Van Matre, Member

\_\_\_\_\_  
Steven Dale Davis, County Clerk

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Reid O. West, Member

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