

APPENDIX I

GOSHEN COUNTY

SOLAR ENERGY SITING REGULATIONS

GOSHEN COUNTY SOLAR ENERGY SITING REGULATIONS

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SOLAR ENERGY SITING REGULATIONS
GOSHEN COUNTY, WYOMING

I. Introduction

A. TITLE

These regulations shall be "Appendix I" to the Goshen County Land Use Plan, and be referred to as the "Goshen County Solar Energy Siting Regulations."

B. PURPOSE

These regulations have been adopted for the following purposes:

1. To assure that any approval of a commercial permit for the development and production of solar-generated electricity in Goshen County considers the health, safety and general welfare of the public;
2. To minimize the degradation of the visual character of the area;
3. To minimize impact to wildlife;
4. To facilitate economic opportunities for local residents and the community;
5. To be consistent with the general goals and purpose of the Goshen County Land Use Plan.

C. AUTHORITY

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

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

D. APPLICABILITY

These regulations govern the siting, or enlargement, of any Solar Energy Conversion System (SECS), SECS project and substations in Goshen County, except to the extent an application for a permit is made or required to be made to the Industrial Siting Council as provided in Wyoming statute. Whenever the provisions of these regulations are found to be inconsistent with state regulations, the regulation imposing the more restrictive standard shall control.

E. PROHIBITION AND PENALTIES

1. No SECS Project, transmission lines or substation shall be located, erected, installed, constructed, re-constructed, or enlarged, within Goshen County, unless prior siting approval has been obtained for each individual SECS and substation pursuant to these regulations.
2. No facility owner, operator or other person shall:
 - (a) Commence to locate, erect, install, construct, or re-construct a SECS Project, transmission lines or substations on or after June 18, 2024 without first obtaining a permit required by these regulations;
 - (b) Enlarge a SECS Project which was constructed prior to June 18, 2024 without first obtaining a permit;
 - (c) Construct, reconstruct, operate, erect, maintain, enlarge, change or use a SECS Project other than authorized in the permit.
3. Evidence of intentional deception or fraud, if found within the application or subsequent communications, is grounds for permit denial or cancellation.
4. Any person violating these regulations shall be liable for a civil penalty of not more than ten thousand dollars (\$10,000.00) for each violation. Each day of a continuing violation constitutes a separate offense.
5. Any solar panel array erected or operated in violation of these regulations shall subject the Owner of the panel to a civil penalty of seven hundred and fifty dollars (\$750.00) per day for each panel deemed in violation of these regulations. Any penalties collected pursuant to this section shall be paid and credited as provided by Wyo. Stat. §§ 8-1-109.

F. PREEMPTION OR CONFLICT WITH OTHER LAWS

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

G. SEVERABILITY

If any section or provision of the Goshen County Solar Energy Siting Regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication shall not affect any other section or provision of these regulations, or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of Goshen County Commissioners declares that it would have adopted the valid portions and application of these regulations without the invalid part, and to this end the provisions of these regulations are declared to be severable.

II. DEFINITIONS

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

"Attorney" means Goshen County Attorney.

"Clerk" means Goshen County Clerk.

"Commissioners" means Goshen County Board of Commissioners.

"Deception" means an act or statement that misleads, hides the truth, or promotes a belief, concept, or idea that is not true. Not revealing true interests in the project.

"Enlarge" or "Enlargement" means the addition of solar panels which are not permitted as part of an original permitting process.

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

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

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

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

"Owner", means the surface owner of land.

"Planner" means Office of the Goshen County Planner.

"Planning Commission" means Goshen County Planning Commission.

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

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

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

"Permit" is any document or approval issued by the Commissioners which authorizes a SECS Project, including substations, in Goshen County and issued by the Wyoming Industrial Siting Council.

"SECS Project" means the SECSs and associated support facilities including, but not limited to: roads, substations, operation and maintenance buildings, and as specified in the siting approval application, including the project area as defined by the Owner. SECS Project does not include SECS with a generating capacity of 30 Mega Watts or less which are located solely on owner's property.

"Solar Array" (array) means an on-the-ground installation of arrays of photovoltaic cell panels, supporting structures and related equipment for the production of electricity.

"Solar Energy Conversion System" (SECS) means all necessary devices that together convert solar energy into electricity, including the electrical components, panels, SECS foundation, transformer, and electrical cabling from the SECS Tower to the substation(s) and their support facilities, including transmission lines.

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

"Significant" means important and deserving of attention; of consequence; relatively large in an amount or quantity.

III. Preliminary Plan Process

A. Preliminary Plan for Site Location or Study

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

B. Preliminary Plan

1. The submission of a Preliminary Plan puts Goshen County, adjacent counties, neighboring property owners and the general public on notice that a property is under consideration for a potential SECS Project. It may provide the owner with some awareness of potential issues associated with a particular property and minimize costs to the applicant until such time a full SECS Project is planned. Any applicant who submits a Preliminary Plan will be invited to attend a meeting before the Planning Commission

who will review the Plan and may make recommendations. Approval of a Preliminary Plan does not constitute approval of a SECS Project, or any part thereof.

2. The preliminary plan shall include:

- a. detailed information of the facility protection systems which will help protect the solar panels from hail storms.
- b. an area soil test(s) determining condition and presence of any contaminants.

3. Plan to include all business entities within the ownership chain, including all typical business contact points: full company name, address, phone number, email address, website, and main contact person name.

4. An applicant must apply for a SECS permit which will be reviewed solely upon the contents of the application without any regard for the Preliminary Plan or the preliminary process.

IV. Application Process for SECS Use Permit

A. Contents of Application

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

- 1. The name, address, email address, and phone number of each business entity, facility owner and operator, including their respective business structures, and of every property owner;
- 2. The name, address, email address and phone number of each non-participating property owner located within two (2) miles of the SECS Project site boundary;
- 3. A legal boundary description which adequately defines the real project boundaries.
- 4. A SECS Project summary, including, to the extent available: a general description of the project, including its approximate nameplate generating capacity; the potential equipment manufacturer(s), type(s) of SECS, number of SECS, and nameplate generating capacity of each SECS; and the maximum height of the SECS arrays and maximum number of the SECS panel arrays;
- 5. All information and certifications required by Wyo. Stat. §§18-5-503 and §§18-5-504.
- 6. Any other information as may be required by the Planning Commission, Planner, or Commissioners to consider the application.

B. SUPPLEMENTAL INFORMATION

- 1. Liability insurance. An applicant, on behalf of the facility owner and operator, shall obtain a general liability policy covering bodily injury and property damage of at least \$2,000,000 per occurrence and \$5,000,000 in the aggregate. Upon approval of the

permit, both the owner and operator shall, within thirty (30) days, provide proof of the required insurance policy to the County Commission, Planner and Clerk who shall maintain a copy on file. The owner and operator shall maintain such insurance at all times during operation and decommissioning. Further, the owner shall provide proof of such insurance on an annual basis and file a copy with the Clerk.

2. Wyoming Game and Fish Department (WGF). An applicant shall request, during initial site selection, information from WGF on critical habitat of protected species that may be present. The applicant should obtain a letter from WGF verifying that the applicant has coordinated with WGF about the project site selection and describing any annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The applicant will need to ensure access to the solar development area for the purposes of annual wildlife monitoring activities, if required. The applicant need not complete duplicative studies, but shall provide the County Planning Office with wildlife studies contained in existing environmental assessments and/or formal National Environmental Policy Act (NEPA) studies such as the Environmental Impact which cover the project area. WGF will have forty-five (45) days from the date it receives the application to provide the County Planning Office with its comments concerning the application. If no comments are received within forty-five (45) days, the County Planning Office will assume the application is in order with the WGF and proceed with the permitting process.

a. If the project requires review by the Wyoming Industrial Siting Council, the project is exempt from this provision.

3. Archeological and Historical Resources. Any applicant is advised to seek comments and approval from appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant federal, state and local issues and to include relevant reports in the application process. The applicant need not complete duplicative studies, but shall provide the County Planning Office with relevant historical or archeological studies contained in reports required by other jurisdictions. The County Planning Office will also route the application to the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment and review. These agencies shall have forty-five (45) days from the date they receive the application to provide the County Planning Office with its comments concerning the application. If no comments are received within forty-five (45) days, the County Planning Office will assume the application is in order and will proceed with the permitting process.

a. If the project requires review by the Wyoming Industrial Siting Council, the project is exempt from this provision.

4. Visual Impact. SECS Facilities shall not adversely impact scenic areas. Important scenic areas include visual corridors, viewsheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Goshen County, and any adverse visual impacts caused by the proposed SECS Facility, the Commissioners shall consider the federal, state and local important scenic areas, the SECS visual simulations and public

comment. The Planning Commissioners may require specific design standards or restrictions that may mitigate or prohibit the degree to which the SECS Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting.

5. SECS Facility Color: SECS and other SECS Facility structures shall be painted a non-reflective and unobtrusive color that blends with the landscape and is accepted by the Commissioners. The color selected shall be compatible with the natural visual character of the area.

6. Significant Glare: SECS Facilities shall be designed so that there is not a glare at an adjacent property unless waived in writing and recorded against the property by the landowner in the Goshen County Clerk's office.

7. Visibility, Screening, Buffering and Light Pollution: SECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining viewshed.

8. Screening of Outdoor Storage: Except during construction, reconstruction or decommissioning, outdoor storage is not permitted within the project boundary except at locations that are screened. Screened storage locations are not intended as permanent storage locations. If permanent storage is needed, the facility owner will work with the Planning Office to negotiate the type and location for the new on sight storage facility.

9. Buried Collector and Gathering Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried eight (8) feet below surface unless the applicant can sufficiently demonstrate that burying the lines is not feasible or will violate other guidelines, standards or applicable law. Any variance must be approved by County Commissioners

10. Signage: There shall be no advertising or promotional lettering of any type allowed on any SECS Facility structures beyond the manufacturer's or applicant's logo.

C. USE OF PUBLIC ROADS

1. Any applicant, owner, or operator proposing to use any county, municipal, or state road, for the purpose of transporting SECS or substation parts and/or equipment for construction, operation, or maintenance of the SECS or substation(s), shall:

a. Identify all such public roads and /or alternative routes. Detail mapping of haul routes submitted with the development application.

b. Obtain applicable weight and size permits from relevant government agencies prior to construction.

c. Obtain new access, access modification or change of use of access permit and utility crossing permits from Wyoming Department of Transportation for impacts to any State Highway facilities.

- d. Obtain new access, access modifications, or change of access permit, and utility crossing permit from the Goshen County Road and Bridge Department.
 - e. All private landowners utilizing roads identified in section 1a. shall be notified of road use to the construction site.
 - f. Provide an estimation of expected truck round trips and timeframe to transfer all necessary materials.
2. The applicant, at the discretion of the Commissioners, shall provide additional studies and reports prepared by a qualified civil engineer, acceptable to both parties, to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long-term road maintenance agreement will be required.
3. If potential road impacts are determined to extend beyond the boundaries of Goshen County, the applicant will be responsible to contact all potentially impacted jurisdiction(s), and to provide written documentation of the contacts as well as written statements from the jurisdiction(s) that they are aware of the potential impact. All required written statements shall be provided to the Planning Office prior to the scheduling of the hearing for the SECS Project.
4. To the extent an applicant, facility owner, or operator must obtain a weight or size permit from Goshen County, the applicant, facility owner, or operator shall:
- a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; including estimated costs of the SECS impact on roads or other public infrastructure and approved by Goshen County Road and Bridge Department.
 - b. Secure negotiated letter of credit approved by Goshen County Road and Bridge Department, at the discretion of the Commissioners, an amount, sufficient for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the SECS Project.
 - c. The use of public roads and other infrastructure shall be in accordance with and in compliance of federal, state and county regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of SECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same. If Goshen County has entered into any Memorandum of Understanding with any other counties in the proposed SECS Project(s), including counties in other states as applicable, the applicant, facility owner or operator shall furnish proof of compliance with the requirements of any such county.
5. Permitting for any and all industrial site(s), of any nature, shall be regulated by the Road, Street and Site Planning Design Standards contained in Appendix G of the Goshen County Land Use Plan. All entities, without exception, must contact the Goshen County Road and Bridge Department and/or the Goshen County Surveyor prior to project

initiation to discuss pertinent information related to the project and to complete and submit all required permits. A meeting will be scheduled to address the required County Conditions of Road Use as well as any need for Public Works Construction Permits, Oversize and Overweight Load Permits, and requirements for emergency services, addressing, etc. Prior to project initiation, transportation routes will be identified as well as the potential need for roadway infrastructure inventories and potential roadway improvements.

D. NOTIFICATION OF CHANGES PENDING REVIEW

The applicant shall immediately notify the Commissioners of changes to any of the information contained in the application while it is pending review and consideration by the county. Changes to include any new or additional company involvements with all contact points as required in Section III & IV.

E. FEES FOR APPLICATION

Goshen County, upon receipt of an application under these regulations for the permitting of a solar energy facility, shall charge the applicant a non-refundable fee of \$5000.00. Goshen County shall charge the applicant these permit fees to cover the anticipated administrative costs of processing and considering the application, conducting public hearings, issuing any permit and overseeing compliance with the permit conditions and requirements.

F. PROCEDURE FOR PROCESSING APPLICATION

1. The permit application and corresponding fees must be delivered to the Planner.
2. The applicant shall submit twelve (12) paper copies of the permit application and one copy in electronic PDF format.
3. The Planning Commission will meet at the next regularly scheduled time to review the permit application for completeness.
4. The applicant shall provide any additional information within thirty (30) days of receipt of a request. When the Planning Commission determines the application is complete, it shall notify the applicant and provide notice of the date and time at which a Public Hearing will be conducted.
5. The Planning Commission shall certify a public notice of the hearing to be published in a newspaper of general circulation in Goshen County for two (2) consecutive weeks with the last publication at least ten (10) days prior to the Public Hearing. The notice shall include a brief summary of the proposed (SECS), invite the public to submit comments, and identify the time and date of the Public Hearing.
6. The Planning Commission will consider any information provided at the public hearing and any additional information supplied by the applicant. It will then make a determination on the application and forward it to the County Commissioners with a recommendation of approval or denial.

7. The County Commissioners shall hold a Public Hearing to consider comments on the application no less than forty-five (45) days and not more than sixty (60) days after receiving it from the Planning Commission. Written comment on the application shall be accepted by the County Commissioners for not less than forty-five (45) days.

G. DECISION OF THE COUNTY COMMISSIONERS

1. Within forty-five (45) days from the date of completion of the Public Hearing, the Commissioners shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by these regulations and state statute. The decision shall be subject to the remedies provided herein. The Commissioners shall grant a permit if it determines that the proposed (SECS) complies with all standards properly adopted by the Commissioners and the standards required by these regulations. A permit shall not be granted if the application is incomplete or if all notices required herein have not been timely given.

2. In making its findings, the County Commission should consider the following:

- a) Confirm application completeness;
- b) How the proposed SECS Project will positively or negatively affect the public health, safety, or general welfare of the community;
- c) Whether the SECS project will adversely affect the public interest by overburdening services provided by Goshen County;
- d) Whether the applicant has complied with these regulations or any requests made by the Planning Commission and the County Commissioners;
- e) Whether the applicant has adequately addressed the following impacts: air quality, water quality, general nuisances to off-site property owners, soil disturbance, wildlife, cultural resources and negative economic impacts.
- f) A copy of the decision shall be served upon the applicant by certified mail, return receipt.

H. JUDICIAL REVIEW

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

I. REFERRAL

In the event the commissioners receive a permit application not meeting the stated parameters for an industrial facility (per WS §§35-12-102(a)(vii) or (G) may be addressed as instructed in WS §§18-5-509.

J. LAW ENFORCEMENT AND SOCIAL IMPACT

The Law Enforcement and Social Impact reporting will include, but is not limited to, requirements to determine the following listed information: including mitigation measures, approximate costs, and descriptions of any non-monetary support required.

1. The number of additional law enforcement patrol officers, deputies or staff required, reported in whole numbers, and the associated costs of hiring, training, and employing the new personnel during the course of the project construction and operation.
 - a. This shall include, but is not limited to, officers, deputies or staff promoted or assigned to be investigators, school resource officers, communications officers/dispatchers, detention officers, supervision staff and additional support staff, i.e. community service or animal control officers.
 - b. Determine if personnel will be temporarily re-positioned or re-purposed on shift over the course of the project construction and operation to complete the mission of the department. For example, a liaison officer is appointed to work with the Department of Family Services to collaborate on criminal and non-criminal small child and older juvenile cases or families in crisis cases and the overtime costs incurred.
2. The additional or specialized training required for individuals or groups during an economic boom or bust cycle. This includes a new officer, deputy, detention officer or communications staff person required to attend the academy and the costs associated with the training including overtime.
3. Appraise the higher levels of collaboration and their frequency, specific to this project, between agencies and organizations. This to include with County and City Government officials, Torrington Police Department, Goshen County Sheriff's Office, Emergency Fire and Medical, Emergency Management, Wyoming Highway Patrol, Wyoming Game and Fish, Department of Family Services, Brand Inspectors, Division of Criminal Investigations, Goshen County School District, Banner Community Hospital, Goshen County Economic Development, City Attorney, County Attorney, Municipal, County and District Courts and Federal agencies.
4. Estimate any additional logistics support and the costs, including equipment and technology, i.e. a police car, to be successful.
5. Advise of any change, even if temporary, in "policing strategies". This to include Community Policing vs Strict Enforcement or a higher or reduced emphasis on quality-of-life issues and problem-solving vs enforcement.
6. Determine what will be, if any, your personal or department level of collaboration with the project manager or supervisor.

V. DESIGN AND INSTALLATION

A. Design Safety Certification

1. SECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and National Electrical Code (NEC). Any applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), or an equivalent third party.

a. The solar panels as part of a SECS installed in Goshen County will have UL 61730 approvals, and all ridged panels will be manufactured to IP 68 rating.

b. Thin film photovoltaic cell solar panels will not be allowed in Goshen County.

c. It is highly recommended a layer of Methacrylate be applied to each panel as further protection from damage.

d. All solar panels will be mounted on an active tracking system, adding effectivity of operation and an additional method in which to lessen potential hail damage to the panels.

2. Following the granting of a permit under these regulations, a professional engineer licensed in the State of Wyoming shall certify, as part of the SECS application, prior to construction that the foundation and array design of the SECS is within accepted professional standards, given local soil and climate conditions.

B. Warnings

A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

C. Climb Prevention

1. All SECS structures must be protected by anti-climbing devices. climb

2. Site appropriate security enclosures with locking portals at least seven (7) feet high; or anti-climbing devices twelve (12) feet vertically from the base of the SECS structure.

D. SETBACKS

1. All SECS Project structures shall be located such that the base of any array is at a distance of not less than 1/4 mile from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance.

2. All SECS Project structures shall be constructed such that any array or other structure, other than underground installations, transmission lines, roadways and structures appurtenant to roadways, is at a distance of not less than 1 mile from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified.

3. All SECS Project structures shall be located such that the base of any array is at a distance of not less than 1 mile from an occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure.

4. All SECS Project structures shall be located such that the base of any array is at a distance of not less than one mile from the limits of any city or town.

a. If located within the boundaries of any municipality the governing body shall require any setbacks recommended by that municipality.

5. Setback distances may be modified at the discretion of the County Commissioners upon:

a. affected adjacent property owner(s) providing a waiver to the setback requirement, including such recordation at the Office of the Clerk;

b. the determination by the Commissioners that a significant degradation of the visual character of the area will occur; or

c. the determination by the Commissioners that health, safety or welfare of the public will require a different setback.

6. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

E. SOCIAL AND ECONOMIC IMPACT

The social and economic reporting requirements shall include the following and any mitigation measures to address adverse social and economic impacts:

1. The estimated amount of property, sales and other taxes to be generated by the project in Goshen County and outside of Goshen County.

2. Estimated local expenditures of construction materials in Goshen County.

3. The estimated number of construction jobs and estimated construction payroll. Estimated number of local construction job opportunities.

4. The estimate of the construction workforce spending in Goshen County.

5. The estimated number of federal, state and local government jobs affected and added as a result of the SECS project.

6. The estimated number of permanent jobs and estimated continuing payroll.

7. 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.

8. A mitigation plan to address identified significant adverse socio-economic impacts.

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

F. ADDITIONAL PERMITTED USES

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

VI. OPERATION

A. Maintenance

1. The facility owner or operator of the SECS must submit a yearly statement to the Commissioners noting that all aspects of the SECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all state and federal requirements.
2. Panels damaged for any reason, must be removed immediately and properly recycled to a specific location identified in the decommissioning recycling plan. Removed damaged panels will be handled per EPA Regulation RCRA subtitle C and D and must not be allowed to be stored on the grounds unprotected from lead or other heavy metals seepage.
3. Designated and declared weeds shall be controlled on permitted sites during the life of the operation and through completion of decommission. This shall be maintained to the satisfaction of the Goshen County Weed and Pest District.
4. Periodic maintenance will include upkeep to all equipment, structures and grounds. Routine scheduled maintenance shall include the repainting of equipment and structures, and ground work or landscaping as appropriate to the location and the installed or erected assets.

B. Interference

1. The applicant shall provide all microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section IV(A)(4) and IV(A)(5) of these regulations. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the SECS, the applicant shall take reasonable measures as deemed appropriate by hired engineers acceptable to both parties, to correct and mitigate such anticipated interference.
2. If, after construction of the SECS(s), the facility owner or operator receives a written complaint related to interference with emergency services communications, local

broadcast of residential television or other communications venues, the facility owner or operator(s) shall take steps to respond to the complaint as reasonably feasible.

3. The facility owner or operator shall mitigate the impact of light nuisance on the SECS structures as reasonably feasible and still meet FAA requirements.

C. Coordination with Local Fire Departments

1. The applicant, facility owner or operator shall submit to the local fire departments and/or the Goshen County Emergency Management Coordinator and County Sheriff as required by WS §§18-5-504(v) (vi) (vii), a copy of the site plan.

a. Upon request by any local fire department, Fire Warden and/or the Goshen County Emergency Management Coordinator, the facility owner or operator shall cooperate with the relevant agency to develop an emergency response plan in the event of fire in/around the facility.

b. The facility owner/operator, at their expense, shall organize and present a yearly emergency response plan review for emergency responders which will include a physical walk through of the facility.

c. The facility will allow access to Local Fire Districts and the Fire Warden to inspect the fuel load within the facility when requested, and agrees to remediate any concerns with abundant fuel loads found during the walk through.

d. The facility owner/operator will notify the local Fire Department, Fire Warden, County Sheriff and Emergency Management Coordinator when changes to the site are made that may impede emergency response, i.e. change in manning or physical access controls, addition of batteries, change in ground maintenance or emergency response plans, addition of hazardous waste, etc.

e. The facility owner/operator shall work with local responders to ensure they have adequate equipment, training and supplies to respond to any hazards that are introduced during the operation of the facility.

f. In the event of fire, if deemed the start of such fire was internal to the facility, the facility owner or operator will reimburse any fire department and neighbor negatively affected by fire plus the firefighting costs.

g. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Transfer of Applications

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

VII. FEDERAL, STATE AND LOCAL REQUIREMENTS

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

If an issue arises at any time during the review, approval, or development process, which relates to compliance of federal, state and/or local requirements, the applicant, at the discretion of the County Commissioners may request additional studies, reports, maps and/or graphic depictions prepared by a professional qualified engineer acceptable to both party's in the relevant discipline detailing the issues, characteristics, special features, potential impact, and correction measures. Nothing in these regulations is intended to preempt other applicable federal, state and/or local laws and regulations.

A. Federal Aviation Administration (FAA)

Any applicant for the SECS shall comply with all applicable FAA requirements. They shall also submit a report to the County Commissioners verifying said compliance.

B. Local Aviation Facilities

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

C. Military

The applicant shall comply with all military requirements (via WS §§18-5-503(i) whenever applicable.

D. Federal Communication Commission (FCC)

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

E. Environmental

1. United States Fish and Wildlife Service (USFWS). The applicant shall comply with all applicable USFWS requirements including federal endangered species regulations as established in the Federal Endangered Species Act.
2. United States Army Corp of Engineers (COE). The applicant Project shall comply with all applicable COE requirements including the Federal Wetlands regulations as established in the Federal Clean Water Act.
3. Wyoming Department of Environmental Quality (DEQ). The applicant shall comply with all applicable DEQ requirements as well as with the Wyoming Game and Fish Department (WGF) requirements.
4. Materials Handling, Storage and Disposal
 - a. All solid wastes related to the construction, operation and maintenance of a SECS Project shall be removed from the site and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the SECS Project shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.

F. Any and all other Federal, State and Local requirements

The Applicant shall comply with all applicable governmental requirements.

VIII. DECOMMISSIONING PLAN

A. Plan Required

Prior to receiving siting approval under these regulations, Goshen County and the applicant or facility owner must formulate a decommissioning and recycling plan to ensure that the SECS Project is properly deactivated, shut down and removed as stated in WS §§ 18-5-503 (x).

B. Contents of the Plan

The recycling and decommissioning plan shall include:

1. Provisions for decommissioning and recycling the SECS facility when no electrical energy is generated for a continuous period of six (6) months by the facility. The Board of Commissioners may extend the time for decommissioning once the generation of electricity has ceased for the facility if the SECS facility provides good cause prior to the end of the continuous period stated herein.
2. Provisions for the removal of structures, debris and cabling, including those below the soil surface down to forty-eight (48) inches from original grade;
 - a. No damaged or decommissioned solar panels will be disposed of in Goshen County, WY
 - b. The recycling and decommissioning plan will clearly state the location and company name contracted to accept the damaged and decommissioned panels.
3. Provisions for the restoration of the soil and vegetation; including reseeding and watering until such time as the land is restored to its original condition.
4. An estimate of the decommissioning costs certified by a professional engineer to be updated yearly and submitted to the Commissioners;
5. Financial assurance, secured by the applicant, facility owner or operator, for the purpose of adequately performing decommissioning and recycling, in an amount equal to the professional engineer's certified most recent estimate of the decommissioning and recycling costs;
6. Identification of and procedures for access by Goshen County officials to the financial assurances provided by the facility owner and operator.

7. A provision that the terms of the decommissioning and recycling plan shall be binding upon the facility owner and operator and any of their successors, assigns or heirs; as determined by the County Commissioners and County Attorney.
8. A provision that Goshen County personnel, or delegated party, shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
9. A provision that the Commissioners shall have the right to review and reconsider the SECS project's decommissioning and recycling plan at the time of decommissioning.
10. The applicant, facility owner or operator shall provide financial assurance in one, or a combination of the following, at the discretion of the County Commissioners: letter of credit, self-bond, a surety bond, a federally insured certificate of deposit(s), government-backed securities, or cash. In addition to using one or more of the financial assurance methods the requirement of a conservation fund either separate of, or as part of any financial assurance methods will be assessed and collected at a rate of $\frac{1}{2}$ % of the projects monthly power generation/sales. All sinking funds will be held in escrow or as directed by the County Commissioners and will be available to make up any short coming from the financial assurance and the actual cost of mitigating the decommissioning plan in its entirety. Conservation funds will be controlled upon mutual agreement between Goshen Count Commissioners and the facility owner or operator. (Conservation funds not needed for decommissioning will not be available for refund to facility owner.) Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the County Commissioners as part of the permit application procedures and prior to the approval of the application.
11. The County Commissioners may reject the proposed forms of assurance of financial responsibility if the evidence submitted does not adequately assure that funds will be available as required by these rules. The applicant, facility owner or operator shall be notified in writing within sixty (60) days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may be canceled by the surety only after ninety (90) days written notice to the County Commissioners, and upon receipt of the commissioner's written consent, which may be granted only when the requirements of the bond or assurance have been fulfilled.
12. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Commissioners provide notice to the applicant, facility owner or operator and any surety that a violation exists and the Commissioners have decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or abatement, the Attorney may bring suit to recover the costs of performing the activities where recovery is deemed possible.

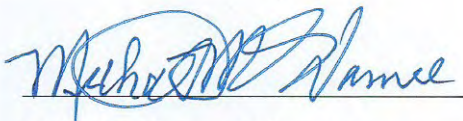
IX. ADDITIONAL REMEDIES FOR ENFORCEMENT

A failure to comply with any of the Goshen County Solar Siting Regulations may result in a denial of a permit. A failure to comply with any of these regulations following issuance of a permit shall constitute a violation and default of the permit. Goshen County may seek any and all legal remedies to enforce these regulations including injunctive relief. Any violations may also be subject to penalties as provided in these regulations.

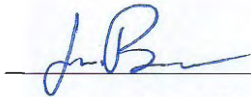
Goshen County, shall, in its sole discretion, provide written notice to any facility owner or operator setting forth the alleged default or violation of the permit. Such written notice shall provide the facility owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default. If Goshen County determines in its discretion that the parties cannot resolve the alleged default within this time period, Goshen County may proceed to enforce these regulations and compliance with appropriate legal remedies.

Approved this 18th day of June 2024

Goshen County Commission



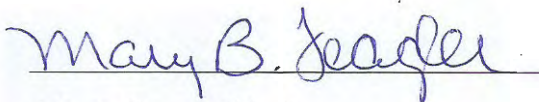
Mike McNamee, Chairman



Justin Burkart, Vice Chairman



Aaron Walsh



Attest: County Clerk

