

# **Sweetwater County Zoning Resolution**

**2015 Zoning Resolution**

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## **Section 1. Authority and Repeal of Previous Resolutions**

This Sweetwater County Zoning Resolution is adopted pursuant to, in accordance with, and as an exercise of the authority vested in the Board of County Commissioners by the provisions in Wyoming Statutes Annotated §18-5-201 through §18-5-208 as it exists from time to time.

All previous Zoning Resolutions adopted by Sweetwater County, and all amendments thereto, are hereby repealed in their entirety as of the effective date of the 2015 Zoning Resolution.

The effective date of the 2015 Zoning Resolution is November 3, 2015 by Board of County Commissioner's Resolution 15-11-CC-01.

## **Section 2.           Short Title**

This Sweetwater County Zoning Resolution and all amendments thereto shall be known, cited, and referred to as the 2015 Zoning Resolution.

## **Section 3. Purpose and Application**

### **A. Purpose**

The zoning regulations hereinafter set forth have been made in accordance with the recommendations of a comprehensive plan and with reasonable consideration being given to, among other things, the character of each of the enumerated districts, their relationship to each other, and the compatibility and appropriateness of the uses in each district. These regulations have been enacted with the following purposes in mind:

1. To guide and regulate the utilization of land for its most appropriate use and to insure orderly growth, development, and redevelopment in the County.
2. To prevent the overcrowding of land or buildings and the undue concentration of population.
3. To lessen congestion in the streets and to reduce the waste of excessive amounts of streets and highways.
4. To allow for the provision of adequate public facilities to serve the present and future population.
5. To secure the safety of the population from fire and other hazards and provide adequate light, air, and convenience of access.
6. To protect the tax base of the County and secure economy in governmental expenditures.
7. To protect the established character and value of buildings and lands throughout the County.
8. To otherwise conserve and promote the public health, safety, convenience, order, and general welfare of the present and future inhabitants of Sweetwater County.

### **B. Application of Provisions**

1. Except as hereinafter provided no lot, tract, parcel or other unit of land shall be used or occupied and no structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, altered, used, or occupied except in conformity with all the provisions of the Sweetwater County Development Codes.
2. This Resolution shall apply to all private lands within the unincorporated portions of Sweetwater County and any public lands within the same area that are legally subject to its provisions.
3. The enactment of this Resolution shall not prohibit the legal continuance of the use of any land, building, or structure for the purpose for which such land, building, or structure was used at the time this Resolution takes effect; and it shall not be necessary to secure any certificate permitting such continuance provided, however, that the alteration of or addition to any existing building or structure for the purpose of affecting any change in use within any area subject to the provisions of this Resolution may be regulated or

prohibited. If a non-conforming use is discontinued under the provisions of this Resolution, any future use of such land, building, or structure shall be in conformity with the provisions of this Resolution.

4. No lot or parcel of the district in which it is located, existing at the time of the passage of this Resolution, shall be reduced in dimensions or area below the minimum requirements set forth herein. Lots and parcels created after the effective date of this Resolution shall meet the minimum requirements established by this Resolution.
5. In compliance with W.S. 18-5-201 nothing herein contained shall be construed to prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject to these provisions.
6. The Zoning Certificate, as defined in W.S. 18-5-203, is equivalent to all Zoning Permits and authorizations allowed by the Sweetwater County Zoning Resolution.

### **C. Establishment of Zoning Districts**

In order to carry out the provisions of this Resolution, the unincorporated areas of Sweetwater County shall be divided into the following zoning districts:

1. A (Agricultural)
2. RR (Rural Residential)
3. R-1 (Single Family Residential)
4. R-2 (Mixed Residential)
5. R-2/SF (Single Family Residential)
6. R-3 (Multi-Family Residential)
7. MH (Manufactured Home)
8. CRS (Commercial & Recreational Services)
9. B (Retail Business)
10. C (Commercial)
11. I-1 (Light Industrial)
12. I-2 (Heavy Industrial)
13. MD (Mineral Development)
14. LS (Special Overlay District Governing Minimum Lot Size)
15. AO (Airport Influence Area Overlay)

## **D. Zoning District Map**

1. The computer generated Zoning Map and all future amendments thereto are hereby established to be the Official Zoning Map of Sweetwater County and declared to be a part of this Resolution. The zone districts set forth on the Official Zoning Map are hereby and herewith adopted and approved. In the case of a conflict between the zone district depicted on the Official Zoning Map and the zone district adopted at a hearing pertaining to a particular parcel of property or shown in other official documents of Sweetwater County, the latter shall control. The Department shall maintain true and correct copies of the official Sweetwater County Zoning Map.
2. Unless otherwise defined on the Official Zoning Map, district boundary lines are intended to be lot lines; the centerline of streets, alleys, channelized waterways, or section or township lines; municipal corporate lines; the centerline of stream beds; County boundary lines; or other lines dimensioned or drawn to scale on the Official Zoning Map.

## **E. Uniform District Regulations**

The provisions of this Resolution shall apply uniformly to all geographical areas bearing the same classification as designated on the Official Zoning Map, provided, however, that:

1. No lot or parcel shall hereinafter be divided into two or more zoning districts unless each zoning district complies with the minimum district size.
2. In the event uncertainty shall be deemed to exist on the Official Zoning Map, district boundaries shall be on Section lines; lot lines, the center lines of highways, streets, alleys, railroad rights-of-way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on said map.
3. Where a proposed district boundary line creates a lot or parcel held in ownership that is smaller than the minimum Lot Size for the district in which it is located, the smaller parcel must be combined and amended to the same zone district in which the larger parcel is located.
4. Those legally existing lots or parcels not in conformance at the adoption of this Resolution shall be granted non-conforming status.

## **F. Severability**

If any part or provision of this Resolution or its application to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision, section, or application expressly involved in the controversy, and shall not affect or impair the integrity or validity of the remainder of this Resolution or its application to other persons, property, or circumstances.

**G. More Restrictive Regulations Apply**

Whenever there is a conflict between one or more requirements of the Sweetwater County Development Codes, the more restrictive regulation shall apply.



## **Section 4. Administration and Enforcement**

### **A. Administering Agency**

The Department shall have the power and the duty to administer this Resolution. In the performance of these duties the Department shall:

1. Administer rules and procedures for conducting the zoning affairs of Sweetwater County to include the development of necessary forms and permits.
2. Receive and review all applications for Major Site Plans and for permits for construction, alteration, or change of use of land or structures; and, approve or disapprove such applications based on their conformance with the provisions of these regulations.
3. Receive all Discretionary Permit Applications; refer such applications to proper agencies for examination; and submit to the Board all such applications together with the recommendations of the examining agencies, Commission and Department.
4. Participate in public hearings before the Commission and Board.
5. Maintain the Official Zoning Map showing the current zoning classification of all unincorporated lands within Sweetwater County.
6. Propose to the Commission and Board any changes to this Resolution or the Official Zoning Map that may from time to time be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in this Resolution.
7. Make any necessary examinations or investigations as allowed by law relative to the use of land or structures to determine compliance with these regulations.
8. Upon reasonable cause revoke any Zoning Permit or take any other lawful action as may be provided for to insure substantial compliance with the provisions of this Resolution.
9. To act as an agent for the Board to declare and abate nuisances which the Board determines to be a threat to health and safety.
10. Maintain such records and files as may be necessary in the efficient conduct of the above duties.

### **B. Permits**

1. A permitted use or structure must be established on a lot or parcel before an accessory use or structure is allowed to be established or utilized.
2. Only one permitted use shall be allowed per lot or parcel unless multiple uses are permitted through the Major Site Plan process.
3. No building or structure shall be commenced, erected, or altered until a Zoning Permit for CONSTRUCTION OR ALTERATION has been issued by the Department certifying that the proposed building or structure complies with all of the provisions of

this Resolution. The following shall not require a Zoning Permit:

- a. Residential accessory structures, such as a shed, which are accessory to an approved permitted residential use and which meet the following criteria:
  - (1) 200 square feet or less in size.
  - (2) One story in height.
  - (3) Not attached to a structure containing a Permitted Use.
  - (4) Meets all setback requirements.
- b. A site built structure located in the Agriculture (A) Zoning District normally associated with agricultural purposes such as a barn.
- c. A retaining wall, fence, flagpole, monument or statuary.
- d. A roadway, bridge, railroad, pipeline, underground tank, underground mining activity or a utility line or utility pole for consumer service.
- e. A manufactured home on a sales lot.
- f. A manufactured home in a non-conforming Mobile Home Court or Park.
- g. Solar Energy Systems - On-site; roof mounted with a total nameplate capacity of less than 5 kW and ground mounted solar energy systems with a total footprint of less than 50 percent of the primary structure.

A Zoning Permit in compliance with this Resolution may be approved for up to 18 months from the date of issuance at which time any and all CONSTRUCTION OR ALTERATION shall be completed. The Department is authorized to grant, in writing, one extension of six months. Permit extensions shall not be approved as a way to circumvent a zoning violation or to keep a property out of compliance with this Resolution.

4. Neither the use of any land nor the use within any building or structure shall be established or changed until a Zoning Permit termed a USE PERMIT has been issued by the Department certifying that the use complies with all of the provisions of this Resolution. Such a permit shall not be required for Accessory Uses.
5. Applications for Zoning Permits required by this Resolution shall be accompanied by a site plan, drawn to scale, containing the following information:
  - a. Address of the property
  - b. Legal description
  - c. Location and dimensions of the land area in question

- d. Size, shape, dimensions and location of existing or proposed structures
- e. Location of fire hydrants
- f. Access including dimensions, distance from property corners and size of culvert
- g. General drainage of lot or parcel
- h. Parking and loading areas as required
- i. Commercial signage, if applicable
- j. Septic and well locations
- k. Fuels being used or stored on the property
- l. Utilities
- m. Easements
- n. Outdoor storage areas
- o. Residential floor plan including rooms labeled and dimensioned, size of egress windows and doors, location of required smoke alarms and carbon monoxide detectors, type of door hardware, hallway widths, width of stairs and garage or building separation material
- p. Commercial floor plan including rooms labeled and dimensioned, size of egress windows and doors, location of smoke alarms, type of door hardware, hallway widths, width of stairs and garage or building separation material, location and type of exit signs, details of emergency lighting plan and location of fire extinguishers

The Department may require additional information, such as professionally prepared and stamped drawings by a Wyoming Licensed Surveyor, Engineer or Architect if, after review, it is deemed that such specific site plan requirements are necessary.

In addition to complying with these Regulations, the applicant shall be required to comply with rules and regulations administered by other County agencies, such as County Health and Emergency Management, utility companies, special service districts and State and Federal agencies such as the Wyoming Department of Transportation and the Wyoming Department of Environmental Quality. The applicant shall notify and work directly with these agencies to ensure compliance with their rules and regulations.

- 6. The Department shall act promptly upon any permit application filed with it, and shall grant permits in all cases where the proposed construction or use complies with the requirements of this Zoning Resolution; and, if it denies the application, shall specify the reasons for such denial.

7. Permits shall not be required for legally existing structures, nor for the use of any structure or land area legally established prior to the effective date of this Resolution provided, however, that any future modifications to existing structures or changes of use of any structure or land area shall require permits as provided by this Resolution and meet the requirements of nonconforming uses and structures.
8. A copy of all issued permits shall be filed by the Department and shall be available for examination.
9. Provisional Construction Permit

By issuance of a Provisional Construction Permit, the applicant is allowed to begin construction of a building or structure prior to completion and acceptance of required public improvements in a subdivision. Required public improvements are those improvements listed in the Engineer's Estimate and/or Improvements Agreement. Occupancy and use of the building or structure is not allowed until initial acceptance of the required public improvements. However, if road construction and fire protection are required public improvements for the subdivision, the road must meet IFC standards and fire protection must be in place prior to issuance of a Provisional Construction Permit.

A Provisional Construction Permit application shall contain the same information as that of a Zoning Permit for Construction/Use as well as meet the site plan requirements of Section 4.B.3. The Provisional Construction Permit shall replace the need for a Zoning Permit for Construction/Use and must be approved before beginning construction.

The fee for a Provisional Construction Permit shall be the same as the fee required for a Zoning Permit for Construction/Use.

Once the subdivision is initially accepted by the Board, buildings will be inspected for IFC compliance and, if passing inspection, shall be approved by the Department and allowed to be used and/or occupied.

### **C. Lot and Parcel Standards**

All lots and parcels shall comply with the following:

1. Occupancy

In a residentially zoned district, only one permitted use or structure is allowed per lot or parcel. Permitted and Accessory structures may be built simultaneously under the same permit, but an Accessory Structure may not be utilized until the Permitted Structure is allowed to be occupied.

2. Water

- a. Construction of potable water systems in Sweetwater County shall meet the standards and requirements of Sweetwater County Environmental Health, Wyoming Department of Environmental Quality, water and/or sewer district or, if applicable, the State Engineer's office for a private well.

- b. Within the Growth Management Plan Boundary, all development approvals of occupied structures and subdivision lots shall be served by a public water system. The Department may waive the requirement for public water for Zoning Permits for construction with concurrence of the municipality or water and/or sewer district board if the parcel is located more than 400 feet from a public water system.
- c. The private water system meets the requirements of Sweetwater County Environmental Health or Wyoming Department of Environmental Quality.

3. Wastewater and Sewage

- a. All development approvals of occupied structures and subdivision lots shall be served by an approved means of wastewater and sewage collection and treatment.
- b. Construction or improvements of wastewater and sewage collection and treatment improvements and systems in Sweetwater County shall meet the standards and requirements of Sweetwater County Environmental Health, Wyoming Department of Environmental Quality and water and/or sewer district.
- c. Within the Growth Management Plan Boundary, all development approvals of occupied structures and subdivision lots shall be served by a public sewer system. Upon development all lots and parcels shall be served by a public sewer system unless waived by the Department and in concurrence with local municipalities and water and/or sewer district boards if the parcel is located over 400 feet from a public sewer system.
- d. The private sewage system meets the requirements of Sweetwater County Environmental Health or Wyoming Department of Environmental Quality.

4. Fire Protection

All development approvals within the unincorporated areas of Sweetwater County shall require compliance with the IFC.

5. Access Standards

Unless exempt, all development approvals in the unincorporated areas of Sweetwater County shall have an approved, legal access to the lot or parcel that meets the following requirements:

- a. Legal access shall be by County road, public street or private road as allowed by this resolution.
- b. A private road may be utilized to provide access for residential development if the following requirements are met:
  - (1) The lot or parcel is outside of one mile from a municipal boundary.

- (2) The road will provide access to eight or fewer dwelling units.
- (3) The private road shall not exceed one and one-quarter mile. Private roads exceeding that length may be approved through the public hearing process.
- (4) The property is not the subject of a subdivision permit.
- (5) The minimum parcel size is 35 acres, if located within the Growth Management Area boundary.
- (6) Private Access Easements

The minimum private access easement shall be as follows:

- a. 60 feet for all lots or parcels within the Growth Management Area.
- b. 60 feet for all lots or parcels which are smaller than 35 acres.
- c. 40 feet for all parcels outside of the Growth Management Area.
- d. 40 feet for all parcels which are 35 acres or larger.

The Director may allow a reduction in width for a limited distance of travel due to location, topography, waterway, nonnegotiable grades or other similar circumstances not created by the applicant.

- (7) Private Road Construction Standards
  - a. All Private roads must be certified by a Professional Engineer licensed in the State of Wyoming that the road has been constructed to IFC standards.
  - b. All private roads providing access for three to eight dwelling units shall be a minimum of 20 feet.
  - c. Private roads shall follow property lines as closely as reasonably allowed. Deviations of over 100 feet shall be approved by the Department.
  - d. Property owners utilizing a private road shall submit to the Department and record against their property, in the Office of the Sweetwater County Clerk, a Release and Waiver of Services for Private Roads as shown in the Exhibits section.

- e. Private roads will not be maintained by the County. Private landowners are responsible for maintenance.
- f. Outside of the Growth Management Area boundary, private roads less than one-quarter mile in length and which provide access to two or fewer dwelling units may be constructed of a 14-foot all-weather driving surface with pullouts at 150 foot intervals and built to IFC standards but does not require certification of construction.

(8) Private Road Identification

Private Roads that provide access to four or more dwelling units shall be named and posted. Street names shall be subject to approval of the Department and the landowners shall be responsible for the installation and maintenance of street signs. Street signs shall be placed at all intersections.

c. Exemptions from Access Standards

Exemptions from access standards are allowed for the following uses:

- a. Unmanned communication facilities
- b. Forest management and logging
- c. Agricultural buildings
- d. Utility and service installations
- e. Mining
- f. Mineral exploration and drilling
- g. Compressor Stations
- h. MET towers
- i. Fiber optic booster stations
- j. Unmanned or remotely located evaporation ponds

6. Grading and Drainage

The following regulations shall apply to all grading, excavation, earthwork, construction, fills and embankments, etc. as part of the development of a lot or parcel. Grading and other earthwork that is not part of an approved zoning permit for construction will require an approved Grading Permit meeting the requirements of this

## Resolution.

### a. Dust Control

Reasonable efforts that are consistent with dust control must be made to control blowing dust during the actual grading of the site and when grading has been completed.

### b. Maximum Slope

The slope of cut surfaces shall be no steeper than is safe for the intended use unless the applicant furnishes a soils report, certified by a Wyoming Licensed Professional Engineer that meets the following:

- (1) All cuts, fills, buildings, structures, roadways, parking lots and other constructed facilities are designed to prevent erosion and slope and structural instability.
- (2) The drainage, soil and geotechnical characteristics of the developed site will not adversely affect adjacent properties, upstream and downstream lands or the stability of the hillside.
- (3) Adequate and appropriate erosion control measures are included as part of the site design.

### c. Erosion

Faces of cut and fill slopes shall be prepared and maintained to control erosion. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety. Revegetation is required.

### d. Fills

The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials and scarifying the ground to provide a bond with the fill material. Fills shall be compacted to appropriate engineering standards. Fill material shall not include organic, frozen, deleterious or hazardous materials.

### e. Drainage

Swales or drainage ditches shall be provided as necessary to provide for safe and adequate removal of surface runoff. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on-site or directed to an approved drainage facility. Erosion of the ground in the area of the discharge shall be prevented by installation of non-erosive down drains or other devices.

## 7. Manufactured Homes



A Manufactured Home is used for occupancy as a principal residence by a single family or as an accessory residence for a caretaker. Two or more manufactured homes shall not be combined nor shall a manufactured home be combined with any other permitted or accessory structure except for an addition or an attached garage if the Manufactured Home is on a permanent foundation.

A manufactured home may not be used for any purpose other than a residence except that one manufactured home may be used as a chicken coop in the Agriculture (A) zoning district provided that the following conditions are met:

- a. The lot or parcel is a minimum of 40 acres. More than one manufactured home/chicken coop per 40 acres shall only be allowed through the Conditional Use Permit process.
- b. The manufactured home/chicken coop is accessory to a permitted residential dwelling.
- c. The manufactured home/chicken coop shall be for the sole use of the landowner.
- d. The manufactured home/chicken coop shall not be used for human occupancy.
- e. The manufactured home/chicken coop shall meet the architectural style and color of the main dwelling and no additions shall be allowed.
- f. All kitchen, bathroom, heating fixtures, appliances and carpeting must be removed.
- g. The inside and the outside of the manufactured home/chicken coop must be kept free of any nuisance conditions.

8. Shipping Containers

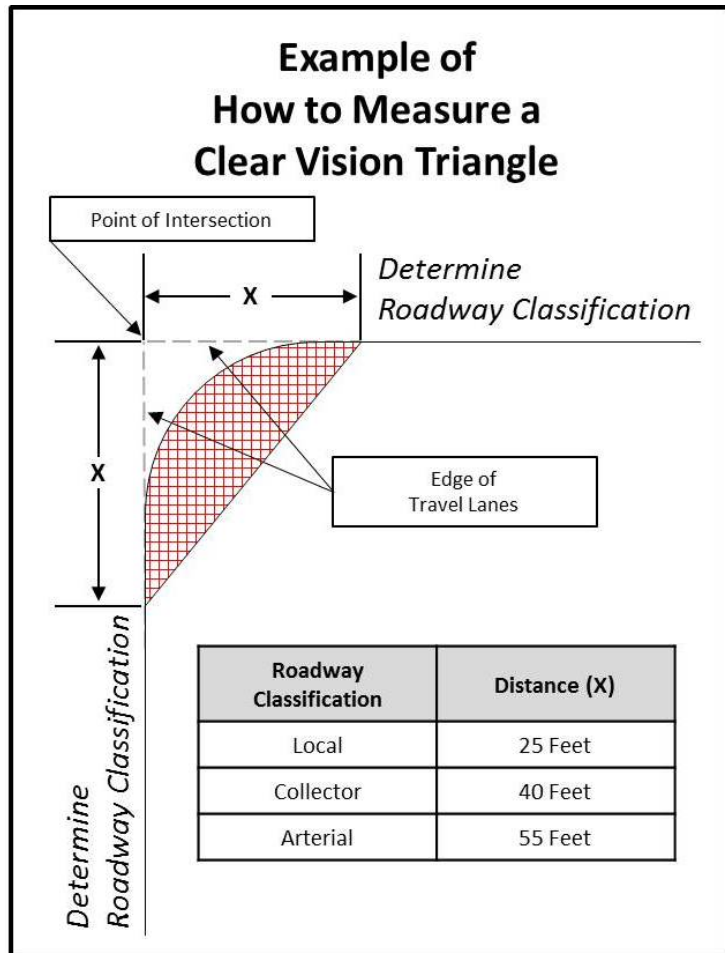
Shipping containers, portable storage containers, or other fully-enclosed, box-like containers designed for ease of loading to and from a transport vehicle shall not be used or stored for any purpose on residentially zoned property unless approved through a Temporary Use Permit.

9. Fencing

Fences, walls and plantings may be erected on any part of the lot or parcel without applying for a permit, but must meet the fencing requirements of the district in which the property is located and the requirements of the Clear Vision Triangle. When required as screening, fences shall be constructed of a uniform material and built to a uniform height.

10. Clear Vision Triangle

On corner lots or parcels, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three and eight feet above the centerline street grade within the designated clear vision triangle. On corner lots or parcels the size of the sight triangle is based on the type of street involved: 55 feet for arterial streets, 40 feet for collector streets and 25 feet for local streets. The clear vision triangle is the triangle having sides 25, 40, or 55 feet as measured along the edge of travel lanes of each intersecting street. The triangle thus begins at the point where the intersecting edge of each travel lane would meet, thence 55, 40, or 25 feet measured back along the edge of travel lanes, then diagonally across the corner lot or parcel connecting the edge of travel lanes. See drawing.



11. Solar Energy System – On-Site

a. Height

- (1) Building or roof-mounted solar energy systems on site shall not exceed the maximum allowed height in any zoning district.
- (2) Ground or pole-mounted solar energy system on-site shall not exceed 15 feet in height when oriented at maximum tilt.

- b. Setbacks
  - (1) Ground mounted solar energy systems may not extend in to the front, side or rear setback when oriented at minimum design tilt.
  - (2) The total area of the ground mounted system cannot exceed 10 percent of the lot or parcel area.
- c. Approved Solar Components
  - (1) Electric solar components shall have UL listings and with the National Electric Code.
- d. Visual Appearance
  - (1) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

## 12. Growth Management Area Supplemental Regulations

The following regulations apply to lots and parcels to be developed in the Growth Management Area and which are designated as being within the Highway, Scenic and/or Slope Overlay Areas on the map located in the Exhibits section.

- a. Highway Overlay Regulations
  - (1) The purpose of the Highway Overlay Regulations is to create inviting entryways into the cities and communities of the County, to attract business investment to the County; to reduce trash, clutter and the nuisances created by them; and to improve the appearance of the areas adjacent to major roadways in the County for the benefit of its citizens.
  - (2) On all properties and portions of properties located within 1,000 feet from the centerline of designated highways, the following requirements shall be in addition to the requirements of the zoning district in which the property is located:
    - a. All outside storage and work areas visible from the designated highways shall be screened. Displays of products for merchandising purposes need not be screened.
    - b. No storage shall be visible above the fence when viewed standing at ground level at the lot line. Screening fences shall be a minimum of six feet above finished grade. The Director may approve alternative screening plans and methods.
    - c. Landscaping is encouraged and the use of native vegetation and/or seed mixes that discourage weeds is recommended.

b. Scenic Overlay Regulations

- (1) The purpose of the Scenic Overlay Regulations is to preserve scenic vistas and characteristic geographical features.
- (2) On all properties and portions of properties located within the affected areas, the following requirements shall be in addition to the requirements of the zoning district in which the property is located:
  - a. Siting/location/design of structures in a manner that avoids abrupt disruptions of the natural skyline along topographic high points and ridgelines is encouraged.
  - b. Cuts and fills shall be stabilized and re-vegetated
  - c. No storage shall be visible above the fence when viewed standing at ground level at the lot line. Screening fences shall be a minimum of six feet above finished grade. The Director may approve alternative screening plans and methods.

c. Slope Overlay Regulations

- (1) The purpose of the Slope Overlay Regulations is to prevent property damage and public hazards from erosion, slope instability, flooding and rock-fall which can occur due to poorly designed and constructed improvements on slopes.
- (2) On all areas that would affect slopes of 15% or greater, the following requirements apply in addition to the requirements of the zoning district in which the property is located:
  - a. A contour map at a scale sufficient to determine whether 15% or greater slopes are present in the area proposed for development.
  - b. A vegetation removal and restoration plan.
  - c. A certification by a Wyoming Licensed Professional Engineer that:
    - i All cuts, fills, buildings, structures, roadways, parking lots, and other constructed facilities are designed to prevent erosion and slope and structural instability.
    - ii The drainage, soil and geotechnical characteristics of the developed site will not adversely affect adjacent properties, upstream or downstream lands, or the stability of the hillside.

- iii Adequate and appropriate erosion control measures are included as part of site design.

13. Lot Split Development Standards

A Lot Split shall be defined as the subdivision of a lot within a platted subdivision which was split prior to July 1, 2001.

a. Application Requirements

- (1) A Record of Survey meeting the requirements of the Sweetwater County Subdivision Regulations.

b. Development Standards

- (1) Each lot shall incorporate the easements necessary for perpetuation of drainage, access and utilities.
- (2) The applicant is responsible for obtaining all necessary approvals and accesses for all easements.
- (3) The lot split will meet the minimum development standards of this Resolution.
- (4) Lot splits that create parcels without direct access to a public street shall provide access with an access easement.

c. Waiver of Requirements

The Director may waive an Application Requirement or Development Standard if waiving the requirement or standard will not be injurious to neighboring landowners.

d. Review and Approval

The Lot Split documents shall be reviewed and approved by the Department.

**D. The Public Hearing Process**

Public hearings provide an applicant the opportunity to present a Discretionary Permit Application to the public and explain why they believe their proposed application is appropriate for their property and the community. It is also an opportunity to provide testimony and discussion about the application.

Unless otherwise provided for in this Resolution, applications requiring public hearings shall meet the following:

1. Review

The Department shall review the application for compliance with these regulations.

Some applications may require an IFC inspection before the hearing. Once the application is ready to be heard, it shall be scheduled for public hearing at the next available regularly scheduled meeting of the Commission and/or the Board. Typically, there will be two hearings; one before the Commission and one before the Board, although some applications only require a public hearing before the Board.

2. Advertising

Notice of the time and place of the public hearings as well as the nature of the application sought shall be advertised in a newspaper of general circulation in the County for a minimum of 30 days before the first scheduled public hearing.

3. Posting

Notice of the time and place of the public hearing as well as the nature of the application sought shall be posted on the property affected by the application, or at the nearest major crossroad, for a minimum of 14 days before the scheduled public hearing.

4. Comments

The Department will solicit comments from parties of interest allowing 20 days from the date of the advertised notice for comment return. A party of interest that fails to respond within that 20 day period will be considered supportive of the application.

5. Land Use Department

The Department shall prepare information pertinent to the application in a staff report and participate in all public hearings regarding the application. All comments received will be included in the staff report and the Department may include applications, site plans, maps, etc. for clarification and explanation.

6. Planning and Zoning Commission

The Commission shall hear the application and accept public comments from interested parties. After the public hearing and after due deliberation, the Commission shall certify its findings and recommendations to the Board. The Commission may approve, approve with conditions or deny an application or the public hearing may be tabled.

- a. A hearing item may be tabled for a specific reason and a specific time frame for tabling must be stated in the motion by the Commission.
- b. If the Commission requires additional information or changes to the applicant's request, the applicant must fulfill the requirements of the motion by the time frame indicated or the Commission may deny the applicant's request.

7. Board of County Commissioners

The Board shall hear the application at a public hearing at which all interested parties shall have an opportunity to be heard. After the public hearing has been held, the Board shall take into consideration all of the evidence, comments and the recommendation of

the Commission and then shall vote on the matter before it. The Board may approve, approve with conditions or deny an application or the public hearing may be tabled.

- a. A hearing item shall be tabled for a specific reason and a specific time frame for tabling must be stated in the motion by the Board.
- b. If the Board requires additional information or changes to the applicant's request, the applicant must fulfill the requirements of the motion by the time frame indicated or the Board may deny the applicant's request.

The Board may, at their discretion, refer an application to the Commission to be heard at the Commission's next regular meeting without 30 day notice.

## 8. Approval

Upon authorization from the Commission or approval from the Board, an approved permit must be received before construction or use is commenced.

## **E. Violations, Penalties, Remedies and Revocation**

### 1. Violations, Penalties and Remedies

The Department will not approve new permit applications for properties having an existing violation of this Resolution unless the Director determines that the application may aid in the remedy of such violation (i.e. construction of a building to house nuisance vehicles).

Before referring a violation for prosecution, the Department will attempt to remedy all violations of the Zoning Resolution utilizing the following methods and timelines:

- a. The Department will document all violations of this Resolution and shall request the remedy of any violation through voluntary compliance. The voluntary compliance request shall state the nature of the violation and the section violated. After any such voluntary compliance request has been served, no work shall proceed on any structure or tract of land covered by such a request for voluntary compliance except to correct such violation or to bring the property into compliance with the Zoning Resolution.
- b. A voluntary compliance letter shall be mailed to the address of the property owner as found in the records of the County Assessor. This notice will request voluntary compliance within 30 days of the date of the letter.
  - (1) If the property owner contacts the Department and remedies the violation, the matter will be dismissed and no further action will be taken by the Department.
  - (2) If the property owner contacts the Department within the 30 day voluntary compliance period to request additional time, the Department, at its discretion, may allow up to an additional 90 days for compliance.

- (3) The Department may adjust timeframes due to health, safety, welfare concerns and other circumstances not created by the property owner.
  - (4) If the property owner does not contact the Department during the voluntary compliance period, the mandatory compliance period begins.
- c. After the expiration of the voluntary compliance period, any allowed extension or upon denial of an extension, the Department will serve the documents by personal service to the address of the property owner as found in the records of the County Assessor outlining a 30 day mandatory compliance period before the violation will be referred to the County attorney for possible prosecution.
  - d. If the property owner does not contact the Department during the 30 day mandatory compliance period, the violation will be referred to the County Attorney for possible prosecution.

Violations of this Resolution will be prosecuted as allowed by Wyoming Statutes.

## 2. Revocations or Suspensions

The Department shall determine whether or not to recommend revocation or suspension of a permit and, if the Department determines that a revocation or suspension is appropriate, shall schedule a hearing in accordance with the public hearing process.

Health and safety concerns may result in the immediate suspension of the permit until the application can be heard in accordance with the public hearing process.

The following are grounds for revocation or suspension of a permit:

- a. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application or any other material supplied by the applicant.
- b. Failure to comply with any condition of a permit.
- c. The use or structure does not comply with the requirements of this resolution.
- d. The use or structure for which the permit was granted has been discontinued for a period of 18 months.
- e. Due to its condition, the use or structure allowed by the permit has become detrimental to public health, safety, and welfare or the manner of operation constitutes or is creating a violation.
- f. Failure to obtain and maintain applicable federal, state, and local permits.

## F. Variances

A variance request requires a public hearing before the Commission and the Board. The Commission may recommend and the Board may authorize variances from the requirements of



this Resolution that may not be contrary to the public interest. Variances are requests to vary or depart from requirements of this Resolution including relief from setback, height, parking and other requirements of this code. The purpose of the Variance shall be to modify the strict application of the requirements of this Resolution where, owing to exceptional and extraordinary circumstances, literal enforcement of the terms of this Resolution will result in unnecessary hardship. Every such Variance authorized shall not be personal to the applicant, but shall run with the land. The Commission and Board shall take into consideration the following conditions:

1. There are special circumstances or conditions, fully described in the Commission and Board's findings, which are peculiar to the land or building for which the variance is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the Zoning Resolution;
2. For reasons fully set forth in the Commission's and Board's findings, the circumstances or conditions are such that the strict application of the provisions of the Sweetwater County Zoning Resolution would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary or the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose;
3. The granting of the variance is in harmony with the general purposes and intent of the Zoning Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

An application for a Variance must be submitted to the Department and will follow the Public Hearing Process.

## **G. Appeals**

A public hearing is required to appeal any final order or decision of the Department or Board by any person aggrieved or affected by any such order or decision. No work shall proceed on any structure or tract of land covered by the order or decision appealed from except to correct a health or safety violation. An appeal shall be taken within 30 days from the date of the action appealed by filing proper notice in the manner listed below.

1. Appeals from a Decision of the Land Use Department

Appeals from a final order or decision of the Department must be filed with the Board. The filing shall consist of a copy of the decision being appealed. The Board will then schedule the appeal on the agenda of the next regularly scheduled meeting that is 20 days or more after the filing date. The Department will receive notification from the Board of the date and time of the hearing and shall post notification of such on the affected property for a minimum of 14 days and shall notify adjacent property owners, agencies and other affected parties of the date and time of the hearing. The Board may decide, at the public hearing, to uphold the decision of the Department, overturn the decision of the Department or amend the original application being appealed with conditions of approval.

2. Appeals from a Decision of the Board

Appeals from a final order or decision of the Board must be filed with the District Court in accordance with Wyoming's Rules of Civil Procedure.

## **H. Limitations of Filing**

In the case of Discretionary Permit Applications, no application shall be made by a property owner or his agent which has been the subject of a hearing conducted by the Commission and/or the Board within the immediately preceding 12 month period at which the hearing resulted in a rejection of the proposed action. This limitation shall not apply where the action being proposed for the same land area is substantially different from the previous application denied by the Commission or the Board.

## **I. International Fire Code**

The 2015 International Fire Code with appendices B, C, D, E, F and G is hereby adopted with the scope of application for Appendices B, C and D restricted to the Growth Management Area with the following exceptions and replacements:

1. Section 105, Permits, is not adopted and therefore excluded.
2. The text of Section 108, Board of Appeals, is deleted in its entirety and replaced with the following language: "Appeals: Whenever the fire code official shall disapprove any application, or when it is claimed the provisions of this code do not apply or that the true intent and meaning of this code has been misconstrued or wrongly interpreted, the applicant or aggrieved party may appeal from a decision of the fire code official utilizing the appeals process of this Resolution."
3. Section 109.4, Violation Penalties, the text of this section shall be amended by insertion of the offense and the penalty in the spaces provided. After accomplishing this, this section states as follows in the entirety. "Violation Penalties: Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official shall be guilty of a misdemeanor, punishable by a fine of not more than \$750.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense."
4. That Section 111.4, Failure to Comply, shall be amended to read as follows: "Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to pay a fine of not less than \$50.00 or more than \$750.00."
5. Pursuant to Sections 5706.2.4.4 and 6104.2 the jurisdiction is "the unincorporated areas of Sweetwater County."

## **Section 5. District Regulations**

### **A. Zoning District and Purpose**

#### **1. A (Agricultural) District**

This district is intended to reflect the County's vast open spaces with large tracts of undeveloped land, and recognize the various uses that occur there. By nature, the majority of the County falls within this zone. Dominant land uses in this district include traditional open range livestock grazing and trailing; oil, gas and mineral exploration and extraction and cultivated agriculture. Most utilities and County provided services are limited or unavailable.

#### **2. RR (Rural Residential) District**

This district is intended to accommodate large lot residential development that is semi-rural in nature. This district may be located in areas without established public water and sewer systems. This district is not meant to be for farming or ranching where animals are raised in large numbers or for commercial purposes.

#### **3. R-1 (Single Family Residential) District**

This district is intended to accommodate single family subdivisions. Due to its urban density, an R-1 district shall typically be located within or adjacent to established communities or developed areas where urban services are available or readily accessible.

#### **4. R-2 (Mixed Residential) District**

This district is intended to accommodate existing residential development and associated land uses that were previously permitted on lots considered too small for the occurring uses. It is not the intent of Sweetwater County to designate additional areas R-2.

#### **5. R-2/SF (Single Family Residential) District**

This district is intended to accommodate single family subdivisions with lot sizes of one acre or greater.

#### **6. R-3 (Multi-Family Residential) District**

This district is intended to accommodate mixed residential opportunities (single-family through multi-family housing) in an organized and well-developed manner. The R-3 district should be applied judiciously where urban conveniences and services are available or readily accessible. This zone should not be applied in isolated, rural locations or within areas developing as strictly single family residential.

#### **7. MH (Manufactured Home) District**

This district is intended to accommodate the development of well-designed mobile home subdivisions where each mobile unit is placed on its own designated lot. The MH zone should not be applied in isolated, rural locations or within areas developing as

strictly single family residential.

8. CRS (Commercial Recreational Services) District

This district is intended to accommodate recreation specific uses and development. Good access and exposure to major routes is important for many of the uses. The zone district should be kept compact. The district is appropriate for application near natural recreational areas and near major highways. It should not be applied in such a manner that it would infringe on residential districts.

9. B (Retail Business) District

This district is intended to accommodate retail sales of consumer goods and services directly to the customer. Due to the nature of the services provided, B zones may be appropriate adjacent to residential areas if adequate setbacks and design standards are implemented. Good design and adequate off-street parking should be a part of any new area devoted to this zone. It may take the form of a small shopping center or a small central business district for a small community.

10. C (Commercial) District

This district is intended to accommodate commercial and retail uses. This zone and associated uses are most applicable where convenient access, infrastructure and services are available; however, it is not intended to be applied as a narrow commercial strip on each side of an important highway.

11. I-1 (Light Industrial) District

This district is intended to accommodate manufacturing and light industrial land uses which require adequate services and infrastructure. These uses should be located adjacent to existing communities or in other areas where services are or can be provided. This district is intended to provide a transition between commercial and heavy industrial uses.

12. I-2 (Heavy Industrial) District

This district is intended to accommodate major industries likely to have considerable impact on adjacent land uses. This zone should not be located adjacent to residential areas and some commercial areas. This zone is most suitable for isolated, industrial locations where adequate facilities can be made available.

13. MD-1 (Mineral Development) District

This district is intended to accommodate all mineral extraction or production and ancillary facilities.

14. MD-2 (Mineral Development Overlay) District

This is an overlay district intended to accommodate underground mining in conjunction

with the surface uses of the base zoning district.

15. LS (Lot Size Overlay) District

This is an overlay district intended to provide landowners with the ability to be more restrictive in minimum lot size for any zoning district. Permitted uses for the base zone district shall apply.

16. AO (Airport Overlay) District

This district is intended to minimize exposure of residential and other sensitive land uses to aircraft overflight areas, to avoid danger from aircraft overflight areas, to avoid danger from aircraft accidents; and to encourage compatible land uses within the area; and to restrict incompatible land uses within the airport influence area.

**B. Minimum District Size**

1. A (Agricultural) District – 80 Acres
2. RR (Rural Residential) District – 5 Acres
3. R-1 (Single Family Residential) District – 10 Acres
4. R-2 (Mixed Residential) District – 5 Acres
5. R-2/SF (Single Family Residential) District – 5 Acres
6. R-3 (Multi-Family Residential) District – 5 Acres
7. MH (Manufactured Home) District – 5 Acres
8. CRS (Commercial Recreational Services) District – 10 Acres
9. B (Retail Business) District – 1 Acre
10. C (Commercial) District – 10 Acres
11. I-1 (Light Industrial) District – 10 Acres
12. I-2 (Heavy Industrial) District – 25 Acres
13. MD-1 (Mineral Development) District – No Minimum District Size
14. MD-2 (Mineral Development) District – No Minimum District Size
15. LS (Minimum Lot Size Overlay) District – No Minimum District Size
16. AO (Airport Overlay) District – No Minimum District Size

For the purpose of computing the size of an area for compliance, there shall be included:

1. One half of the area of abutting rights-of-way not to exceed the distance to the centerline.
2. All of the area of public rights-of-way interior to the area being changed.
3. Adjacent land within the County already zoned in the zoning classification being sought for the new area.

### **C. Accessory Uses**

Any use which is clearly incidental and commonly associated with the Permitted Use and is operated under the same ownership and on the same property may be operated as an Accessory Use. Please see District Uses chart for accessory uses allowed in each zone district.

1. Common Residential Accessory Uses include, but are not limited to, garages or shops for personal use, swimming pools, sheds, carports, children's playhouse, playground equipment, doghouses, kennels for the housing of commonly accepted privately owned pets, personal indoor riding arena, gazebos, garden and landscaping structures, etc.
2. Common Non-Residential Accessory Uses include, but are not limited to, caretaker's quarters occupied by owners or persons employed on the premises and their immediate families, a residence above a business, offices, storage buildings, ancillary mineral development facilities such as compressor stations, etc.
3. Accessory Uses operated within a structure shall not exceed a gross floor area equal to 50% of the gross floor area of the Permitted Use or 50% of the lot or parcel.
4. Accessory Structures may be constructed to the following:
  - a. Not to Exceed 100% of the gross floor area of the Permitted Structure in the R-1, R-2, R-2/SF, R-3 and MH Zone Districts
  - b. 100% to 200% of the gross floor area of the Permitted Structure in the RR zoning district and any zoning district with a Lot Size Overlay of 20 acres or larger.
    - (1) Only one (1) detached accessory structure over 100% shall be allowed in the RR zoning district and Lot Size Overlay Districts of 20 acres or larger.
  - c. Over 200% of the gross floor area of the Permitted Structure in the A Zone District.
5. An accessory structure which exceeds the gross floor area allowed in a zoning district may be permitted through the Conditional Use Permit process.
6. A guest house or accessory residence may be permitted through the Conditional Use Permit process.

7. Bus shelters and transportation waiting areas must not be located in the clear vision area of corner lots or the right-of-way of public or private roads. Bus shelters and transportation waiting areas do not need to meet setbacks.

**D. LS (Minimum Lot Size) Overlay District**

The purpose of this district is to superimpose over one or more zoning districts a lot size that is more restrictive than the underlying base zone district. This district shall be referred to as an LS Overlay District. The Permitted Uses, Accessory Uses and Home Occupations of the underlying base zone district shall remain as regulated in this Resolution.

The minimum lot area for the LS Overlay District shall be no less than that specified for the underlying base zoning district.

All procedural requirements of the Zone Map Amendment shall be followed.

**E. AO (Airport Influence Area Overlay) District**

1. Intent

This resolution is meant to minimize exposure of residential and other sensitive land uses to aircraft overflight areas, to avoid danger from aircraft overflight areas, to avoid danger from aircraft accidents; and to encourage compatible land uses within the area; and to restrict incompatible land uses within the airport influence area. Incompatible land uses can be defined as:

- a. Residential and other noise sensitive uses.
- b. Congregations of people in approach and departure areas to protect people and property on the ground.
- c. Manmade and natural structures that can interfere with flight.
- d. Uses that may be affected by vibration or fumes from aircraft operations.
- e. Uses of land on the airport that interfere with areas needed for aviation-related activities.

The Airport Influence Area Overlay District shall be superimposed on designated lands near the Rock Springs – Sweetwater County Airport in addition to other basic zone districts already described in the Zoning Resolution of Sweetwater County. When provisions of the Airport Influence Area Overlay District (AO) conflict with regulations of the base zone district, the more restrictive provisions shall be applied.

2. Purpose

The purpose of this district is to maintain land use compatibility in the areas influenced by airport operations. Permitted uses should consider the factors of airport operations, overflight exposure and density of proposed development. A special mandatory review process should study each land use change proposal to determine its specific

compatibility. All land use change proposals in the Airport Influence Area Overlay District shall be considered only after a prior review and comment by the Airport Board and the Airport Manager. The imposition of aviation easements will be required for all development in the Airport Influence Area Overlay District. Notice to prospective buyers of property within the district, particularly for residential use purposes, through fair disclosure, is strongly recommended.

3. General Provisions

a. Jurisdiction

This section shall apply to all lands within or around the airport which would be impacted by air traffic, overflight or any hazard related to the operation and maintenance of an airport facility whose operation may increase or whose fleet mix of aircraft may change.

b. Boundaries

The approximate boundaries of all established airport influence areas shall be as they appear on the most current Off-Airport Land Use Plan, being a component of the most current Rock Springs-Sweetwater County Airport Layout Plan or other documents approved by the Commission and the Board.

c. Warning and Disclaimer of Liability

The degree of protection provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This section does not imply that areas outside of the airport influence area district will be totally free from hazards. Nor shall this section create a liability on the part of or a cause of action against the County or any officer or employee thereof for any damages that may result directly or indirectly from the reliance on this section.

4. Uses

No building or land shall be used and no building shall hereafter be erected, converted or structurally altered unless otherwise provided for herein, with the exception of one or more of the following uses:

- a. No use may be made of land within the designated Airport Influence Area Overlay District in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport. Review of land use proposals and/or changes shall utilize the airport influence area overlay district boundaries and their relationship to airport operations.



- b. The regulations prescribed in this section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or object of natural growth not conforming to this section as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use.
  - c. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and is diligently prosecuted; provided, however, that when the nonconforming structure is destroyed or damaged to the extent of over 50% of the appraised value of the nonconforming structure, any reuse, reconstruction or replacement shall be deemed a new use or shall be subject to the applicable provisions of these regulations.
  - d. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed as necessary by the Airport Board and Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owners.
5. Special Limitations Within the Airport Influence Area District
- a. Height Limitations
    - (1) Height limitations within the Airport Influence Area Overlay District, except as otherwise provided in this section, are subject to the limitation of the district within which the property is located, and as set forth by the Federal Aviation Administration (FAA) in the Federal Aviation Regulations (FAR), Part 77. No structure or object of natural growth shall be constructed, erected, altered, allowed to grow, or to be maintained in excess of height limits and zones herein established.
    - (2) Submission of a 'Notice of Proposed Construction and Alteration' (Form 7460-1), and subsequent approval from the Federal Aviation Administrator shall be required for the construction or alteration of any structure penetrating a 100:1 foot plane located within 20,000 feet of any runway. Receipt of FAA Form 7640-9 Determination of No Hazard for any structure is required before issuing a Sweetwater Zoning Permit.
    - (3) Imaginary surface limitations as prescribed by Federal Aviation Regulation Part 77, within the Airport Influence Area Overlay District include all land and air space within the area, which would be hazardous to air navigation. These limitations represent areas above imaginary surfaces and are designed to regulate the height of structures and trees in the airport vicinity. They are set forth by the FAA in the Federal Aviation Regulations, Part 77. All of the surface limitation categories listed below have their dimensions given in the most recent FAA approved Rock Springs-Sweetwater County Airport Layout Plan.

- (a) Runway Protection Zone: A runway protection zone (RPZ) is trapezoidal in shape and centered about the extended runway centerline. The RPZ is the land at ground level that begins 200 feet beyond the end of each runway.
- (b) Object Free Area: The object free area (OFA) is a two-dimensional ground area surrounding runways, taxiways and taxilanes which is clear of all objects except those whose location is fixed by function and accepted by the FAA.
- (c) Runway Safety Area: A defined surface area surrounding the runway prepared or suitable for reducing the risk of damage to airplanes.
- (d) Primary Surface: A Part 77 airport surface longitudinally centered on a runway. The primary surface extends 200 feet beyond the paved surface end.
- (e) Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. Refer to the ALP for the airport to determine the approach surfaces and slope for the runway.
- (f) Transitional Surfaces: The transitional surfaces are located on both sides of the approach and primary surfaces. These surfaces extend outward and upward at right angles to the runway centerline and runway centerline extended, at a slope of seven feet horizontal for every one foot vertical rise from the sides of the primary and approach surfaces, until it reaches 150 feet above the highest point on any runway (airport elevation).
- (g) Horizontal and Conical Surfaces: These are the upper aeronautical surfaces surrounding an airport that are used by aircraft for turning and maneuvering in close proximity to the airport preceding landing and immediately after takeoff.

b. Land Use Limitations

To assure the protection of the public from overflight impacts and hazards associated with flying operations, and to comply with FAR Part 77, the following airport zones are established.

- (1) Horizontal and Conical Surfaces Zone: Exposure to airport overflight is considered minimal, but increases as the runway ends are approached. Residential construction should be limited to low-density development. The siting of public facilities, such as hospitals, schools, churches, etc.,

should be especially reviewed and noise-sensitive development near runway approaches should be discouraged.

- (2) Approach Surface Zone: Exposure to airport noise is considered moderate. Residential and public facilities should be especially reviewed and prohibited in the approach surface zone. Nonresidential development should be restricted as to density and should only be approved provided noise attenuation measures are incorporated into facility design.
- (3) Runway Protection Zone: All land in this zone should be kept clear of any structures. Land use in this area should be restricted to open space or agriculture.

c. Critical Zones:

- (1) Areas 2,000 feet wide extending 5,000 feet horizontally from a point 200 feet from each end of visual runways
- (2) Areas 4,000 feet wide extending 10,000 feet horizontally from a point 200 feet from each end of instrument runways.
- (3) Besides the overlapping concerns of the above zones 3 zones 2.b.1.(a), 2.b.1.(b), and 2.b.1.(c). the critical zones need to require that no use may be made or activity carried on, on land within this zone in a manner as to:
  - (a) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  - (b) Make it difficult for pilots to distinguish between airport lights and other lighting;
  - (c) Result in glare in the eyes of pilots using the airport;
  - (d) Impair visibility in the vicinity of the airport; or
  - (e) Otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

6. Avigation Easement

An avigation easement is a nonpossessing property interest in airspace over a land parcel or portion of land. It is a legally developed document obtained by an airport to cover items such as the right of flight, right to remove obstructions, etc., but not necessarily to the extent of prohibiting the use of the land within the limits of the rights obtained..

7. Fair Disclosure Statements

Fair disclosure statements serve to notify prospective buyers of property near airports that they may be exposed to potentially impactive levels of aircraft overflight. These

statements in no way abrogate an individual's right to take later action against the airport, but they at least give buyers a fair warning.

**F. District Use Chart**

USES	P = Permitted Use			A = Accessory Use				C = Conditional Use			T = Temporary Use			
	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD-1	MD-2
<b>Residential</b>														
Dwelling, Caretaker	A							A	A	A	A	A	A	A
Dwelling, Multi-Family, Site Built						P			P					
Dwelling, Single-Family, Manufactured or Mobile	P	P		P			P	A	A	A	A	A		
Dwelling, Single-Family, Modular	P	P		P	P	P	P	A	A	A	A	A		
Dwelling, Single-Family, Site Built	P	P	P	P	P	P	P	A	A	A	A	A		
Dwelling, Two-Family, Site Built				P		P								
Guest House	C	C	C	C	C									
Residential Accessory Structure Not to Exceed 100% of the Gross Floor Area of the Permitted Use	A	A	A	A	A	A	A							
Residential Accessory Structure 100% to 200% of the Gross Floor Area of the Permitted Use (also LS20 and greater overlay districts)	A	A	C	C	C	C								
Residential Accessory Structure In Excess of 200% of the Gross Floor Area of the Permitted Use	A	C	C	C	C	C								
Solar Energy System – On-Site	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Storage of Unlicensed Vehicles (# Allowed Per Zone District)	A(4)	A(4)	A(2)	A(4)	A(2)	A(2)	A(2)							
Temporary Dwelling	T	T	T	T	T	T	T	T	T	T	T	T		
Temporary Storage	T	T	T	T	T	T	T							
Wind Energy Conversion Systems - Non-Commercial	A	A	A	A	A	A		A	A	A	A	A	A	A
<b>Agriculture</b>														
Agriculture, Commercial (In GMA, must be ¼ mile from residential & commercial zone districts)	P													
Agriculture, Non-Commercial	P	A		A	A									
Farm Implement Sales, Service & Repair	P									P	P	P		
Farming over 10 Acres	P													
Farming 10 Acres and Under (Hobby Farms)		A												
Forest Management & Logging	P													
Grain and Feed Mill	P											P		
Grain Elevator	P											P		
Greenhouse, Commercial	P									P	P	P		
Lumber Yard										P	P	P		
Sawmill												P		
<b>Aircraft</b>														
Aircraft Landing Site/Strip - Private or Public	C										C	C		
Airport												C		
Heliport	C					C				C	C	C		
<b>Animals - Household and Livestock</b>														
Animal Cemetery	P/C GMA									C	C	C		
Animal Crematorium	C									C	C	C		
Animal Grooming Facility	C								P	P	P	P		
Animal Hospital	P								P	P	P	P		
Animal Shelter	C	C		C	C					P				
Commercial Corrals or Riding School	P/C GMA							P		P	P	P		
Dairying (In GMA, must be ¼ mile from residential & commercial zone districts)	P											P		
Feed Lots and Sales	P/C GMA											P		
Feed Store	P									P	P	P		
Hatchery (In GMA, must be ¼ mile from residential & commercial zone districts)	P											P		

*\*\*More uses on next page.*

	USES	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD-1	MD-2
	Indoor Riding Arena - Commercial	P									P	P	P		
	Kennel and Pet Boarding	C	C		C	C					P	P	P		
	Ranching and Grazing	P													
	Riding Accessory Shop	P									P	P	P		
	Slaughterhouse	C											C		
<b>Commercial and Retail Services</b>															
	Auction Sales										P	P	P		
	Bakery, Candy or Confectionary Store								P	P	P				
	Bank and/or Savings and Loan Offices									P	P				
	Bar, Lounge or Nightclub								P	P	P	P	P		
	Book Store or Newsstand								P	P	P				
	Business Machine Sales and Service									P	P	P	P		
	Clothing and Shoe Retail Sales, Repair and Alterations									P	P				
	Convenience Store								P	P	P	P	P		
	Copy and/or Print Shop									P	P	P	P		
	Department Store									P	P				
	Drug Store									P	P				
	Dry Cleaning Plant and/or Commercial Laundry										P	P	P		
	Florist, Garden Center or Nursery	P								P	P				
	Frozen Food Locker Plant										P	P	P		
	Furniture and Home Furnishings Store									P	P	P			
	Gift, Art, Curio, Stationery or Novelty Shop								P	P	P				
	Grocery Store or Food Store including meat, fish, dairy, vegetables and fruit								P	P	P				
	Hardware, Home Improvement, Paint and/or Wallpaper Store									P	P	P	P		
	Hobby, Scrapbooking, Art and Craft Supplies								P	P	P				
	Jewelry Store									P	P	P	P		
	Laboratory, Research and Support Including Environmental, Medical, Veterinary & Forensic										P	P	P		
	Laundromat and/or Dry Cleaning Collection & Distribution								P	P	P	P	P		
	Liquor Store								P	P	P	P	P		
	Locksmith									P	P	P			
	Music Studio and Musical Instrument Sales and/or Repair									P	P	P	P		
	Office								P	P	P	P	P		
	Pawn Shop									P	P	P	P		
	Pet Store									P	P	P	P		
	Photography - Studio and/or Processing									P	P				
	Printing and Publishing Facility										P	P	P		
	Recycled Wood or Building Materials Restoration Store										P	P	P		
	Restaurant, Cafeteria, Café, Delicatessen or Drive-In	C							P	P	P	P	P		
	Seasonal Sales i.e. Christmas Trees, Firewood, Farmer's Markets, etc.	T							T		T	T	T		
	Sexually Oriented Businesses (See Section 23)										P	P			
	Shipping and Receiving Store including Rental Mailboxes								P	P	P	P	P		
	Sporting Goods Store								P	P	P	P	P		
	Toy Store									P	P				

	USES	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD-1	MD-2
<b>Contractors and Construction Trade</b>															
	Construction Yards - Off-Site	T							T	T	T	T	T		
	Contractor Shops, Sales, Service & Storage										C	P	P		
	Heavy Equipment Sales, Service & Repair											C	P		
	Pipeyards	C										C	P		
<b>Educational Services</b>															
	Daycare Center, Preschool or Nursery School	C	C	C	C	C	C		P	P	P				
	Schools, Heavy Equipment Training	C									C	P	P		
	Schools, Public or Private – Elementary or Secondary	C	C	C	C	C	C	C	P	P	P				
	Schools, Trade and Vocational	P									P	P	P		
<b>Entertainment and Recreation</b>															
	Bowling Alley								P	P	P				
	Campground for Tent and Vehicular Campers	C							P		C				
	Carnival , Fair, Market or Festival	T							T	T	T	T			
	Community Center, Public or Private - Not for Profit or Gain	C	C	C	C	C	C		P	P	P				
	Dancing or Theatrical Studio								P	P	P	P			
	Drive-In Theater	C							P		P				
	Fairgrounds	C							P		P	P			
	Fraternal Organization									P	P				
	Golf Course, Miniature	P							P		P				
	Golf Course, Public or Private or Driving Range	P							P						
	Recreational Facilities NOT involving Firearms, Motor Vehicles or Animals	C	C	C	C	C	C		P	P	P				
	Rifle, Pistol, Skeet or Trap Range	C							C	C	C	C	C		
	Roller Skating or Ice Skating Rinks								P		P				
	Theater								P	P	P				
	Track, Trail, Course or Speedway - Animal, Vehicle or Athlete	C							C		C	C	C		
<b>Funerary Services</b>															
	Cemetery	P/C GMA	C		C	C									
	Crematorium	P/C GMA								C	C	C	C		
	Mortuary	P/C GMA	C		C	C				P	P	P			
<b>Hazardous, Flammable and Combustible Materials</b>															
	Above Ground Storage of Fuels Over Allowed Quantities	C							C	C	C	C	C	C	C
	Evaporation Ponds, Commercial	C												C	
	Explosives Storage											C	C	C	
	Filling Station - Gasoline, Diesel, LP and CNG								P	P	P	P	P		
	Fireworks								C	C	C	C	C		
	Hazardous Waste Disposal Facility												C	C	
	Incinerator												C		
	Liquid Nitrogen Plant												P		
	Refinery												P		
	Radioactive Materials Storage												C	C	

USES	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD-1	MD-2	
<b>Lodging</b>															
Bed and Breakfast Home	P	C	C	C	C	C		C	C	P					
Hotel or Motel								P	P	P					
Hunting Camp (In GMA, must be ¼ mile from residential & commercial zone districts)	P														
Lodge or Resort	P							P		P					
Ranch Recreation Facility (In GMA, must be ¼ mile from residential & commercial zone districts)	P														
Rooming or Boarding House						P									
Temporary Work Camp	T													T	
Work Camp	C													C	
<b>Manufacturing</b>															
Asphalt and/or Concrete Mixing or Batch Plant	C										C	P			
Assembly or Fabrication from Component Parts or from Materials Already Processed or Manufactured into their Final Usable State										P	P	P			
Bottling Plant											P	P			
Bulk Plant, Gasoline or LP Gas												P			
Chemical Fertilizer and Weed and Pest Control Products												P			
Ready Mix Cement Plant												P			
Welding Equipment Sales & Service										P	P	P			
<b>Medical Services</b>															
Ambulance Station									P	P					
Dental or Medical Clinic									P	P					
Hospital										P					
Laboratory, Medical or Dental									P	P	P				
Nursing Home	C	C	C	C	C	C			P	P					
Pharmacy									P	P					
<b>Mining, Extraction and Energy Production</b>															
Compressor Station	P/C GMA										P	P	P		
Exploration, Production, Processing, Separation or Storage	P/C GMA											P	P	P	
Heavy Equipment Storage Yard	T										P/C GMA	P			
Injection Well	C												C		
Mineral Stockpiling	C										C	P	P		
Mining, Drilling and Oilfield Equipment Sales, Supplies, Fabrication and/or Repair										P	P	P	P		
Quarries Under 10 Acres in Size – See Gravel Mining Section	P/C GMA												P		
Quarries Not Exceeding 40 Acres in Size – See Gravel Mining Section	C												C		
Quarries 40 Acres and Over in Size – See Gravel Mining Section													P		
Surface Mining													P		
Underground Mining and Processing													P	P	
Water Service	C									C	P	P	P		



	USES	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD1	MD-2
<b>Professional/Personal Services</b>															
	Appliance Sales, Service and Repair									P	P				
	Attorney's Office									P	P				
	Beauty Shop, Barber Shop, Salon									P	P				
	Exterminator Service									P	P	P	P		
	Mini-Warehousing and/or Self Storage Facility								C		P	P			
	Real Estate Brokerage Office									P	P				
	Travel Agency									P	P				
<b>Public Services</b>															
	Communication Booster, Repeater Tower or Facility	P/C GMA	C			C	C				C	P	P	P	
	Correctional Facility	C											C		
	Fire Station	P	P	P	P	P	P	P	P	P	P	P	P		
	Library	P	P	P	P	P	P			P	P				
	Museum	P	P	P	P	P	P			P	P				
	Police Station	P	P	P	P	P	P	P	P	P	P	P	P		
	Post Office	P	P	P	P	P	P	P	P	P	P	P	P		
	Power Plant (Coal, Oil, Natural Gas, Nuclear, Hydroelectric & Geothermal)	C												C	C
	Public Fire Department Fire Protection Training Facility	C	C		C	C		C	C	C	C	P	P		
	Public Utility Transmission Lines, Pipelines, Towers, Substations & Ancillary Facilities	P/C GMA												P	
	Public Utility Offices, Maintenance Shops, Transportation Lines, Service Lines & Ancillary Facilities	P	P	P	P	P	P	P	P	P	P	P	P		
	Radio and/or Television Station, Offices and Transmitting Towers	P							P	P	P	P	P		
	Sanitary Landfill	C											C	C	
	Sewage Treatment Facility	C										C	C		
	Solar Energy Systems – Utility Scale	C												C	C
	Wind Energy Conversion Systems - Commercial (See Section 18)	C												C	C
<b>Religious Services</b>															
	Auxiliary buildings used for business, social or extension activities	P	P	P	P	P	P	P	P	P	P	P	P		
	Church, Synagogue, Mosque, Temple or any building where congregations gather for prayer	P	P	P	P	P	P	P	P	P	P	P	P		

	USES	A	RR	R-1	R-2	R-2/SF	R-3	MH	CRS	B	C	I-1	I-2	MD-1	MD-2
<b>Vehicle Services &amp; Transportation</b>															
	Auto Parts Store									P	P	P			
	Automobile and Truck Rental Services										P	P	P		
	Bus Terminal											P	P		
	Camper Sales, Service and Repair								P		P	P			
	Car Wash and/or Detailing									P	P	P	P		
	Freight Terminal												P		
	Impound, Salvage and Storage Yard for Vehicles											C	C		
	Junkyard and/or Recycling Center											C	C		
	Marina								P						
	Mobile Home Sales, Service, Supplies and Storage										P	P			
	Motorized Vehicle Sales, Service and Repair										P	P			
	Non-Motorized Vehicle Sales, Service and Repair								P	P	P				
	Parking Lot or Structure	C								P	P	P	P		
	Railroad Facilities including Shops and Yards	P											P		
	Tire Store and Service Establishment										P	P	P		
	Transit and/or School Bus Shelters	P	P	P	P	P	P	P	P	P	P	P	P		
	Travel Center/Truck Stop										C	C	P		
	Truck Repair										C	P	P		
	Trucking (10 and fewer trucks)										C	P	P		
	Trucking (Over 10 trucks)												P		
<b>Warehousing and Storage Facilities</b>															
	Subsurface Storage of Records	C										P	P	P	P
	Warehouse not exceeding 20,000 square feet total										P	P	P		
	Warehouse 20,000 Square Feet or Over												P		
	Warehousing, Wholesale Storage and Sales of Already Manufactured Products (excluding explosives)										P	P	P		

**G. SETBACK REQUIREMENTS**

Zoning Districts	Minimum Lot Size <sup>1</sup>	Minimum Lot Width in Feet at Front Line	Minimum Lot Depth to Width Ratio	Minimum Front Setback in Feet	Minimum Rear Setback in Feet (Perm./Acc.)	Minimum Side Setback in Feet (Perm./Acc.)	Minimum Space Between Structures in Feet	Permitted Encroachments in Feet	Maximum Height of Structures in Feet <sup>2</sup>	Fencing <sup>3</sup>	% Open Space
<b>A (Agriculture)</b>	<b>35 / 10 / 5 <sup>4</sup></b>	<b>None</b>	<b>None</b>	<b>15 / 100 <sup>5</sup></b>	<b>15 / 100 <sup>5</sup></b>	<b>15 / 100 <sup>5</sup></b>	<b>5 / 15 <sup>6</sup></b>	<b>None</b>	<b>None <sup>7</sup></b>	<b>No Restrictions</b>	<b>None</b>
RR (Rural Residential)	1 Acre	100	2.5 : 1	25	15	10 / 5 <sup>8</sup>	5 / 15 <sup>6</sup>	None	35	No Restrictions	50
<b>R-1 (Single Family Residential)</b>	<b>8,500 SF</b>	<b>80</b>	<b>2.5 : 1</b>	<b>25</b>	<b>15 / 5</b>	<b>10 / 5 <sup>8</sup></b>	<b>5 / 10 <sup>6</sup></b>	<b>2 / 5 <sup>9</sup></b>	<b>35</b>	<b>CFOPSW</b>	<b>50</b>
R-2 (Mixed Residential)	7,500 / 10,000 / 2 <sup>10</sup>	75	2.5 : 1	25 <sup>12</sup>	15 / 5 <sup>12</sup>	10 / 5 <sup>8</sup>	5 / 10 <sup>6</sup>	2 / 5 <sup>9</sup>	35	CFOPSW	40
<b>R-2/SF (Single Family Residential)</b>	<b>1 Acre</b>	<b>100</b>	<b>2.5 : 1</b>	<b>25</b>	<b>15 / 5</b>	<b>10 / 5 <sup>8</sup></b>	<b>5 / 10 <sup>6</sup></b>	<b>2 / 5 <sup>9</sup></b>	<b>35</b>	<b>CFOPSW</b>	<b>40</b>
R-3 (Multi-Family Residential)	1 Acre	100	2.5 : 1	25	15 / 5	10 / 5 <sup>8</sup>	5 / 10 <sup>6</sup>	2 / 5 <sup>9</sup>	35	CFOPSW	40
<b>MH (Manufactured Home)</b>	<b>7,500</b>	<b>75</b>	<b>2.5 : 1</b>	<b>20</b>	<b>10</b>	<b>10 / 5 <sup>8</sup></b>	<b>5 / 10 <sup>6</sup></b>	<b>2 / 5 <sup>9</sup></b>	<b>28</b>	<b>CFOPSW</b>	<b>20</b>
CRS (Commercial/Recreational Services)	1 Acre	100	2.5 : 1	25 <sup>11</sup>	10	10 <sup>8</sup>	15	2 / 5 <sup>9</sup>	35	B>6'CFOPSW	None
<b>B (Retail Business)</b>	<b>10,000</b>	<b>75</b>	<b>2.5 : 1</b>	<b>10 <sup>11</sup></b>	<b>10</b>	<b>10 <sup>8</sup></b>	<b>15</b>	<b>2 / 5 <sup>9</sup></b>	<b>50</b>	<b>CFOPW</b>	<b>None</b>
C (Commercial)	1 Acre	100	2.5 : 1	25 <sup>11</sup>	20	10 <sup>8</sup>	15	2 / 5 <sup>9</sup>	50	B>6'CFOPSW	None
<b>I-1 (Light Industrial)</b>	<b>1 Acre</b>	<b>100</b>	<b>2.5 : 1</b>	<b>25 <sup>11</sup></b>	<b>20</b>	<b>10 <sup>8</sup></b>	<b>15</b>	<b>2 / 5 <sup>9</sup></b>	<b>50</b>	<b>B&gt;6'CFOPSW</b>	<b>None</b>
I-2 (Heavy Industrial)	1 Acre	100	2.5 : 1	25	20	10 <sup>8</sup>	30	2	None	B>6'CFOPSW	None
<b>MD-1 (Mineral Development 1)</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>15</b>	<b>None</b>	<b>None</b>	<b>No Restrictions</b>	<b>None</b>
MD-2 (Mineral Development 2 Overlay)	Base District	Base District	Base District	Base District	Base District	Base District	15	Base District	Base District	Base District	Base District

- 1- **If no centralized water or sewer, minimum lot size in every zone district is two acres.**
- 2- Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, and fire towers may be erected to any safe height not in conflict with other regulations. Maximum height shall be measured from the highest elevation of the finished grade to where it connects to the building.
- 3- **Fencing Codes as follows: B=Barbed Wire, C=Chain Link, E=Electric, F=Wood & Vinyl, O=Ornamental Iron, P=Plantings, S=Split Rail, W=Walls & Retaining Walls.**
- 4- 35 Acre Minimum for Permitted Use Other than Residence. In the Agricultural District, each residence requires a minimum of 10 acres. Parcels utilizing the Family Exemption require a minimum of 5 acres for each residence.
- 5- **All structures housing farm animals shall be at least 100 feet from all residential, business and commercial districts.**
- 6- Five foot minimum spacing between structures on your own lot / 10 or 15 foot spacing between structures on your lot and structures on another lot, whether or not under different ownership.
- 7- **Structures may be erected to any safe height not in conflict with other regulations.**
- 8- See Clear Vision Areas in Section 4 for corner lot setbacks.
- 9- **Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project two feet into all setback spaces / Unwalled porches, terraces, balconies, parking pads and exterior stairways may project five feet into any setbacks.**
- 10- 7,500SF for single family dwelling / 10,000SF for two-family dwellings / Two acres if no public water and/or sewer system is available.
- 11- **The front setback space shall be used only for access ways into the lot or parcel, landscaping and for vehicular and equipment parking.**
- 12- In the R-2 Zone District, for lots or parcels that have alleys in the rear yard, have fire protection and that legally predate this Zoning Resolution, the front setback shall be 20 feet, the rear & side setback shall be 10 feet for permitted uses and 5 feet for accessory structures.

## **Section 6. Grandfather Rights**

### **A. Purpose**

The purpose of this chapter is to provide for the continuance, restoration or replacement of nonconforming structures and the continuation of nonconforming uses and sites.

### **B. Continuance**

Nonconforming uses, sites and structures legally established prior to the effective date of this resolution or any amendments thereto may continue subject to the limitations of this section.

### **C. Enlargement and Alterations**

Enlargement and alterations of nonconforming structures may be allowed if the following requirements are met:

1. The enlargement or alteration will not adversely affect adjacent property owners (viewshed, etc).
2. The enlargement or alteration will meet all setback, height and dimensional requirements of the applicable zoning district.

### **D. Alteration, Maintenance and Repair**

Nonconforming uses and structures may be maintained and repaired as necessary for the safe, convenient and efficient operation of the use or structure provided that such activity does not increase the degree of nonconformity.

### **E. Destruction and Reconstruction**

Any nonconforming use or structure which is destroyed may be reconstructed provided that the reconstruction is commenced within six months of the date of destruction and further provided that the reconstruction shall not increase the degree of nonconformity of the use or structure.

### **F. Change of Nonconforming Use**

A nonconforming use may be changed to any use authorized in the zoning district in which the use is located. No nonconforming use shall be changed to another use not authorized in the zoning district in which the use is located.

### **G. Discontinuance**

If a nonconforming use is discontinued for a period of one year, the nonconforming use shall not be resumed and any future use of the site or structure shall conform to the requirements of this resolution. Intent to resume a nonconforming use shall not affect the operation of this section.

## **Section 7. Conditional Uses**

### **A. Scope of Regulations**

Conditional Use Permits require a public hearing before the Commission and the Board. Conditional uses are certain uses which, while not normally permitted in a particular zone district, may be acceptable under specific circumstances and subject to certain special conditions or requirements deemed necessary by the Board.

Uses listed in the Use Chart in Section 5 (Zone District Regulations) as Conditional may only be conditionally allowed in the district listed. No more than two Conditional Uses are allowed per lot or parcel.

Conditional uses legally established prior to the effective date of this resolution or any amendments thereto may continue upon approval in a public hearing.

To insure that the conditionally permitted use does not unreasonably impose adverse impacts on the health, safety, and general welfare of the County or on adjacent or nearby properties or residents, the Board may impose conditions on a permit approval.

### **B. Review Criteria**

Each request for a Conditional Use Permit shall be consistent with the criteria listed below:

1. The request is consistent with all applicable provisions of the Comprehensive Plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate that adequate public facilities including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the greatest degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.
9. The request conforms to all applicable provisions of this Resolution.

### **C. Standard Permit Requirements**

Conditional Use Permits may be allowed through the public hearing process to ensure

neighborhood compatibility and the health, safety and welfare of occupants of surrounding lands and communities.

Applications for Conditional Use Permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every Conditional Use Permit Application:

1. The name, mailing address and phone number of the applicant and landowner. Email addresses are requested to expedite communication.
2. The name of the business that will be operating on the site and contact information for that business.
3. The legal description of the property upon which the use will be located and operated.
4. The Conditional Use for which the permit is being sought and a complete description of the specific activity.
5. A statement of the hours of operation and duration of the proposed use.
6. Contact information for any Federal, State or local agency under which your use is also regulated.
7. A Site Plan meeting the requirements of Section 4.B.3.
8. Specific uses may require additional information.

#### **D. Review and Approval**

The review and approval process for a Conditional Use Permit shall be in accordance with all of the requirements of this Resolution. The Commission and the Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and lands, and the effect of the proposed use on the Comprehensive Plan. The Commission may recommend and the Board may impose such conditions and safeguards as it deems necessary.

#### **E. Uses by Conditional Use Permit**

Please see District Uses chart in Section 5 for conditional uses allowed in each zone district. The following conditional uses require specific development standards in addition to the standard permit and site plan requirements outlined in Section 4.B.3.

1. Bed and Breakfast Home

Subject to the following requirements:

- a. The structure must be owner occupied and not more than four guestrooms and eight people per night shall be permitted.

- b. The only meal to be provided to guests shall be breakfast. Other than registered guests, no meals shall be served to the general public.
- c. Guests may stay no more than six consecutive days. The establishment may not be operated as a boarding house, and weekly rates cannot be offered.
- d. The outside appearance of the structure shall not be altered from its single-family appearance.
- e. One off-street parking space per guestroom shall be provided.
- f. One advertising sign not to exceed six square feet may be permitted. The sign may be attached or freestanding and shall not exceed six feet in height. The sign shall not be a flashing sign, moving sign or electronic changeable message panel.
- g. A Bed and Breakfast shall not impair the residential character of the neighborhood in which it is located.
- h. A Bed and Breakfast shall operate under a valid permit issued by the State of Wyoming.
- i. No receptions, private parties or similar activities shall be permitted.

2. Crematorium

The applicant must obtain and submit DEQ permits.

3. Evaporation Ponds, Commercial

- a. Sites shall be a minimum of 40 acres in size.
- b. Expansion of a facility operating under an approved Conditional Use Permit will require a new Conditional Use Permit.
- c. Must be set back from any irrigated lands, residences or residentially zoned property a minimum of one mile.
- d. Must be set back one-half mile from any perennial or intermittent stream, as identified by USGS, surface waters or regulatory wetlands.
- e. Perimeter fencing at least six feet in uniform height and of uniform material shall be installed to keep wildlife and agriculture stock off of the premises.
- f. Emergency contact information including 24-hour phone contact must be posted at the entrance to the site and receiving areas.
- g. A contingency plan, including a Hazardous Materials Inventory, maintained on-site and filed with the Sweetwater County Sheriff, Emergency Management, and applicable Fire District, describing what actions should be taken in the event of an

unintentional release and/or exposure.

- h. Any Conditional Use approved by the Board must also be approved by the Wyoming Department of Environmental Quality and will run in conjunction with DEQ permits.

4. Fireworks

- a. Only one fireworks business may be operated per lot or parcel.
- b. The IFC shall apply to and govern the operation of a fireworks business. All fireworks businesses and accessory storage buildings will be inspected yearly for IFC compliance.
- c. A total of 10 gallons of flammable or combustible liquids may be stored in an accessory structure which does not contain fireworks within 50 feet.
- d. Structures containing fireworks shall not be located within 50 feet of a motor vehicle fuel-dispensing station dispenser or within 300 feet of flammable gas and flammable liquefied gas bulk above ground storage and dispensing areas.
- e. Accessory buildings for the storage of fireworks shall be placed behind the rear building line and separated by no less than 20 feet from a structure selling fireworks.
- f. Accessory structures not storing fireworks shall be placed behind the front building line and separated by no less than 10 feet from a structure selling fireworks.
- g. No smoking shall be permitted in or on the premises and a sign stating in bold letters “No Smoking” shall be prominently displayed inside and outside the fireworks business.
- h. No fireworks shall be discharged in or on the premises of the fireworks business.
- i. The area located within 30 feet of a firework sales or storage building shall be kept free of accumulated dry grass, dry brush, and combustible-debris.

5. Guest House

Only one guest house per legal lot or parcel shall be permitted if meeting the following conditions:

- a. A guest house shall only be permitted as a Conditional Use and such use shall run with the land.
- b. A guest house shall not be used as a rental unit or home occupation.



- c. A guest house may be used in place of a mobile home for the purpose of a Hardship Exception.
- d. The minimum parcel or lot size is one acre for lots on public water and/or sewer and two acres for all other lots or parcels.
- e. A guest house shall meet all setback requirements.
- f. A guest house shall be no closer than 20 feet from the main dwelling unit.
- g. A guest house shall not exceed 1200 square feet in size or 75% of the gross floor area of the primary dwelling, whichever is greater. This size is measured by total floor space including basements and second floors.
- h. A guest house shall be a single family dwelling, meet the architectural standards of the main dwelling-unit and shall not exceed two stories or the height of the main home, whichever is less. The guest house must be built on a permanent foundation.
- i. Septic, sewer and water systems serving the guest house shall be approved by Sweetwater County Environmental Health, municipality, or a water and/or sewer district to determine adequacy and safety prior to approval of a zoning permit. Public utilities shall be provided to the guest house in conformance with the utility's regulations.
- j. If the lot or parcel is subdivided and the division results in the guest home and main dwelling on separate lots or parcels, both lots or parcels shall meet the Sweetwater County Subdivision and zoning lot standards and requirements.

6. Hazardous Materials

Hazardous Materials includes the storage of fuels over amount allowed in the zoning district, the storage of explosives and the storage of radioactive materials.

- a. Fuels
  - (1) Total amount and type of fuel requested to be stored on the parcel.
  - (2) Brief explanation of need for larger quantities of fuel.
  - (3) Emergency contact information including 24-hour phone contact must be posted at the entrance to the site and receiving areas.
  - (4) A contingency plan, including a Hazardous Materials Inventory, maintained on-site and filed with the Sweetwater County Sheriff, Emergency Management, and applicable Fire District describing what actions should be taken in the event of an unintentional release.

b. Explosives

- (1) Only allowed in the I-1 (if located over 1,000 feet from a residential zoning district), I-2 and MD-1 zoning districts.
- (2) All activities, use, handling, storage, disposal and transportation of radioactive or explosive materials shall comply with all of the requirements of the ATF and any other applicable federal, state and county requirements. Valid certifications, licenses and permits shall be available for review by the County upon request.
- (3) Emergency contact information including 24-hour phone contact must be posted at the entrance to the site and receiving areas.
- (4) A contingency plan, including a Hazardous Materials Inventory, maintained on-site and filed with the Sweetwater County Sheriff, Emergency Management, and applicable Fire District describing what actions should be taken in the event of an unintentional release.
- (5) Any Conditional Use approved by the Board must also be approved by the ATF and will run in conjunction with ATF permits.

c. Radioactive Materials

- (1) Only allowed in the I-1 (if located over 1,000 feet from a residential zoning district), I-2 and MD-1 zoning districts.
- (2) All activities, use, handling, storage, disposal and transportation of radioactive or explosive materials shall comply with all of the requirements of the NRC and any other applicable federal, state and county requirements. Valid certifications, licenses and permits shall be available for review by the County upon request.
- (3) Emergency contact information including 24-hour phone contact must be posted at the entrance to the site and receiving areas.
- (4) A contingency plan, including a Hazardous Materials Inventory, maintained on-site and filed with the Sweetwater County Sheriff, Emergency Management, and applicable Fire District describing what actions should be taken in the event of an unintentional release.
- (5) Any Conditional Use approved by the Board must also be approved by the NRC and will run in conjunction with NRC permits.

7. Impound, Salvage and Storage Yard for Vehicles

- a. Cannot be established within 600 feet of a church, school or residential zoning district or within one mile of a recreational facility.

- b. Hazardous Waste Inventory identifying possible storage or discharge of hazardous wastes.
  - c. Screening, made of uniform material and built to a uniform height, shall be required for properties abutting a less intense zoning district or within a special overlay district within the GMA.
  - d. Required screening fences shall be permanent and constructed to a minimum of six feet above finished grade. The Board may approve alternative screening plans and methods.
  - e. No stacking of vehicles is allowed over six feet in height unless approved by the Board.
  - f. The business must be licensed with the State of Wyoming.
  - g. The Conditional Use for an Impound, Salvage and Storage Yard for Vehicles shall be termed to two years at which time a new application may be submitted.
8. Junkyard and/or Recycling Center
- a. Cannot be established within 600 feet of a church, school or residential zoning district or within one mile of a recreational facility.
  - b. Hazardous Waste Inventory identifying possible storage or discharge of hazardous wastes.
  - c. Screening, made of uniform material and built to a uniform height, shall be required for properties abutting a less intense zoning district or within a special overlay district within the GMA.
  - d. Required screening fences shall be permanent and constructed to a minimum of six feet above finished grade. The Board may approve alternative screening plans and methods.
  - e. No storage shall be visible above the fence when viewed standing at ground level at the lot line.
  - f. The business must be licensed with the State of Wyoming.
  - g. The Conditional Use for a Junkyard and/or Recycling Center shall be termed to two years at which time a new application may be submitted.
9. Kennels and Pet Boarding
- a. Kennels and pet boarding facilities shall be kept in a clean and sanitary manner by the daily removal of waste.

- b. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.
- c. The kennel enclosure shall be screened by a permanent, non-transparent fence made of uniform material and built to a uniform height of a minimum of six feet.
- d. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 200 square feet in area.
- e. Kennels must be set back from side and rear lot lines a minimum of 50 feet in every zoning district allowing Kennels and pet boarding as a conditional use.
- f. The Conditional Use for Kennels and Pet Boarding shall be termed to two years at which time a new application may be submitted.

10. Off-Premise Signs / Billboards

- a. The maximum height shall be 40 feet computed as the distance from the base of the sign at normal, finished grade to the top of the highest attached component of the sign. No mounding, filling or berming solely for the purpose of locating the sign is allowed.
- b. Clearance must be 10 feet above finished grade for the length of the sign.
- c. A maximum of one off-premise sign/billboard is allowed per lot or parcel.
- d. The sign as measured from the edge of the widest point must be set back a minimum of 50 feet from each lot line.

11. Solar Energy Systems – Utility Scale

- a. Design Standards for Solar Energy Systems – Utility Scale
  - (1) Solar Energy Systems-Utility Scale shall be enclosed by perimeter fencing to restrict unauthorized access.
  - (2) Potable Water and Sanitary Sewer. All permanent occupied operation and maintenance buildings must have approved potable water and sanitary sewer systems. This approval shall be obtained from the Sweetwater County Health Department or WDEQ.
  - (3) All Solar Energy Systems-Utility Scale shall comply with the National Electrical Code, current edition and applicable ICC codes. In addition all solar energy system components shall comply with the standards of the Wyoming Department of Fire Prevention and Electrical Safety.

- (4) Height. All Solar Energy System Utility Scale structures shall not exceed twenty five feet in height.
- (5) Solar Energy Systems-Utility Scale shall not be located within the Growth Management Area.
- (6) Minimum lot size. No Solar Energy System-Utility Scale shall be constructed on any parcel less than 40 acres in size.
- (7) On-site power lines shall be placed underground.
- (8) Greater Sage Grouse Areas. No Solar Energy System - Utility Scale shall be located within Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended, or Sage Grouse Priority Habitat and Focal Areas as defined by the BLM approved Resource Management Plan Amendment for Greater Sage Grouse. When the Governor's Sage Grouse Executive Order and the BLM approved Resource Management Plan amendment for Greater Sage Grouse conflict, the more restrictive of the documents shall apply.
- (9) Wildlife: Solar Energy Systems-Utility Scale shall incorporate wildlife requirements imposed by the Wyoming Game & Fish, United States Fish and Wildlife service and other governing state and federal agency.
- (10) Site Management
  - (a) Drainage from the Solar Energy System-Utility Scale shall not adversely affect upstream and downstream properties.
  - (b) Solar Energy Systems Utility Scale shall avoid soil erosion and controlled runoff. Disturbance and construction on erodible soils and slopes shall be avoided.
  - (c) Dust control within all phases of the Solar Energy System Utility Scale is mandatory by means acceptable to Sweetwater County and WDEQ.
  - (d) Noxious Weed and Invasive Species control, as defined by Wyoming Statutes, except where rules are superseded by a governing agency, shall be required in all phases of the Solar Energy System - Utility Scale. Invasive species, as defined by Sweetwater County Weed and Pest, shall be controlled in all phases of the Solar Energy System - Utility Scale.
  - (e) Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance with WDEQ regulations and the reclamation plan approved by the Board, except where rules are superseded by a governing agency.

(11) Visual appearance

- (a) Solar Energy Systems-Utility Scale buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- (b) Appropriate landscaping and/or screening materials may be required to help screen the Solar Energy Systems-Utility Scale.
- (c) No Solar Energy Systems-Utility Scale shall be placed such that concentrated solar glare projects onto adjacent properties or roadways within 1-1/4 mile of the project site.
- (d) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement of approval from the Federal Aviation Administration will be necessary.
- (e) Lighting of the Solar Energy Systems-Utility Scale and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.

(12) Noise

- (a) No operating Solar Energy Systems-Utility Scale shall produce noise that exceeds the following limitations:
  - i. 50 decibels on the dB(A) scale during the hours between 7 am and 7 pm MDT as measured at the property line of any neighboring residentially zoned lot, and;
  - ii. 45 decibels on the dB(A) scale during the hours between 7 PM and 7 AM MDT as measured at the property line of any neighboring residentially zoned lot.

- (13) Setbacks. Solar Energy System Utility Scale structures shall be setback from all property lines and public rights-of-way at least fifty feet, or one and on-half times the height of the Solar Energy System structure, whichever is greater. Additional setback may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process. Solar Energy System Utility Scale structures shall be setback a minimum of 1.25 miles from any residentially zoned properties or residence.

(14) Decommissioning

- (a) Solar Energy Systems-Utility Scale which has not been in active and continuous service for a period of one year shall be removed at the owner's or operator's expense.
- (b) The site shall be restored in accordance with the approved reclamation plan within six months of the removal.
- (c) Unless exempt by the Public Service Commission, proof of financial assurance for complete decommissioning and site reclamation shall be provided in accordance with WECS regulations.

b. Application Requirements

- (1) Letters from all surface property owners upon which the Solar Energy Systems-Utility Scale will be located or other legal documentation (memorandum of lease, etc.) which demonstrates consent of owners.
- (2) General Scope of Solar Energy System – Utility Scale. 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.
- (3) Public utility information. Documentation that the proposed Solar Energy System - Utility Scale is owned or operated by a Public Utility and subject to the requirements of the Public Service Commission, if applicable.
- (4) Summary of the Solar Energy System-Utility Scale. Provide a description of the Solar Energy System - Utility Scale including its total nameplate generating capacity and a nameplate capacity of each module, the equipment manufacturers, types of solar modules, complete component list of Solar Energy System, number of solar arrays, the maximum solar energy system height, and the minimum distance between the ground and the top of the solar array.
- (5) Social and Economic Report. The social and economic reporting requirements shall include the following:
  - (a) The estimated amount of property, sales, and other taxes to be generated by the project in 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) Estimate number of permanent jobs and estimated continuing payroll.
- (6) Drawings, prepared by a qualified professional Licensed in the State of Wyoming, prepared to a suitable scale on 24" x 36" sheets.
- (a) Solar Energy System-Utility Scale boundary lines and property lines prepared by a Wyoming Licensed Surveyor.
  - (b) Legal description of Solar Energy System-Utility Scale Boundary.
  - (c) All existing and proposed structures, right of ways, and above and below ground facilities and utilities within the Solar Energy System-Utility Scale.
  - (d) All existing and proposed public and private access roads and turnout locations including dimensions.
  - (e) Topographic line showing the existing topography of the project and the surrounding area.
  - (f) Fencing detail.
  - (g) A complete electrical layout of the entire Solar Energy System-Utility Scale including substations, transmission collector and gathering lines and other ancillary facility components.
- (7) Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer which includes the following: Drainage calculations based on a 25 year storm event unless the location, terrain and topography dictate a higher amount.
- (a) Existing and proposed contours.
  - (b) Existing wetlands and floodways.
  - (c) Water management structures.
  - (d) Drainage flow direction.
  - (e) Effects on downstream and upstream properties.
  - (f) Erosion mitigation and runoff control.
  - (g) Dust control plan.



- (8) 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 Solar Energy System-Utility Scale.
- (9) Reclamation and Decommissioning Plan. Describe the decommissioning and final land reclamation to be followed after the anticipated useful life, or abandonment or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy system utility scale.
- (10) Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g. NEPA), the Commission and Board may require an environmental report in accordance with WECS regulations prepared by a licensed professional.
- (11) Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components (e.g., exposed mirrors), shall provide a viewshed analysis of the project, including visual simulations of the planned structures. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than ten vantage points that together provide a view from all sides of the project. The County may require analysis from significantly more vantage points, such as different distances and sensitive locations.
- (12) The applicant shall provide an analysis from solar glare hazard analysis software for PV systems that provide a quantified assessment of when and where glare will occur throughout the year on to nearby properties and public roadways. If glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, anti-reflective coatings, screening, and angling of solar PV modules in a manner that reduces glare to surrounding land uses.
- (13) Traffic study in accordance with WECS regulations.
- (14) Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new road and proposed upgrade or improvements needed to the existing road system to serve the project. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper

repair/restoration of roadways or other infrastructure damaged or degraded during construction to dismantling of the project. Road Use and Maintenance agreement in accordance with WECS regulations may be required.

- (15) 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 Solar Energy System Utility Scale facility will be constructed. Such notice shall contain the location of proposed Solar Energy Systems Utility Scale project, 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 Wyoming Industrial Siting Council.

12. Subsurface Storage

- a. The building or structure must be constructed to blend in with the surrounding environment and uses.
- b. The building or structure shall not be used for temporary or permanent occupancy other than temporary occupancy as an accessory use (office).
- c. Submittal of elevation and drainage plans certified by a Professional Engineer licensed in the State of Wyoming.

13. Work Camp

- a. The work camp is proposed to be in operation in excess of 120 days and not more than two years.
- b. The work camp will accommodate more than 25 employees.
- c. Accessory storage yards are allowed.
- d. Methods of providing power, water, phone, fire protection, sewage and garbage service must be provided.
- e. Provide method of vehicular access and the arrangement for maintenance of site access roads.
- f. Provisions for storage of flammable and combustible liquids and gases.
- g. Food service and storage must be approved by Sweetwater County Environmental Health.

## **Section 8. Temporary Uses**

### **A. Scope of Regulations**

Temporary Use Permits allow short-term activities that may not be allowed in the applicable zone district but may be permissible because of their temporary nature.

Uses listed in the Use Chart in Section 5 (Zone District Regulations) as Temporary may only be temporarily allowed in the district listed.

To insure that the temporary permitted use does not unreasonably impose adverse impacts on the health, safety, and general welfare of the County or on adjacent or nearby properties or residents, the County may impose conditions on a permit approval.

Temporary Use Permits are not transferable or assignable.

### **B. Review Criteria**

Each request for a Temporary Use Permit shall be consistent with the criteria listed below:

1. The request shall not adversely affect adjacent properties.
2. The request is compatible with the existing or allowable uses of adjacent properties.
3. The request can demonstrate adequate provision for maintenance of the use and associated structures.
4. The request has minimized, to the greatest degree possible, adverse effects on the natural environment.
5. The request will not create undue traffic congestion.
6. The request will not adversely affect the public health, safety or welfare.
7. The request conforms to all applicable provisions of this Resolution.

### **C. Standard Permit Requirements**

Temporary Use Permits shall comply with all applicable zoning district and development standards of the Development Codes.

Temporary Use Permits are granted by the Department for a specific period of time but shall not be granted for more than one year, with no renewals, unless allowed by this resolution or approved through the public hearing process before the Commission and the Board.

Applications for Temporary Use Permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every Temporary Use Permit Application:

1. The name, mailing address and phone number of the applicant and landowner. Email addresses are requested to expedite communication.
2. The name of the business that will be operating on the site and contact information for that business.
3. The legal description of the property upon which the use will be located and operated.
4. The Temporary Use for which the permit is being sought and a complete description of the specific activity.
5. A statement of the hours of operation and duration of the proposed use.
6. Measures for removal of the activity and site restoration.
7. Contact information for any Federal, State or local agency under which your use is also regulated.
8. A Site Plan meeting the requirements of Section 4.B.3.

#### **D. Review and Approval**

The review and approval process for a Temporary Use Permit shall be by the Department which shall consider whether the establishment, maintenance or operation of the use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use.

The Department may issue a Temporary Use Permit after notice has been posted on the property, adjacent property owners, agencies and parties of interest have been notified for a minimum of 14 days and no reasonable concerns have been received by the Department. If reasonable concerns are received and cannot be mitigated, the Department shall schedule public hearings before the Commission and the Board to receive approval of the Temporary Use Permit.

The applicant may also request a longer duration for the Temporary Use through the public hearing process.

#### **E. Uses by Temporary Use Permit**

Please see District Uses chart in Section 5 for temporary uses allowed in each zone district. The following temporary uses require specific development standards in addition to the standard permit requirements and site plan requirements outlined in Section 4.B.3.

1. Temporary Construction Office
  - a. Used during the construction of a main building or buildings on the same site.

- b. Shall be removed within 30 days of the occupancy of the main building.
- 2. Temporary Construction Yards, Off-Site
  - a. Used in conjunction with an approved construction project.
- 3. Temporary Dwellings
  - a. Used when a primary dwelling is being constructed or remodeled provided a Zoning Permit for Construction has been issued for the permanent dwelling unit.
  - b. Temporary Dwellings are approved for a period of two years.
  - c. May be a manufactured home or recreational vehicle.
  - d. The temporary dwelling must be connected to septic, sewer and water systems as approved by Environmental Health or a water and/or sewer district.
  - e. Recreational vehicles used for lodging for visitors for 14 days or less are exempt.
- 4. Temporary Fireworks Sales
  - a. Only approved for businesses with an existing, unexpired Conditional Use Permit for Fireworks.
  - b. Only allowed on the same lot or parcel as the unexpired permit.
  - c. Graded, off-street parking for a minimum of four vehicles must be provided.
  - d. The temporary structure must be set back from all property lines and right-of-ways ten feet and 20 feet from all other structures.
  - e. The temporary structure must be open-sided and not greater than 200 square feet in size.
  - f. Temporary fireworks sales may only be operated seven days before and after the following holidays:
    - (1) Memorial Day
    - (2) Independence Day
    - (3) Labor Day
    - (4) New Year's Day
  - g. Temporary fireworks structures are allowed to be erected 10 days prior to the above holidays and must be taken down 10 days after the above holidays.

5. Temporary Hardship Exception

A Temporary Hardship Exception may allow the use of a mobile home in conjunction with and on the same lot or parcel as a permitted residential dwelling.

Every Temporary Hardship Exception authorized by the Department shall be personal to the applicant and shall not be transferable.

No Temporary Hardship Exception shall be authorized unless all of the following exist:

- a. That the property and mobile home meets the Lot and Parcel Standards of this Resolution.
- b. If the occupant of the mobile home is specifically engaged to assist the property owner with medical care requirements, no rent shall be charged the mobile home occupant.
- c. The reason for the Temporary Hardship Exception is based on medical or special care requirements and the care recipient's physician signs a written statement on a form provided by the department supporting the Temporary Hardship Exception.
- d. That the mobile home shall be located on the lot or parcel so that it will meet the setback requirements for Permitted Uses in the District in which it is located and that the mobile home shall be no closer to the permitted dwelling than 20 feet.
- e. The Temporary Hardship Exception is valid for a period of one year with compliance inspections and non-fee renewals until the Temporary Hardship Exception is no longer needed.

6. Temporary Sales Lots

- a. Includes Christmas tree lots, pumpkin sales, fruit stands and other similar outdoor sales.
- b. Temporary stands or structures must be constructed in a manner that will reasonably insure the safety of attendants and patrons.
- c. Temporary stands or structures must be setback a minimum of 10 feet from street curbing, property line or right-of-way, whichever is more restrictive.

7. Temporary Storage

- a. An approved Temporary Use Permit for Temporary Storage may be allowed for a maximum of 30 days.
- b. One temporary storage building may be permitted for residential storage on a lot with a legally permitted residential use. A shipping container, portable storage container, or other fully-enclosed, box-like container designed for ease of

loading to and from a transport vehicle may be used.

- c. A temporary storage building may not be placed on a street, sidewalk or public right-of-way or in any location that would impair visibility at an intersection or interfere with vehicular or pedestrian traffic.
- d. A temporary storage building may be approved for a period of up to 6 months when a dwelling has been damaged or destroyed by fire, wind or other catastrophic event which is not intentionally caused by the owner or owner's agent.
- e. A temporary storage building shall not exceed a height of 8-1/2 feet from the lowest ground level adjacent to the structure to the top of the structure.

8. Temporary Work Camps

- a. Must be located on agriculturally (A) zoned land outside of the Growth Management Area.
- b. Shall not exceed 120 days in duration. If in excess of 120 days, the application must be approved through the conditional use permit process.
- c. Shall accommodate no more than 25 employees.
- d. Shall be located five miles or more from a municipal boundary.
- e. Shall provide the following services:
  - (1) Approved potable water, sewerage and solid waste disposal facilities.
  - (2) Adequate parking and access to the site.
  - (3) Maintenance and reclamation of the site.
  - (4) Provisions for outdoor storage of fuels.
  - (5) Approved electrical services.
  - (6) Food service and storage must be approved by Sweetwater County Environmental Health.

## **Section 9. Home Occupations**

### **A. Intent**

The intent and purpose of this Section is to establish criteria for the operation of home occupations in dwelling units within residential districts. This section:

1. Permits and regulates the conduct of home occupations as an accessory use in a dwelling unit, whether owner- or renter-occupied;
2. Ensures that such home occupations are compatible with and do not have a deleterious effect on adjacent and nearby residential properties and uses;
3. Ensures that public and private services, such as streets, sewers or water and utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
4. Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals under certain, specified standards, conditions and criteria;
5. Enables the fair and consistent enforcement of these home occupation regulations; and
6. Promotes and protects the public health, safety and general welfare.

### **B. Standard Permit Requirements**

Home Occupation Permits shall comply with all applicable zoning district and development standards of the Development Codes.

Home Occupation Permits are granted for a period of one year, with yearly renewals.

Applications for Home Occupation Permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every Home Occupation Permit Application:

1. The name, mailing address and phone number of the landowner. Email addresses are requested to expedite communication.
2. The name of the business that will be operating on the site.
3. The legal description of the property upon which the use will be located and operated.
4. The Home Occupation for which the permit is being sought and a complete description of the specific activity.
5. Home Occupations shall only be operated between the hours of 7:00 a.m. and 10:00 p.m.
6. Number and if non-resident employees are employed. Only one non-resident employee is allowed for non-rural home occupations. Rural home occupations shall be allowed two



non-resident employees.

7. Contact information for any Federal, State or local agency under which your use is also regulated.
8. Outside storage visible to adjacent properties or public right-of-ways shall require approval from the Department.
9. A Site Plan meeting the requirements of Section 4.B.3. One off-street parking space is required per 200 square feet of gross floor area devoted to the Home Occupation.

### **C. Review and Approval**

1. This section applies to any occupation, profession, or business activity customarily conducted within a dwelling unit or residential accessory structure and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit and does not change the character of the neighborhood. A home occupation is an accessory use to a dwelling unit and no more than two home occupations shall be allowed per parcel.
2. No home occupation, except as exempted, may be initiated, established, or maintained in the dwelling unit except in conformance with the regulations and performance standards set forth in this section.
3. Application for a home occupation shall be made with the Department. The Department shall review all applications for conformity with the requirements of this Section and shall either approve or deny each application. A denied permit may be appealed through the public hearing process. In the case of home occupations not specifically listed as permitted, the Director will decide if the home occupation applied for is allowed. After the effective date of this Section, all home occupations must comply with the requirements of this Section. Home occupations are valid for one year with yearly renewals.

### **D. Exempt Home Occupations**

The activities listed below are not subject to this section, provided that all persons engaged in such activities reside on the premises:

1. Artists, sculptors, and composers not selling their artistic product to the public on the premises;
2. Craft or hobby work, such as jewelry-making and pottery;
3. Internet and mail-order sales only, no on-site retail sales allowed;
4. Home offices with no client visits to the home permitted;
5. Telephone answering and message services.

## **E. Permitted Home Occupations**

The home occupations permitted below are allowed because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home and do not generate noise in excess of a residential level.

The following home occupations are permitted subject to the standards established in this section:

1. Accounting, tax preparation, bookkeeping, and payroll services
2. Animal grooming
3. Baking and cooking
4. Catering
5. Child or adult care in accordance with Wyoming Department of Family Services regulations
6. Computer training, design, repair, maintenance and related services
7. Contractor's Business – No outside work or storage
8. Copier and office machine repair and maintenance
9. Drafting services
10. Engineering, architecture, and landscape architecture
11. Financial planning and investment services
12. Fine arts studio (creation of individual works only, no mass production)
13. Hair salon, barbering, hairdressing, and other personal care services (limited to one chair)
14. Information and data processing services
15. Insurance sales
16. Interior decoration (no studio permitted)
17. Mail order business (order taking only, no stock in trade)
18. Massage or Physical Therapy (limited to one table)
19. Musical instruction; voice or instrument
20. Musical instrument tuning and repair
21. Offices for professional, scientific, or technical services

22. Photographic services
23. Professional services (e.g., lawyers and psychotherapists)
24. Real estate services and appraisal
25. Recording studio
26. Small appliance and small engine repair.
27. Tailoring services (e.g., dressmaking and alterations)
28. Teaching of crafts and incidental sale of supplies to students
29. Tutoring

**F. Prohibited Home Occupations**

The following uses are not permitted as home occupations in residential zoning districts:

1. Body piercing and/or tattooing
2. Churches
3. Gymnastic and dance facilities
4. Machine shop/metal working
5. Medical, dental or chiropractic office
6. Medical procedures
7. Mortuaries
8. Motor vehicle and engine repair
9. Outdoor recreation activities including tracks, trails, courses or speedways
10. Retail sales
11. Sexually oriented businesses
12. Trucking and Tow-Truck Operations
13. Veterinary services

**G. Unsafe Home Occupations**

If any home occupation has become dangerous or unsafe; presents a safety hazard to the public or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby

properties, residents, or businesses, the Department may issue a violation or revocation per the procedures of this resolution.

## **H. Rural Home Occupations**

### **1. Permitted Rural Home Occupations**

The following rural home occupations are permitted in the A and RR zoning districts in addition to those specified in Permitted Home Occupations:

- a. Machine shop/metal working.
- b. Motor vehicle and engine repair. Operated indoors. Limit of four licensed vehicles involved with the home occupation parked outside at any time.

### **2. Accessory Buildings**

Where a rural home occupation is conducted in an accessory building, such accessory building shall not exceed the square footage of the footprint of the dwelling.

### **3. Employees**

No more than two nonresident employees may be employed in a rural home occupation.

## **Section 10. Major Site Plan**

### **A. Purpose**

Major Site Plans shall be submitted and reviewed in accordance with the requirements of this Section. A Major Site Plan involves one or more of the following: multiple-family structures; structures with 20,000 or more square feet of gross floor area; 50,000 or more square feet of exterior storage of material or goods; parking for 150 or more motor vehicles or two or more structures containing permitted uses on the same lot or parcel.

### **B. Applicable Districts**

The Major Site Plan process may be utilized in the following Zoning Districts: R-3, CRS, B, C, I-1, and I-2. District regulations shall apply.

### **C. Permit Requirements**

Applications for Major Site Plan permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every application:

1. The name, mailing address and phone number of the landowner. Email addresses are requested to expedite communication.
2. The name, mailing address and phone number of the operator of the business.
3. The name of the business that will be operating on the site.
4. The legal description of the property upon which the use will be located and operated.
5. Contact information for any Federal, State or local agency under which your use is also regulated.
6. The use within all structures and how open spaces will be used.
7. A Site Plan meeting the requirements of Section 4.B.3 as well as the following additional information:
  - a. The proposed finished grade of the designated area.
  - b. All curb cuts, driving lanes and access plans. A traffic study may be required depending on your use.
  - c. Traffic circulation patterns.
  - d. All pedestrian walks and malls and open areas.
  - e. The location and height of all fences and walls.

- f. The type of surfacing such as paving, turf, or gravel.
- g. The locations of landscaping and general type of landscaping materials.

**D. Development Standards**

Approval of the Major Site Plan shall be based on the following Development Standards:

1. Proof and documentation that the following has been accomplished or planned for:
  - a. Proper grading, paving, gutters, and treatment of turf to handle storm water and prevent erosion.
  - b. Pedestrian ways and open spaces which are safe and convenient and separated from vehicular traffic, loading, and parking.
  - c. Safe and efficient vehicular circulation, both on the site and at entrances to the public street system.
  - d. Safe play and recreational areas for residential complexes intended for family occupancy.
  - e. In commercial or industrial complexes screening or planting to shield any adjacent residential areas from the visual encroachment of commercial and industrial architecture and activity.
2. Buildings shall be arranged so that no part of any building containing a Permitted Use is closer than 20 feet to another building containing a Permitted Use.
3. Buildings shall be arranged so that all buildings are accessible by emergency vehicles.

**E. Review and Approval**

The Department shall review for compliance with these regulations. The Department may notify other agencies, departments or parties of interest of the application.

Upon completing its review and in consideration of any comments received, the Department shall approve or deny the Major Site Plan. If the Major Site Plan is denied, the applicant may file an Appeal to the Board.

## **Section 11. Parking Regulations**

### **A. General**

Off-street parking and loading areas shall be provided and maintained in the quantities specified in the Parking Regulations Table. Expansion of a non-conforming use will be required to meet the requirements of this Section.

Off-street parking and loading shall be provided on the same parcel of property and under the same ownership as the use for which the parking is required.

If a particular use is not listed, the Department shall determine the number of spaces required by comparing the nature of the particular use to one that is listed in the Parking Regulations Table.

The parking requirements set forth in this section may be reduced by 20% by the Department when the following findings are made:

1. The characteristics of a particular use do not necessitate the number of parking spaces or an alternative method of reducing parking needs will be used on the site such as carpooling, tandem parking, shared parking, public transit stop, etc.
2. The reduced parking standard will be adequate to accommodate all parking needs generated by the use and will not be a detriment to the public health, safety and welfare.

### **B. Specifications**

Off-street parking and loading required by this Resolution shall be maintained in accordance with the following specifications:

1. Off-street parking and loading areas shall be provided as specified in the Parking Regulations Table.
2. Individual parking spaces shall be at least 9 feet in width and 20 feet long.
3. Loading spaces shall be at least 12 foot by 45 foot with a 14 foot height clearance.
  - a. Non-Residential uses with less than 5,000 square feet of gross floor area shall provide one loading space which may be combined with a parking space.
4. Parking and loading areas provided under the requirements of this Resolution shall not be used for the commercial sale, repair, or servicing of vehicles and equipment.
5. Parking and loading areas shall be graded for proper drainage and provided with an all-weather surface of gravel, asphalt, concrete, crushed base or other similar material.
6. Each parking or loading space must be usable and readily accessible.

7. Parking and loading areas shall be provided with entrances and exits located so as to minimize traffic congestion. Parking and loading areas shall be designed to provide for traffic safety. Aisle widths shall be 25 foot for 90° parking and 15 foot for 45° parking.
8. If required, parking requirements of the Americans with Disabilities Act are in addition to the parking requirements listed in the Parking Regulations Table.
9. If the specific use is not listed, parking may not be required. The Department will make the final determination as to if and how much parking your use requires.

**C. Shared Parking Facilities**

To meet the requirements of this regulation, adjacent land uses, lots or sites may share parking under the following conditions:

1. All landowners participating in the shared parking shall execute the necessary cross-access easements to facilitate shared parking and record all easements and associated documents with Sweetwater County.
2. A written agreement for the joint use of parking shall be executed by the parties and approved by the County.
3. Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different categories of uses are participating in the sharing agreement and are likely to generate distinctly different times of peak parking demand.



## D. Parking Regulations Table

Combine Number of Spaces for Permitted & Accessory Uses

DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Residential</b>		
Dwelling, Multi-Family, Site Built	1.5 / DU	None Required
Dwelling, Single-Family, Manufactured or Mobile	2 / DU	None Required
Dwelling, Single-Family, Modular	2 / DU	None Required
Dwelling, Single-Family, Site Built	2 / DU	None Required
Dwelling, Two-Family, Site Built	2 / DU	None Required
Guest House (Accessory Dwelling)	2 / DU	None Required
Temporary Dwelling	2 / DU	None Required
<b>Agriculture</b>		
Farm Implement Sales, Service & Repair	1 / 1,000 SF GFA	1 / 20,000 SF GFA
Grain and Feed Mill	1 / Employee on Peak Shift	1 / 20,000 SF GFA
Grain Elevator	1 / Employee on Peak Shift	1 / 20,000 SF GFA
Greenhouse – Commercial	1 / 600 SF GFA	1 / 20,000 SF GFA
Lumber Yard	None Required	1 / 20,000 SF GFA
Sawmill	1 / Employee on Peak Shift	1 / 20,000 SF GFA
<b>Animals - Household and Livestock</b>		
Animal Grooming Facility	1 / 350 SF GFA, but Not Less Than 3 Spaces	1 / 10,000 SF GFA
Animal Hospital	1 / 350 SF GFA	1 / 10,000 SF GFA
Animal Shelter	1 / 600 SF GFA plus 1 / Employee on Peak Shift	1 / 10,000 SF GFA
Dairying	1 / 2 Employees on Peak Shift	None Required
Feed Lots and Sales	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Feed Store	1 / 1,000 SF GFA	1 / 10,000 SF GFA
Hatchery	1 / 2 Employees on Peak Shift	1 / 10,000 SF GFA
Indoor Riding Arena (Commercial)	1 / 500 SF GFA	None Required
Kennel and Pet Boarding	1 / 600 SF GFA plus 1 / Employee on Peak Shift	1 / 10,000 SF GFA
Riding Accessory Shop	1 / 300 SF GFA	1 / 10,000 SF GFA
Stables or Riding School	1 / 4 Stalls plus 1 / Employee on Peak Shift	1 / 10,000 SF GFA
Slaughterhouse	1 / Employee on Peak Shift	1 / 20,000 SF GFA

**Parking Regulations Table**

Combine Number of Spaces for Permitted & Accessory Uses

DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Commercial and Retail Services</b>		
Auction Sales	1 / 2 Seats or 2 / 100 SF Whichever is Greater	1 / 10,000 SF GFA
Bakery, Candy or Confectionary Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Bank and/or Savings and Loan Offices	1 / 300 SF GFA	1 / 10,000 SF GFA
Bar, Lounge or Nightclub	1 / 100 SF GFA	1 / 10,000 SF GFA
Book Store or Newsstand	1 / 300 SF GFA	1 / 10,000 SF GFA
Business Machine Sales and Service	1 / 300 SF GFA	1 / 10,000 SF GFA
Clothing and Shoe Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Convenience Store	1 / 200 SF GFA; Minimum of 4 Spaces	1 / 10,000 SF GFA
Copy and/or Print Shop	1 / 300 SF GFA	1 / 10,000 SF GFA
Department Store	1 / 200 SF GFA	1 / 10,000 SF GFA
Drug Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Dry Cleaning Plant and/or Commercial Laundry	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
Florist, Garden Center or Nursery	1 / 500 SF GFA	1 / 10,000 SF GFA
Furniture and Home Furnishings Store	1 / 1,000 SF GFA	1 / 10,000 SF GFA
Gift, Art, Curio, Stationery or Novelty Shop	1 / 300 SF GFA	1 / 10,000 SF GFA
Grocery Store or Food Store including meat, fish, dairy, vegetables and fruit	1 / 200 SF GFA	1 / 10,000 SF GFA
Hardware, Home Improvement, Paint and/or Wallpaper Store	1 / 300 SF GFA Plus 1 / 1000 SF Outside Operations Excluding Parking Lots	1 / 10,000 SF GFA
Hobby, Scrapbooking, Art and Craft Supplies	1 / 300 SF GFA	1 / 10,000 SF GFA
Jewelry Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Laboratory, Research and Support Including Environmental, Medical, Veterinary & Forensic	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Laundromat and/or Dry Cleaning Collection & Distribution	1 / 300 SF GFA	1 / 10,000 SF GFA
Liquor Store	6 / 1,000 SF GFA	1 / 10,000 SF GFA
Locksmith	1 / 600 SF GFA	1 / 10,000 SF GFA
Music Studio and Musical Instrument Sales and/or Repair	1 / 300 SF GFA	1 / 10,000 SF GFA
Office	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Pawn Shop	1 / 300 SF GFA	1 / 10,000 SF GFA
Pet Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Photography - Studio and/or Processing	1 / 500 SF GFA	1 / 10,000 SF GFA
Printing and Publishing Facility	1 / 1,000 SF GFA	1 / 10,000 SF GFA
Recycled Wood or Building Materials Restoration Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Restaurant, Cafeteria, Café, Delicatessen or Drive-In	1 / 100 SF GFA; Minimum of 4 Spaces	1 / 10,000 SF GFA
Seasonal Sales i.e. Christmas Trees, Firewood, Farmer's Markets, etc.	1 / 500 SF GFA Up to 2,000 SF, Then 1 / 2,000 SF GFA	1 / 10,000 SF GFA
Sexually Oriented Businesses	1 / 100 SF GFA	1 / 10,000 SF GFA
Shipping and Receiving Store including Rental Mailboxes	1 / 300 SF GFA	1 / 10,000 SF GFA
Sporting Goods Store	1 / 300 SF GFA	1 / 10,000 SF GFA
Toy Store	1 / 300 SF GFA	1 / 10,000 SF GFA

**Parking Regulations Table**

*Combine Number of Spaces for Permitted & Accessory Uses*

*DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area*

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Contractors and Construction Trade</b>		
Construction Yards - Off-Site	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations Plus 1 / 5,000 SF Lot Area	None Required
General Contractor Shops, Sales, Service & Storage	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations Plus 1 / 5,000 SF Lot Area	None Required
Heavy Equipment Sales, Service & Repair	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations Plus 1 / 5,000 SF Lot Area	None Required
Pipeyards	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations Plus 1 / 5,000 SF Lot Area	None Required
<b>Educational Services</b>		
Daycare Center	1 / 400 SF GFA	None Required
Pre-school or Nursery School	1 / 400 SF GFA	1 / 20,000 SF GFA
Schools, Heavy Equipment Training	1 / 200 SF GFA Classroom Space Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Schools, Public or Private – K-8	0.2 / Student	1 / 20,000 SF GFA
Schools, Public or Private – 9-12	0.5 / Student	1 / 20,000 SF GFA
Schools, Public or Private - Secondary	1 / Employee Plus 1 / 5 Students	1 / 20,000 SF GFA
Schools, Trade and Vocational	1 / Employee Plus 1 / 3 Students	1 / 20,000 SF GFA
<b>Entertainment and Recreation</b>		
Bowling Alley	2 / Alley Plus 1 / 2 Employees on Peak Shift	1 / 10,000 SF GFA
Campground for Tent and Vehicular Campers	2 / Campsite Plus 1 / Employee on Peak Shift	None Required
Carnival, Fair, Market or Festival	1 / 400 SF Lot Area	None Required
Community Center, Public or Private - Not for Profit or Gain	1 / 300 SF GFA	1 / 20,000 SF GFA
Dancing or Theatrical Studio	1 / 4 Students Plus 1 / Employee on Peak Shift	None Required
Drive-In Theater	1 / Vehicle Served Plus 1 / 2 Employees on Peak Shift	None Required
Fairgrounds	1 / 400 SF Lot Area	None Required
Fraternal Organization	1 / 300 SF GFA	1 / 10,000 SF GFA
Golf Course, Miniature	1 / Hole	None Required
Golf Course, Public or Private or Driving Range	4 / Hole	None Required
Recreational Facilities NOT involving Firearms, Motor Vehicles or Animals	10 / 1,000 SF GFA	1 / 10,000 SF GFA
Rifle, Pistol, Skeet or Trap Range	1 / Shooting Lane	None Required
Roller Skating or Ice Skating Rinks	1 / 300 SF GFA	1 / 10,000 SF GFA
Theater	1.5 / 10 Seats Based on Maximum Design Capacity	1 / 10,000 SF GFA
Track, Trail, Course or Speedway - Animal, Vehicle or Athlete	1 / 50 SF Lot Area	1 / 10,000 SF GFA
<b>Funerary Services</b>		
Crematorium	1 / Employee on Peak Shift	1 / 4,000 SF GFA
Mortuary	1 / 3 Seats Plus 1 / 2 Employees on Peak Shift	1 / 4,000 SF GFA

**Parking Regulations Table**

Combine Number of Spaces for Permitted & Accessory Uses

DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Hazardous, Flammable and Combustible Materials</b>		
Evaporation Ponds, Commercial	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Explosives - Storage	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Filling Station - Gasoline, Diesel, LP and CNG	1 / 200 SF GFA Plus 1 / Employee on Peak Shift	1 / 10,000 SF GFA
Fireworks	1 / 300 SF GFA Plus 1 / Employee on Peak Shift	1 / 10,000 SF GFA
Hazardous Waste Disposal Facility	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Incinerator	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Liquid Nitrogen Plant	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
Radioactive Materials Storage	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Refinery	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
<b>Lodging</b>		
Bed and Breakfast Home	1 / Guest Room Plus 1 / Employee on Peak Shift	None Required
Hotel or Motel	1 / Sleeping Room Plus 1 / 400 SF Meeting Area or Restaurant	1 / 10,000 SF GFA
Hunting Camp	1 / Sleeping Room	None Required
Lodge or Resort	1 / Sleeping Room Plus 1 / 400 SF Meeting Area or Restaurant	1 / 10,000 SF GFA
Ranch Recreation Facility	1 / Sleeping Room Plus 1 / 400 SF Meeting Area or Restaurant	1 / 10,000 SF GFA
Rooming or Boarding House	1 / Sleeping Room	None Required
Temporary Work Camp - Less Than 60 Days and Less Than 25 People	1 / 4 Workers	None Required
Temporary Work Camp - 60 Days and Over and 25 People and Over	1 / 4 Workers	None Required
<b>Manufacturing</b>		
Asphalt and/or Concrete Mixing or Batch Plant	2 / 3 Employees on Peak Shift	None Required
Assembly or Fabrication from Component Parts or from Materials Already Processed or Manufactured into their Final Usable State	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Bottling Plant	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Bulk Plant, Gasoline or LP Gas	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Chemical Fertilizer and Weed and Pest Control Products	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Ready Mix Cement Plant	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Welding Equipment Sales and Service	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
<b>Medical Services</b>		
Ambulance Station	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Dental or Medical Clinic	1 / 200 SF GFA	None Required
Hospital	2.5 / 1000 SF GFA	1 / 20,000 SF GFA
Laboratory, Medical or Dental	1 / 500 SF GFA	1 / 20,000 SF GFA
Nursing Home	1 / 4 Beds Plus 1 / Employee on Peak Shift	1 / 20,000 SF GFA
Pharmacy	1 / 300 SF GFA	1 / 20,000 SF GFA

**Parking Regulations Table**

*Combine Number of Spaces for Permitted & Accessory Uses*

*DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area*

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Mining and Extraction</b>		
Compressor Station	1 / Vehicle Used in Operations	None Required
Heavy Construction Contractor Shops and Storage Yards	1 / Vehicle Used in Operations	None Required
Mining, Drilling and Oilfield Equipment Sales, Supplies, Fabrication and/or Repair	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Power Plant	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Underground Mining	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Water Service	2 / 3 Employees on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
<b>Professional/Personal Services</b>		
Appliance Sales, Service and Repair	1 / 400 SF GFA	1 / 20,000 SF GFA
Attorney's Office	1 / Employee on Peak Shift	None Required
Beauty Shop, Barber Shop, Salon	2 / Station Plus 1 / 2 Employees on Peak Shift	None Required
Exterminator Service	1 / Vehicle Used in Operations	None Required
Mini-Warehousing and/or Self Storage Facility	1 / 75 Storage Units; Minimum of 3 Spaces	None Required
Real Estate Brokerage Office	1 / 200 SF GFA	None Required
Travel Agency	1 / 200 SF GFA	None Required
<b>Public Services</b>		
Correctional Facility	1 / 25 Inmates Plus 1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Fire Station	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Library	1 / 500 SF GFA	1 / 20,000 SF GFA
Museum	1 / 1,000 SF GFA	1 / 20,000 SF GFA
Police Station	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Post Office	1 / 200 SF GFA Plus 1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 20,000 SF GFA
Public Fire Department Fire Protection Training Facility	1 / 4 Trainees Plus 1 / Vehicle Used in Operations	None Required
Public Utility Offices, Maintenance Shops & Ancillary Facilities	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Radio and/or Television Station, Offices and Transmitting Towers	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
Sanitary Landfill	1 / 2 Employees	None Required
Sewage Treatment Facility	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	None Required
<b>Religious Services</b>		
Auxiliary buildings used for business, social or extension activities	1 / 250 SF GFA	None Required
Church, Synagogue, Mosque, Temple or any building where congregations gather for prayer	1 / 4 Seats Based on Maximum Design Capacity	None Required

**Parking Regulations Table**

*Combine Number of Spaces for Permitted & Accessory Uses*

*DU = Dwelling Unit SF = Square Feet GFA = Gross Floor Area*

USES	Parking Spaces Required per Basic Measuring Unit	Loading Spaces Required per Basic Measuring Unit
<b>Vehicle Services &amp; Transportation</b>		
Auto Parts Store	1 / 300 SF GFA	1 / 20,000 SF GFA
Automobile and Truck Rental Services	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations or Stored	None Required
Bus Terminal	1 / 200 SF Waiting Area	None Required
Camper Sales, Service, and Repair	1 / 500 SF GFA Main Building Plus 1 / 1,500 SF Lot Area Plus 2 / Service Bay	1 / 20,000 SF GFA
Car Wash and/or Detailing	1 / Employee on Peak Shift Plus 5 Stacking / Lane Plus 2 / Drying Area	None Required
Freight Terminal	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
Impound, Salvage and Storage Yard for Vehicles	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations or Stored	None Required
Junkyard and/or Recycling Center	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations or Stored	None Required
Marina	0.5 / Slip	None Required
Mobile Home Sales, Service, Supplies and Storage	1 / 500 SF GFA Main Building Plus 1 / 1,500 SF Lot Area Plus 2 / Service Bay	None Required
Motorized Vehicle Sales, Service and Repair	1 / 500 SF GFA Main Building Plus 1 / 1,500 SF Lot Area Plus 2 / Service Bay	1 / 20,000 SF GFA
Non-Motorized Vehicle Sales, Service and Repair	1 / 500 SF GFA Main Building Plus 1 / 1,500 SF Lot Area Plus 2 / Service Bay	1 / 20,000 SF GFA
Tire Store and Service Establishment	1 / 300 SF GFA Plus 2 / Service Bay	None Required
Travel Center/Truck Stop	1 Semi-Truck Space / 10,000 SF Lot Area Plus 1 / 200 SF GFA for Passenger Cars	None Required
Truck Repair	2 / Service Bay Plus 1 / 500 SF GFA	None Required
Trucking (10 and fewer trucks)	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
Trucking (Over 10 trucks)	1 / Employee on Peak Shift Plus 1 / Vehicle Used in Operations	1 / 10,000 SF GFA
<b>Warehousing and Storage Facilities</b>		
Warehouse not exceeding 20,000 square feet total	1 / Employee on Peak Shift	1 / 10,000 SF GFA
Warehouse 20,000 square feet or over	1 / Employee on Peak Shift	1 / 20,000 SF GFA
Warehousing, Wholesale Storage & Sales of Already Manufactured Products (excluding explosives)	1 / Employee on Peak Shift	1 / 10,000 SF GFA

## **Section 12. Outdoor Lighting Regulations**

### **A. Purpose**

The purposes of outdoor lighting standards are to:

1. Promote adequate lighting for safety and security
2. Promote efficient and cost effective lighting
3. Reduce light pollution, light trespass and glare
4. Provide a nighttime environment that includes the ability to view the stars against a dark sky
5. Protect public health, safety, and welfare

### **B. Scope and Compliance**

Compliance with these requirements shall be required for all new development. The Department shall require the public to utilize light fixtures and shielding consistent with the purposes of these standards.

### **C. Prohibition**

1. Laser lights or similar high intensity light used for outdoor advertising or entertainment are prohibited.
2. Searchlights used for advertising or entertainment purposes are prohibited.
3. Lighting shall not interfere with traffic on adjacent roadways.

### **D. Standards for Outdoor Light Source**

1. Unless otherwise allowed by these regulations, the shielding and illumination standards of this section shall apply. All lights shall be shielded to direct light downward. Unless otherwise allowed by these regulations, all fixtures shall be full cut-off fixtures with light source fully shielded. Floodlights that do not meet the definition of full cut-off may be used if permanently directed downward at an angle no less than 45 degrees from horizontal, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Wallpack lighting is permitted if permanently directed downward at an angle no less than 45 degrees from horizontal, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Uplighting shall be prohibited. Sodium vapor lighting is recommended for outdoor lighting applications. Metal halide 250 watt may be used upon approval of the Department.
2. Lighting levels shall be measured in foot candles with a direct reading, portable, light meter with the meter sensor in a horizontal position at ground level.
3. Shielding and Illumination Standards

The following are Shielding and Illumination standards. The maximum illumination shall be measured at grade at the property line of the site.

### Shielding Requirements

Fixture - Lamp Type	Full Cut Off Fixtures
LED	Yes
Low-pressure sodium	Yes
High-pressure sodium	Yes
Metal halide (250 watt)	Yes
Fluorescent	Yes <sup>a</sup>
Quartz <sup>b</sup>	Yes
Incandescent or modern equivalent, greater than 150 watts	Yes
Incandescent or modern equivalent, 150 watts or less	None
Glass tubes filled with neon, argon and krypton	None

- a) *Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects.*
- b) *For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.*

### Illumination Standards

Area / Activity	Lux	Foot Candles
<b>Residential Zoning Districts</b>		
Front, side or rear yard (at property line)	10	1.0
<b>Nonresidential Zoning Districts</b>		
Adjoining another nonresidential zoning district along a street, front, side or rear yard (at property line)	10	1.0
Adjoining another nonresidential zoning district along a street	10	1.0
Adjoining residential zoning district along a street or property line	6	0.6

#### **E. Lighting Plan Requirements**

A Zoning Permit submitted for non-residential property shall include a lighting plan.

#### **F. Maximum Height**

The maximum height from ground level to top of light fixture shall not exceed 30 feet.



## **G. Exceptions**

These outdoor lighting standards shall not apply to the following types of exterior lighting:

1. Ornamental landscape light fixtures.
2. Government required lighting for aviation, towers, street lights, or other purposes which are required by state or federal law.
3. Seasonal lighting displays.
4. Illumination of United States flags, flags of governmental entities and company flags, as long as the light source is shielded and not visible from any adjacent property.
5. Ball diamonds, playing fields, and tennis courts.
6. Low intensity luminaires rated at 1,800 lumens or less, and flood or spot luminaires rated at 900 lumens or less.
7. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
8. Low-intensity fixtures with maximum candle power of less than 1,000 candelas.
9. Lighting related to oil and gas and mining operations outside of the GMA.

## **H. Variances & Temporary Exemptions**

1. Application for a Variance from these requirements may be permitted through the public hearing process.
2. Temporary Lighting Exemption: The Director may grant an exemption from the requirements for temporary outdoor activities that include without limitation fairs, carnivals, concerts, and promotional activities, if the Director finds the following:
  - a. The length of time that the temporary lighting is to be used is not longer than thirty days.
  - b. The proposed lighting is designed in such a manner as to minimize light pollution, light trespass, and glare as much as needed.

## **Section 13. Sign Regulations**

### **A. Purpose**

The purpose of Sign Regulations is to permit signs that will not, by reason of size, location, construction, or manner of display endanger public health and safety or obstruct vision necessary for safe traffic movement. Additionally, these regulations are intended to permit signs that will support and complement the land use objectives of Sweetwater County and protect and enhance property values within Sweetwater County. These sign regulations shall apply to all signs erected, altered and maintained by and for all permitted uses in all districts. Signs governed by several regulations shall comply with all such regulations as well as those of the State of Wyoming Department of Transportation as required. In all cases, the most restrictive regulation shall apply.

### **B. Permit Required**

A Sign Permit is required for all signs, except for exempt signs. Applications for Sign Permit approval shall be made on a form provided by the County together with the required fee.

### **C. Standards**

1. Non-accessory, off-premise, free-standing signs and billboards are prohibited in all districts except in areas specifically defined in these regulations.
2. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in these regulations shall be interpreted as authorizing the erection or construction of any sign not permissible under this section. Freestanding signs, billboards and roof signs require certification by a Professional Engineer licensed in the State of Wyoming certifying compliance with the International Building Code.
3. No sign other than traffic and street signs shall be erected or temporarily placed within any street or public road right-of-way or any public easements.
4. An election sign is a temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of primary, general and special elections. The display of such signs shall be allowed in any zoning district. These signs may be freestanding, may be single or double faced and may be parallel or perpendicular to the street. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of them.
5. A Contractor / Land Development sign may be installed upon a construction site in any district denoting the name of the project, owner, architect, engineer and contractor provided such sign does not exceed 64 square feet in area.
6. Temporary Real Estate signs for the purpose of selling or leasing individual lots or buildings shall be permitted providing: (1) such signs shall not exceed six square feet for residential property and 32 square feet for commercial property; (2) only one such sign is permitted per street frontage; (3) such sign shall be removed within seven days following the lease or sale; (4) an Open House sign may be erected for a maximum of 48 hours.

7. Permitted sign area is defined as the area of a sign measured by the sum of each rectangle, triangle or circle or combination thereof that encompasses the outer limits of all portions of the sign, message or display. All faces shall be measured except where two faces are back to back and parallel and shall be measured together as one sign.
8. No freestanding sign shall project beyond the property line of the parcel upon which it is erected, or project into any right-of-way or easement line of a public street or road.
9. One address sign shall be required per building in all districts or as directed by Sweetwater County.
10. Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to the surface of a canopy or marquee and be considered a wall sign.
11. No sign shall contain any offensive picture or written matter, as defined by Wyoming Statute 6.4.301(iii).
12. No sign shall contain any pictorial or written matter relating to specified anatomical areas or specified sexual activities as defined in the Zoning Resolution.

#### **D. Prohibition**

The following signs are prohibited by these regulations:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching merging or intersecting traffic.
2. Illuminated signs which give off intermittent or rotating beams or rays of light of such an intensity to detract from a motorist's vision for normal safe driving.
3. No person shall park any vehicle or trailer on public right-of-way or public property, or on private property, so as to be visible from the public right-of-way, which has attached to or located on it any sign or advertising device for the basic purpose of providing advertisements of products or directing people to a business or activity located on the same or nearby property or any other premises.
4. Except for traffic and directional devices erected and approved by a public agency having jurisdiction, no sign may be erected which overhangs a public right-of-way for a street or highway.
5. Signs that contain statements, words or pictures of an obscene or indecent nature. Obscene or indecent material is material that depicts uncovered human sexual organs or female breasts or the touching of covered human sexual organs or female breasts, or that depicts human sexual activity or that includes words commonly used as insults or epithets.
6. Abandoned signs. Signs shall be considered abandoned beginning 90 days after a dated event has expired. Abandoned signs shall be promptly abated by the property owner.

## **E. Exempt Signs**

The following types of signs do not require a permit:

1. Signs required by law or authorized for a public purpose.
2. One sign showing only the name and/or address of the occupant, not exceeding three square feet and mounted flat against a wall.
3. Temporary personal notifications.
4. Cornerstones or historical markers.
5. Temporary decorations.
6. Window displays of actual merchandise.
7. Menu signs at drive-in restaurants that are not designed to be read from the public right-of-way or signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
8. Political and Election signs.
9. Real estate signs.
10. Signs for operating oil and gas rigs.

## **F. District Regulations**

The following types of signs are only permitted in the CRS, B, C, I-1 and I-2 Zoning Districts:

1. **Wall Signs:** There shall be no limit to the number or maximum area of wall signs. Wall mounted signs shall not exceed mansard or roof height by more than two feet.
2. **Free Standing Signs:** Each lot is entitled to one free-standing sign with a sign area of 100 square feet. A lot with adjacent street frontage exceeding 100 linear feet shall be entitled to one square foot of sign area for every linear foot of adjacent street frontage. The number of free standing sign poles shall be permitted on the basis of one pole for up to 100 feet of street frontage, and one additional pole for each additional 100 feet of street frontage. No single sign shall exceed 300 square feet in area. Height of free standing signs shall not exceed 40 feet in height.
3. **Portable Signs:** One portable sign not to exceed 24 square feet shall be permitted for each business or lot.
4. **Roof Signs:** A roof sign can extend no higher than 20 feet above the parapet of the building or exceed a size equal to 20% of the wall of the building to which it is attached

## Section 14. Fuel Regulations

### A. General Requirements

The storage of fuels shall meet the amounts listed for the appropriate district in the applicable table. Amounts requested in excess of that listed shall only be approved through the Conditional Use Permit process.

### B. Above Ground Outdoor Storage of Flammable Liquid and Combustible Liquid

Above ground outdoor storage of flammable liquid or combustible liquid shall be regulated in the Zone Districts as shown in Tables A.1 and A.2.

**TABLE A.1**

Above Ground Outdoor Storage of Flammable and Combustible Liquids Maximum Amounts Permitted per Lot or Parcel												
Zone District	A	RR	R-1	R-2	R-2/SF	R-3	MH	B	CRS	C	I-1	I-2
Maximum Flammable Liquids Permitted in Gallons	2,000	500	40	40	40	40	40	40	500	500	1,000	10,000
Maximum Combustible Liquids Permitted in Gallons	2,000	500	55	55	55	55	55	55	500	500	1,000	10,000

**TABLE A.2**

Above Ground Outdoor Storage of Flammable and Combustible Liquids Required Setbacks from Tanks (in Feet)			
Total Storage Tank Capacity in Gallons on a Lot or Parcel	Distance from any Property Line Abutting a Non-Residential Zone District	Distance from any Property Line Abutting a Residential Zone District*	Distance to Any Residence or Occupied Building on the same lot
275 or less	20	15	5
276 to 750	20	30	10
751 to 12,000	20	45	15
12,001 to 30,000	20	60	20
30,001 to 50,000	40	90	30
50,001 to 100,000	60	150	50
100,001 to 500,000	100	240	80
500,001 to 1,000,000	140	300	100
1,000,001 to 2,000,000	180	405	135
2,000,001 to 3,000,000	220	495	165
3,000,001 or more	240	525	175

*\*A parcel in the Agricultural (A) Zone District which includes a residence at the time of permit application for Above Ground Outdoor Storage of Flammable & Combustible Liquids shall follow the Residential Zone District*

**C. Above Ground Storage of Liquefied Petroleum Gas**

Above ground outdoor storage of liquefied petroleum gas shall be regulated in the Zone Districts as shown in Tables B.1 and B.2.

**TABLE B.1**

Above Ground Storage of Liquefied Petroleum Gas Maximum Amounts Permitted per Lot or Parcel												
Zone District	A	RR	R-1	R-2	R-2/SF	R-3	MH	B	CRS	C	I-1	I-2
Maximum Liquefied Petroleum Gas Permitted in Gallons	2,000	1,000	500	500	500	500	250	500	2,000	2,000	2,000	15,000

**TABLE B.2**

Above Ground Storage of Liquefied Petroleum Gas Minimum Distances from any Buildings or Boundary Lines of the Lot or Parcel	
Capacity	Distance in Feet from Any Building or Boundary Line of the Lot or Parcel
Less than 125 Gallons	5
125 to 500 Gallons	10
501 to 2,000 Gallons	25
2,001 to 30,000 Gallons	50

**D. Compressed Natural Gas Motor Fuel Dispensing Facilities**

Installation and use of storage tanks for above ground and below ground storage of Compressed Natural Gas shall meet all requirements of the International Fire Code, NFPA, and state and federal regulations.

Dispensing devices for Compressed Natural Gas shall meet all requirements of the International Fire Code, NFPA, and state and federal regulations

**E. Underground Storage of Flammable Liquid and Combustible Liquid.**

1. Underground storage of flammable liquid and combustible liquid is not permitted in Residential Zone Districts.
2. Installation and use of storage tanks for underground storage of flammable liquid and combustible liquid shall meet all requirements of the International Fire Code, NFPA, and state and federal regulations.

3. Installation and use of dispensing devices for flammable liquid and combustible liquid shall meet all requirements of the International Fire Code, NFPA, and state and federal regulations.

**TABLE D.1**

<b>Underground Storage of Flammable or Combustible Liquids</b>												
Zone District	A	RR	R-1	R-2	R-2/SF	R-3	MH	B	CRS	C	I-1	I-2
Governing Regulations	IFC, NFPA, State & Federal	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	IFC, NFPA, State & Federal	IFC, NFPA, State & Federal	IFC, NFPA, State & Federal	IFC, NFPA, State & Federal	IFC, NFPA, State & Federal

## **Section 15. Sexually Oriented Businesses**

### **A. Purpose**

It is the purpose of this section to regulate the location and placement of adult sexually oriented businesses to promote the health, safety, and general welfare of the citizens of Sweetwater County, and to establish reasonable and uniform regulations to address the adverse secondary effects and deleterious location and concentration of sexually oriented businesses within Sweetwater County. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction of the content of any communication material, including sexually oriented materials. Similarly, it is not the intent or effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or Article 1 & 20 of the Wyoming Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent or effect of this resolution to condone or legitimize the distribution of obscene material as defined by Wyoming Statute 6.4.301(iii).

### **B. Permit Requirements**

Applications for Sexually Oriented Business permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every Sexually Oriented Business Permit Application:

1. The name, mailing address and phone number of the landowner. Email addresses are requested to expedite communication.
2. The name, mailing address and phone number of the operator of the business.
3. The name of the business that will be operating on the site.
4. The legal description of the property upon which the use will be located and operated.
5. A Site Plan meeting the requirements of Section 4.B.3.

### **C. Location of Sexually Oriented Businesses**

1. No sexually oriented business shall be operated or located in any zoning district other than the Commercial and Light Industrial Districts as defined in the Sweetwater County Zoning Resolution.
2. No sexually oriented business shall be operated or located within a Highway and/or Scenic Overlay Area as found in the Exhibits section.
3. No sexually oriented business shall be operated or located within 1,000 feet of:
  - a. Another sexually oriented business
  - b. Any religious institution
  - c. Any school, public or private, or a state licensed daycare center



- d. Any public park, amusement park, arcade, recreation center or recreation area
  - e. The boundary of any residential zone district
  - f. A boys' club, girls' club, or similar existing youth organization;
  - g. Any library
  - h. Any separate establishment holding a liquor license
  - i. A dwelling unit
4. No more than one sexually oriented business shall be operated or maintained in the same building, structure, or portion thereof.
  5. For the purposes of subsection C.3.a, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of each business.
  6. No sexually oriented business shall be operated or located within 1,500 feet of a residence which is located on a lot or parcel larger than 40 acres. This measurement shall be made in a straight line, without regard to intervening structure or objects from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest exterior part of the residence.
  7. For the purposes of subsection C.3 of this section, measurement shall be made in a straight line, without regard to intervening structures, or objects from the closest exterior wall of the structure in which the sexually oriented business is located, to the nearest property line of the lot or parcel of the premises of a use listed in subsection C.3. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

#### **D. Operation Standards**

1. All windows, doors and other apertures shall be architecturally screened or otherwise obscured to prevent the viewing of the interior of any material depicting, describing or relating to specified sexual activities or specified anatomical areas.
2. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.
3. No advertisement, displays or merchandise available for sale or rent that includes or depicts explicit sexual activities or specified anatomical areas shall be visible from any public right-of-way.
4. Hours of operation: No sexually oriented business, except for an adult motel, shall open for business between the hours of 2:00 a.m. and 6:00 a.m. with the exception of a 24-hour permit approved by the Board. No more than four 24-hour permits will be allowed per calendar year.

5. Restroom: Restrooms in any sexually oriented business shall not contain video viewing or reproduction equipment.
6. Illumination: All sexually oriented businesses shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level. This level of illumination shall be maintained at all times that any patron is present in the sexually oriented business.
7. Illumination of Parking Areas and Walkways: All off street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average range of maintained horizontal illumination of not less than 2 and not more than 10 foot-candles of light on the parking surface and walkways. All lights are to be fully-shielded, and down focused that meet the IENSA standards. This required lighting level is established to reduce the incidence of vandalism and criminal conduct.
8. No employee or owner of any sexually oriented business shall knowingly, or with reasonable cause to know, permit or allow a patron to commit in the sexually oriented business an act of public indecency as set forth in Wyoming Statute 6-4-201.
9. All sexually oriented businesses for establishments with live entertainment shall comply with all of the operating standards including the following:
  - a. Any live performance within a sexually oriented business shall only be permitted on a raised stage a minimum of 18 inches above the floor of the customer seating area. Customers shall be seated no closer than a six foot horizontal distance from the stage. Customers shall not be permitted on stage at any time.
  - b. All performers shall remain on the stage during the performance and physical contact between performers and customer shall not be permitted at any time on the premises.
  - c. It shall be the duty of the owner, his agents or employees to ensure that all requirements of this subsection are enforced.
10. All sexually oriented businesses which contain one or more adult video viewing booths shall comply with the following standards:
  - a. The sexually oriented business shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subsection must be by direct line of sight from the manager or employee's station.
  - b. A least one employee shall be on duty at all times while any patron is present inside the sexually oriented business.
  - c. All video viewing booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

- d. No video viewing booth may be occupied by more than one person at any time.
- e. No openings of any kind shall exist between video viewing booths.

**I. Minors:** No person under the age of 18 shall be permitted:

- 1. In any sexually oriented business;
- 2. To purchase goods or services at a sexually oriented business; or
- 3. To work at a sexually oriented business as an employee.

## **Section 16. Gravel Mining**

### **A. Purpose**

The purpose of this regulation is to assure that gravel mining activities are conducted in a reasonable manner that protects the health, safety and welfare of the public. Depending on the project size, a conditional use permit or a zoning map amendment may be necessary.

### **B. Permit Requirements**

Applications for Gravel Mining Permit approval shall be made on a form provided by the County together with the required fee. The following information is required for every Gravel Mining Permit Application:

1. The name, address and telephone number of the operator and/or applicant.
2. A description of the mining operation, including the mineral involved, and the timetable for development and restoration.
3. Written consent for the operation from the surface owner and/or lessee of the land to be affected.
4. A legal description of the property as well as a USGS topographic map of the land to be affected including accesses and haul roads.
5. Hours of operation, number of employees and types of equipment involved.
6. The location of adjudicated groundwater wells inside and within one-half mile of the permit area.
7. Dust and erosion control plan.
8. Contact information for any Federal, State or local agency under which your use is also regulated.

### **C. Development Standards**

1. All operations, activities and haul routes shall be set back a minimum of one and one-half mile from any residence or residentially zoned property.
2. Reclamation shall be consistent with the State of Wyoming Environmental Quality Act and associated Rules and Regulations after mining operations have ceased.
3. The extraction process will not potentially damage or contaminate any public, private, residential or agricultural water supply source.
4. Dust control shall be required on all haul roads, stockpiles, work areas and access roads.
5. Adequate and available access to/from the proposed extraction site and to/from the processing site shall be required.

6. Quarries exceeding 40 acres in size shall not be located within the Growth Management Area, within one and one-half mile of any residence or residentially zoned property or within one mile of no more than one other quarry.

## **Section 17. Wind Energy Conversion Systems**

### **A. Overview**

This Section provides the regulatory framework for Wind Energy Conversion System (WECS) 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.

Applications for a Commercial WECS Facility Permit require a public hearing before the Board.

### **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 WECS 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 WECS Facilities in Sweetwater County.

### **C. Commercial WECS Facility Permit 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 Facility requirements of these regulations.

Commercial WECS Facilities shall be administered as provided below:

- 1) A Commercial WECS Facility Permit Application including all WECS Project Phases shall be accompanied with the following information:
  - a) Fee  

The Applicant shall submit fees as required.
  - b) Copies  

The Application submittal to the Department shall be accompanied by two memory sticks with digital copies of a complete Commercial 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 Landowners 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.

Pr

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

A 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 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 50% 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 Commercial 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 these regulations.

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 Department or the Board. 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.
  - l. 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 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 one and one-quarter 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 socioeconomic 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 these regulations.
- 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 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. 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 Commercial WECS Facility Permit 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 different weeks, at least 20 days prior to the Board's 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:

1. 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.

2. Wyoming State Historic Preservation Office

A letter or report from the Wyoming State Historic Preservation Office addressing any historic, cultural or archaeological resources.

3. Sweetwater County Conservation District

A letter or report from the Sweetwater County Conservation District addressing soil conditions and erosion within the WECS Facility Area.

4. Wyoming Department of Environmental Quality

A letter or report from the Wyoming Department of Environmental Quality addressing any land and water quality issues.

5. 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.

bb. 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.

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 mile of the property line of the proposed WECS Facility and to all cities and towns located within 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.

#### **D. 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 15 feet from the ground. All guy wires must comply with the Bird Diverter Standards stated in these regulations.

f. Exterior Climb Prevention

All Wind Generation Devices and other similar WECS Facility structures must be unclimbable 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 recent 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 applicant's 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 lessee 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 lessee 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 mile per hour 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 one 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 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, these Facilities may be subject to mitigation measures by the Wyoming Game and Fish or the governing federal agency. For Commercial 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 six 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 and archaeological resources as determined by Wyoming State Historical Preservation Office or 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 or 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

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 with WDEQ regulations 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. 45 decibels on the dB(A) scale during the hours between 7 am and 7 pm MDT, and

2. 40 decibels on the dB(A) scale during the hours between 7 pm and 7 am MDT. In addition, noise immissions shall not exceed 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 one and one-quarter miles of the proposed WECS project boundary, where noise immissions may exceed 50 decibels on the dB(C) scale or 45 decibels on the dB(A) scale day or 40 decibels on the dB(A) 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 dB(C) or 45/40 dB(A) on the landowner's 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 Attorney's Office and Board.

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 eight 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 one and one-half to two 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 minute increments at a site within five meters 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

<b>Commercial Wind Generation Device</b>	<b>Minimum Setbacks</b>	<b>Additional, Waivers &amp; Similar</b>
Primary Structure	Five and one-half times the Wind Generation Device Height or one-half mile, whichever distance is greater.	If the person owning the primary structure waives, in writing, the setback requirement of five and one-half times the height of the Wind Generation Device, the minimum setback shall be one and one-half times the Wind Generation Device Height.
Third Party Transmission and Distribution Lines	One and one-half times the Wind Generation Device Height.	
Communication Towers	One and one-half times the Wind Generation Device Height.	
WECS Facility Boundary Line	One and one-half 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	One and one-quarter Miles	
Any Platted Subdivision	One and one-quarter Miles	

Right-of-Way (ROW) of all Federal, State, County and Municipal Roads	Five and one-half times the Wind Generation Device Height or one-half mile from the ROW, whichever distance is greater.	Unless waived by the Board. Measured from the edge of the ROW.
Railroads	Five and one-half times the Wind Generation Device Height or one-half mile from the ROW, whichever distance is greater.	Unless waived by the Board. Measured from the edge of the ROW.
Federal, State and County Parks, National Recreation Areas and Wildlife Refuges	A minimum distance of one 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.

**E. 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 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. 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.

**F. 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 continuous months. All WECS Towers that remain inoperative for 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 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 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 Control District or the appropriate public entity having jurisdiction.
5. To the extent not inconsistent with confidentiality and security obligations under State and Federal law; the Developer or Operator shall provide the Department with a detailed map of the site within 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 years or after the completion of any significant additional construction, whichever occurs first, and approved by the Department.

**G. 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 Board 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 Board nor accepted by the Industrial Siting Council.	Sweetwater County Decommissioning, Reclamation and Financial Assurance Regulations

## H. 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 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 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 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

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. 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 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 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 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 WECS Facility Decommissioning, Reclamation and Financial Assurance Regulations after considering whether good cause is shown by the applicant or landowner.

#### **I. Approval Process for WECS Facility Permit**

##### **1. Pre-Application Submittal Meeting**

Prior to submitting an application for a Commercial WECS Facility Permit, the applicant shall arrange and attend a Pre-Application Meeting with the Department.

##### **2. Application Submittal Meeting**

After preparing an application for the Commercial WECS Facility Permit, 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 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 Board 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, these regulations and any other applicable rules and regulations. If the Board determines that the application is incomplete, it shall, within 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 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 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 45 days and not more than 60 days after determining that the application is complete. Written comments on the application shall be accepted by the Board for not less than 45 days after determining that the application is complete.
5. Decision of the Board and Findings Necessary
  - a. Within 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).

## **J. Administration & Enforcement of Commercial WECS**

1. Liability Insurance
  - a. 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 45 calendar days prior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Board within 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 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 years from the date of approval by the Board. If the WECS Facility is not commenced within three 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 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 the

application, subject to a time limit of seven years for phased development, which means all phased projects must be completely operational within seven 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 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 through 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 Department every five years certifying that the WECS Project is in compliance with their WECS Facility permit.

**K. Commercial WECS Facility Construction Permit**

1. Upon approval of the WECS Facility permit, the applicant shall submit to the Department a complete Sweetwater County Commercial WECS Facility Construction Permit application that includes all of the following:
  - a. Evidence that all applicable conditions and terms of the approved WECS Facility Permit have been satisfied.
  - b. Construction Drawings. Building and foundation plans stamped by a Wyoming Licensed Professional Engineer as required.
  - c. Floor plans of all buildings.
  - d. A final plan for site security.
  - e. Final documentation that the project is in compliance with all of the requirements of all applicable state and federal agencies.
2. After the Department receives a complete Commercial WECS Facility Construction Permit application, the Department will review it for compliance, and, if approved, the Department will issue the permit.
3. The Commercial WECS Facility Construction Permit shall be enforced pursuant to these regulations.

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

Non-Commercial WECS Facilities and MET Towers will be administered in accordance with the following requirements and these regulations:

1. Non-Commercial WECS Facility Permit Standards and Application Requirements
  - a. Maximum Wind Generation Device Height

Parcels less than five acres in size shall have a maximum Wind Generation Device height of 60 feet. Parcels five acres in size and larger shall have a maximum Wind Generation Device height of 100 feet.
  - b. Maximum Wind Generation Device Limit

Parcels five acres in size and less shall be limited to one Wind Generation Device. Parcels five 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. 40 decibels on the dB(A) scale during the hours between 7 am and 7 pm MDT, and
2. 35 decibels on the dB(A) scale during the hours between 7 pm and 7 am MDT. In addition, noise immissions shall not exceed 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. All other requirements of Noise Management shall be followed.

d. Setbacks

No Wind Generation Device shall be constructed on any property a distance of less than 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 110% of the wind generation device height. 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 WECSs 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 12 months, the County will notify the landowner by registered mail and provide 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 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 Permit for a Non-Commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process and after receiving a Construction 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 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, the Department will schedule a public hearing before the next regularly scheduled Commission meeting that allows for 30 day advertised notice.
3. At the public hearing, the Commission will take testimony concerning objections to the proposed Non-Commercial WECS. After hearing and considering all testimony from staff and concerned parties, the 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 Commission. Notice of the hearing shall be provided in the same manner as for an application for a public hearing.

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

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

The application fee for a WECS Non-Commercial Construction Use Permit as provided for in this Resolution.

**M. Fees – Commercial WECS Facility**

**1. Commercial WECS Facility Permit Fee**

The fee for a Commercial WECS Facility Permit shall be used to reimburse all staff costs that are incurred to review and process a Commercial WECS Facility Permit Application. The Department shall record all staff time, equipment, and expenses related to persons with the required expertise to review and process a Commercial WECS Facility Permit 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 Commercial WECS Facility Permit Application 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 Department shall submit periodic invoices to the Reimbursement Account. Any fees remaining in this Reimbursement Account after issuance of a Commercial WECS Facility Permit shall be credited to the Reimbursement Account for a Commercial WECS Facility Construction Permit.

**2. Commercial WECS Facility Construction Permit Fee**

The Permit Fee for a Commercial WECS Facility Construction 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 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 Commercial WECS Facility Construction Permit, and site inspections. A Reimbursement Account shall be established for the Applicant when a Commercial WECS Facility Construction 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 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.



## Section 18. Nuisance Regulations

### A. General

1. A site, property, tract, lot, building grounds, building, area or other property may be declared a nuisance by the Board in conformance with Wyoming State Statutes 18-2-101(a)(viii) and 18-2-115 if a nuisance as listed in these regulations exists on said site, property, tract, lot, building grounds, area or other property.
2. It shall be unlawful for any person to maintain or permit the existence of any nuisance upon property within the boundaries of the unincorporated areas of Sweetwater County, Wyoming.
3. The following standards are hereby declared by the Board for establishing when a site is a nuisance:
  - a. the outside storage, keeping or maintenance of inoperative vehicles excepting those that are within the scope of these regulations;
  - b. any building or structure (as well as fencing) shall be considered a nuisance when, for want of repair, dilapidated, defective, or other hazardous condition produces an imminent endangerment to public health or safety;
  - c. the maintenance or harboring of farm animals, livestock or domestic animals in the Unincorporated areas of Sweetwater County in an unsanitary manner that creates human health hazards;
  - d. the accumulation of animal manure, animal feces, animal waste products and standing water that allow for the breeding and propagation of insects and/or rodents;
  - e. discharging septic system/sewage effluent onto the ground or into water ways;
  - f. causing or allowing the effluent from any cesspool, septic tank, drain field or sewage disposal system to discharge upon the surface of the ground;
  - g. maintaining weed growth or debris which, by its presence or manner of storage, presents a clear threat to public health or safety;
  - h. maintaining presence of insect vector or rodent harborages;
  - i. the unlicensed accumulation of materials, debris, garbage, waste recyclables, or other scrap or junk material such as but not limited to:
    - (1) Combustible materials such as paper litter, cardboard or paper piles, piles of weeds or shrubbery trimmings, piles of wood, straw, hay, grass, etc., which by reason of its presence or manner of storage creates a potential fire hazard or allows for insect and/or rodent propagation;
    - (2) Any waste petroleum or other chemical product (solid or liquid) or solid waste (rubbish) of any kind which, by reason of its presence or manner of storage, could

contaminate surface or ground water or could inflict harm to the public directly by evaporation to the gaseous state, by burning, or direct physical contact; or, indirectly by harboring vermin;

- (3) Commercial or household: Appliances (washers, dryers, water heaters, refrigerators, etc.); Equipment (tools, and manufacturing equipment, metal products, construction equipment or materials, etc.); Machinery, Vehicles, Vehicle parts, Tires, or Similar Items which by reason of its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemicals, or vermin harboring;
  - (4) Household or commercial building parts and fixtures such as furniture, counters, tables, flooring, foundations and wall materials, roofing materials, electrical parts, mechanical systems parts, etc., which by its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemicals or vermin;
- j. allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;
  - k. any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that creates a public health hazard;
  - l. any condition or situation which renders a structure or any part thereof unsanitary, unhealthy or unfit for human habitation occupancy or use or renders any property unsanitary or unhealthy;
  - m. failure to keep material, debris, waste, refuse or garbage in a closed container designed for such purposes;
  - n. burning garbage, weeds and other debris in a manner that is offensive or dangerous to the health, and safety of the public;
  - o. the depositing, placing, creating, or dumping of any putrid or decayed animal or vegetable matter, liquid, chemical, solid waste, refuse or garbage, in a public or private place so as to create a potential health hazard shall constitute a public nuisance;
  - p. trees, vegetation, artificial light, and other items are considered a nuisance when they obstruct or limit visual observation of traffic control devices, vehicle usage, pedestrian travel ways, etc., or contribute to an unsafe condition for the public utilizing the right-of-ways;
  - q. noises, except those uses excepted by these regulations, that exceed the maximum sound levels as prescribed in Table A, dB(A) Noise Level Restrictions, beyond the site property lines, except that when a nonresidential zoning district or activity abuts a residential zoning district, the residential zoning district standard shall govern.

**Table A**  
**dB(A) Noise Level Restrictions**

<b>Zoning</b>	<b>Maximum Sound Level</b>
Residential	60 dB(A)
Commercial or Industrial	70 dB(A)

**Note:** “dB(A)” is the measure of sound levels in A-weighted decibels.

- r. failure to comply with any law or rule regarding sanitation and health including but not limited to:
  - (1) plumbing,
  - (2) water supplies,
  - (3) waste disposal,
  - (4) storage of chemical pesticides or herbicides

**B. Exceptions**

The following are not considered a public nuisance:

- 1. The following vehicles, are not considered a public nuisance:
  - a. Antique or historic motor vehicles, as defined by W.S. Section 31-2-223;
  - b. Vehicles kept in an enclosed garage or storage building;
  - c. Vehicles used for educational or instructional purposes by a proprietary school licensed in Wyoming;
  - d. Vehicles kept by licensed establishments and authorized storage yards;
  - e. Vehicles and equipment relevant to the operation of farms and ranches;
- 2. Maintenance of livestock in un-platted agricultural areas of the county shall not be considered a nuisance unless maintained in an unsanitary manner that creates human health hazards;
- 3. Retention of farm products, supplies, equipment, and reusable materials at a working farm or ranch shall not be considered a public nuisance as long as such items and material are kept in such a manner that would not constitute a threat to public health or safety.
- 4. The maximum sound levels of Table A of this section may be exceeded by temporary construction and maintenance activities, but any excessive noise generated by such activities shall be restricted to the hours between 7:00 A.M. and 10:00 P.M. In addition, the movement of trains on existing railroad rights-of way, the movement of motor vehicles on public roads, the operation of farm machinery, the operation of watercraft, the operation of a permitted industrial facility or oil and gas or mining operation necessary to the extraction, production or exploration of mineral resources or other sources of noise not attributable to a particular development is not considered a public nuisance.

### C. Outdoor Storage

The accumulation and storage of animal manure that is not considered a public nuisance shall be stored according to the EPA Livestock Manure Management Regulations.

### D. Enforcement

1. The Board hereby delegates its authority to declare and abate nuisances which the Board determines to be a threat to health or safety the Sweetwater County Land Use Director, Code Enforcement Official and Planning and Zoning Technician. It shall be their duty to issue orders on behalf of the Board declaring properties to be nuisances when it reasonably appears from application of the standards that nuisances exist.
2. Written notice shall be provided with the order declaring the property to be a nuisance. Said written notice shall comply with the requirements of W.S. §18-2-115(b) and shall be filed, served and posted as provided in W.S. §18-2-115(b). Procedure for an owner or occupant to deny the existence of any of the allegations of the nuisance order shall be as provided in W.S. §18-2-115(c), and court proceedings on the order and answer shall be as provided in W.S. §18-2-115 (c) and (d). Appeals from the judgment or final order of the district court shall be taken as provided in W.S. §18-2-115(e).
3. W.S. §18-2-101 (a)(viii) provides the following enforcement measures and civil penalties for failure to comply with a final order:

No person shall create, continue or permit nuisances to exist in violation of a final order issued pursuant to W.S. 18-2-115. Any resolution passed by a Board of County Commissioners pursuant to this paragraph is enforceable, in addition to other remedies provided by law, by injunction, mandamus or abatement. **Whoever fails to comply with a final order shall be assessed a civil penalty of up to \$100.00 per day for each day the violation continues.** No resolution issued pursuant to this paragraph shall regulate any permitted industrial facility or oil and gas or mining operations necessary to the extraction, production or exploration of mineral resources. Nothing in this paragraph shall be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act. (*Emphasis added.*)

4. For ease of reference, W.S. § 18-2-115, in its entirety, provides as follows:

#### **18-2-115.Nuisance abatement; procedures.**

(a) A board of county commissioners shall, by resolution, establish standards for determining when a site may be declared a nuisance under W.S. 18-2-101(a)(viii).

(b)A board of county commissioners may issue an order declaring a property to be a nuisance under W.S. 18-2-101(a)(viii) and shall provide written notice to the owner or occupant of the property describing with specificity the nature of the nuisance and the steps required for abatement. The order shall be in writing, shall state the grounds for the order and shall be filed in the office of the clerk of the district court of the county in which the property is situated. A copy of the order shall be served in accordance with the Wyoming Rules of Civil Procedure upon the owner or occupant with a written notice that the order has been filed and shall remain in force,

unless the owner or occupant files his objections or answer with the clerk of the district court within 20 days. A copy of the order shall be posted in a conspicuous place upon the property.

(c) Within 20 days of service of an order issued under subsection (b) of this section, the owner or occupant may file with the clerk of the district court and serve upon the board of county commissioners issuing the order, an answer denying the existence of any of the allegations in the order. If no answer is filed and served, the order shall become a final order declaring the site a nuisance and fix a time when the order shall be enforced. If an answer is filed and served, the court shall hear and determine the issues raised as set forth in subsection (d) of this section.

(d) The court shall hold a hearing within 20 days from the date of the filing of the answer. If the court sustains all or any part of the order, the court shall issue a final order and fix a time within which all or any part of the final order shall be enforced.

(e) An appeal from the judgment or final order of the district court may be taken by any party to the proceeding in accordance with the Wyoming Rules of Appellate Procedure.

## Section 19. Application Fees

The following Application Fees are required to be paid at the time the application is submitted. These fees are per submittal. Failure to pay the appropriate fees constitutes an incomplete application.

- A. Construction Without a Permit or Before Permit Approval  
 If construction is commenced before a permit application is submitted or before a permit application is approved, a Late Application Fee will be assessed in addition to the required application fee.
  - 1. Late Application Fee – Residential Permits.....\$500
  - 2. Late Application Fee – Non-Residential Permits ..... \$1000
  
- B. Residential Permits  
 Applies to RR, R-1, R-2, R-2/SF, R-3 & MH Zoning Districts and Residential Uses/Structures in A Zoning District
  - 1. Zoning Permits.....\$50
  - 2. Hardship Exceptions .....\$50
  - 3. Public Hearings.....\$250
  
- C. Non-Residential Permits
  - 1. Permitted Use Structures.....\$1500
  - 2. Accessory Use Structures .....\$500
  - 3. Public Hearings.....\$500
  - 4. Establishment or Change of Use (No Construction).....\$100
  - 5. Grading Permit.....\$100
  - 6. Sign Permits .....\$100
  
- D. Amendments .....\$250
  
- E. Wind Energy Conversion Systems Facility Application .....Fees as per  
 .....WECS  
 .....Regulations
  
- F. Wind Energy Conversion Systems Construction Application.....Fees as per  
 .....WECS  
 Regulations .....

## **Section 20. Amendment Procedures**

### **A. Statement of Public Policy**

It is the intent of Sweetwater County that these regulations have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. Amendments may be adopted for the promotion of the public health, safety, and general welfare. Amendments shall be two types; Language Amendments which seek to change the wording of the Zoning Resolution; and Zoning Map Amendments which seek to change the district boundary lines on the Official Zoning Map. Amendments may be made in the manner hereinafter set forth.

### **B. Permit Requirements**

1. Applications for amendments shall be made on a form provided by the County together with the required fee.
2. An application for a Language Amendment shall include the following:
  - a. Name, mailing address and phone number for the applicant and other interested parties.
  - b. The section referenced and existing text proposed to be amended.
  - c. The proposed text.
  - d. The reason for the proposed amendment.
3. An application for a Zoning Map Amendment shall include the following:
  - a. Name, address and phone number for the applicant, landowner and other interested parties.
  - b. A legal description and a map of any area sought to be rezoned including the zoning of abutting properties.
  - c. The existing zoning district designation and the proposed designation.
  - d. The reason for the proposed amendment.

### **C. Review and Approval**

The Department shall review the application for compliance with the regulations and, once satisfactory, shall schedule the application for public hearing before the Commission and the Board.

### **D. Review Criteria**

1. Language Amendments
  - a. The Language Amendment is consistent and compatible with the current resolution and the Comprehensive Plan.

- b. The Language Amendment shall not adversely affect adjacent properties, communities or the health, safety and welfare of the residents of Sweetwater County.
2. Zoning Map Amendments
- a. The amendment is consistent and compatible with the current resolution and the Comprehensive Plan.
  - b. The proposed zoning is suitable for the existing topography and creates buildable lots.
  - c. The proposed zoning is compatible with existing or allowable uses of adjacent properties and neighboring zoning districts.
  - d. The proposed zoning can demonstrate adequate public facilities including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
  - e. The Amendment shall not adversely affect adjacent properties, communities or the health, safety and welfare of the residents of Sweetwater County.
  - f. The request conforms to all applicable provisions of this Resolution.



## Section 21. Definitions

- A. The following words, terms, and phrases are hereby defined and shall be interpreted in the same fashion throughout this Resolution. The word “shall” is always mandatory. The word “may” is permissive. Words used in the present tense shall include the future tense, and words used in the singular tense shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.
1. **Abandoned Sign:** A sign that no longer identifies or advertises a bona fide event.
  2. **Accessory Structure:** A subordinate building the use of which is incidental to that of a main building located on the same lot or parcel.
  3. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  4. **Adult Bookstore/Video Store:** An establishment which has a substantial portion (10 percent or more of gross floor area) of its stock-in-trade and offers for sale or rent for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter or files, motion pictures, photographs, slides, DVD’s, video cassettes, or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or Devices, instruments or paraphernalia which are designed for use in connection with specified sexual activities.
  5. **Adult Cabaret:** A nightclub, bar, restaurant or similar commercial establishment which regularly features: Persons who appear in a state of nudity or semi nudity; or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  6. **Adult Motel:** A hotel, motel or similar commercial establishment which: offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or offers a sleeping room for rent for a period of time that is less than 8 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours.
  7. **Adult Motion Picture Theater:** A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
  8. **Adult Novelty Store:** Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specified

sexual conduct or used in connection with specified sexual conduct.

9. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly feature person who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
10. **Agriculture:** Cultivation of the soils, the production of forage or crops, production of timber products or the rearing, feeding or management of livestock in domestic or captive environments consistent with the land's capability to produce.
11. **Agriculture, Commercial:** Contiguous or non-contiguous parcels of land presently being and employed for the primary purpose of providing gross revenue from agricultural or horticultural use or any combination thereof.
12. **Agriculture, Non-Commercial:** The accessory use of a portion of a lot or parcel for agricultural or horticultural use, including 4-H and vocation agricultural projects, for the primary use of the residents of the lot or parcel.
13. **Aircraft Landing Strip:** A private facility for accommodation and servicing of aircraft the use of which shall be limited to the owners of the lot on which the facility is located.
14. **Airport:** A public facility for accommodation and servicing of aircraft the use of which shall be for general public use.
15. **Alley:** A public right-of-way providing a secondary means of access to abutting lands.
16. **Alteration:** Any external rearrangement of the structural parts, enlargement, addition, increase in height, or relocating of a facility to which a Zoning Permit is required.
17. **Animal Shelter:** A building or premises, the purpose of which is the temporary quartering, impoundment, housing, confinement and/or care of animals, usually abandoned or unclaimed.
18. **Applicant:** The Owner of Record, developer or agent thereof who can apply for a permit.
19. **Areas of Critical Environmental Concern:** 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.
20. **Automobile and/or Truck Rental Services:** Establishments engaged in the short-term rental of automobiles, vans, trucks not requiring a Wyoming Class A or Class B license, and rental trailers. Incidental parking and servicing of vehicles for rent or lease and retail sales of rental related equipment such as hitches, boxes, etc. is allowed.
21. **Bed and Breakfast:** An owner occupied single family dwelling that contains no more than four guest rooms where lodging for no more than eight people per night, with or without meals, is provided for compensation.

22. **Biologically Significant:** Those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
23. **Bird Diverter Standards:** The requirements of BLM “Appendix K MET Tower Requirements for Wildlife” for flagging guy wires to reduce avian injuries or fatalities.
24. **Blade Glint:** Small bright flashes of reflected light from a wind generation device.
25. **Board:** The Board of County Commissioners of Sweetwater County, Wyoming.
26. **Boarding House:** A dwelling other than a hotel where for compensation and by pre-arrangement for definite periods meals are provided for three or more persons on a weekly or monthly basis.
27. **Buffer:** A strip of land, fence or border of landscaping between one use and another designed to set apart one use from another. A buffer is intended to mitigate negative impacts of the more intense use on adjacent uses.
28. **Building:** Any permanently affixed, covered structure intended for the shelter, housing, or enclosure of persons, animals, or goods.
29. **Building Frontage:** That façade of a structure containing a Permitted Use which is generally parallel to and closest to the Front Line of a lot or parcel.
30. **Candela:** A unit of luminous intensity.
31. **Clinic:** A facility providing medical, dental, psychiatric or surgical service exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to outpatients, employees or visitors.
32. **Combustible Liquid:** A liquid having a closed cup flash point at or above 100°F (38°C). Combustible shall be subdivided as follows:
  - a. Class II – Liquids having a closed cup flash point at or above 100°F (38°C) and below 140°F (60°C).
  - b. Class IIIA – Liquids having a closed cup flash point at or above 140°F (60°C) and below 200°F (93°C).
  - c. Class IIIB – Liquids having closed cup flash points at or above 200°F (93°C).
 The category of combustible liquids does not include compressed gases or cryogenic fluids.
33. **Commencement of Construction of a WECS Facility:** Storage of construction equipment and vehicles on the project site, grading, road construction and initiation of construction of a WECS Facility.
34. **Commercial WECS Facility:** A WECS Facility that produces more than 7.5 kilowatts.
35. **Commission:** Planning and Zoning Commission of Sweetwater County.
36. **Communication Booster, Repeater Facility:** An unmanned facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, dishes, or similar communication devices, and support equipment and buildings,

which is used for transmitting, receiving, boosting, repeating or relaying telecommunication signals.

37. **Communication Booster, Repeater Tower:** A monopole, guy, or lattice structure used to support antennas for transmitting, receiving, repeating, or relaying telecommunication signals.
38. **Compressed Gas:** A material or mixture of materials which:
  - a. Is a gas at 68°F (20°C) or less at 14.7 psai (101 kPa) of pressure; and
  - b. Has a boiling point of 68°F (20°C) or less at 14.7 psai (101 kPa) which is either liquefied, non-liquefied or in solution, except those gases which have no other health or physical hazard properties are not considered to be compressed until the pressure in the packaging exceeds 41 psai (282 kPa) at 68°F (20°C).The states of a compressed gas are categorized as follows:
  - a. Nonliquefied compressed gases are gases, other than those in solution, which are in packaging under the charged pressure and are entirely gaseous at a temperature of 68°F (20°C).
  - b. Liquefied compressed gases are gases that, in a packaging under the charged pressure, are partially liquid at a temperature of 68°F (20°C).
  - c. Compressed gases in solution are nonliquefied gases that are dissolved in a solvent.
  - d. Compressed gas mixtures consist of a mixture of two or more compressed gases contained in a packaging, the hazard properties of which are represented by the properties of the mixture as a whole.
39. **Compressed Gas Container:** A pressure vessel designed to hold compressed gases at pressures greater than one atmosphere at 68°F (20°C) and includes cylinders, containers and tanks.
40. **Compressed Gas System:** An assembly of equipment designed to contain, distribute or transport compressed gases. It can consist of a compressed gas container or containers, reactors and appurtenances, including pumps, compressors and connecting piping and tubing.
41. **Conditional Fireworks Permit:** A conditional use permit which, if granted to the owner of a fireworks business, certifies that the owner is engaged in the retail sale of legal fireworks in compliance with these regulations.
42. **Corner Lot:** A lot or parcel situated at the intersection of two or more streets.
43. **County:** Sweetwater County, Wyoming.
44. **dB<sub>A</sub>:** 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.
45. **dB<sub>C</sub>:** 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.
46. **Decommissioning:** The removal from service, disassembly and proper off-site disposal of the WECS Facility.

47. **Department:** The Sweetwater County Land Use Department.
48. **Developer:** A land owner, or his or her agent, who constructs or supervises the construction of any WECS or other project whereby a permit is required pursuant to this Code.
49. **Director:** The Sweetwater County Land Use Director.
50. **Discretionary Permit Application:** An application which requires a decision in a Public Hearing to approve, approve with specific conditions and/or limitations or disapprove a particular activity as distinguished from situations where the Department merely has to determine whether there has been conformity with applicable statutes or regulations. Discretionary Permit Applications are generally those that are more intensive in nature and may have neighborhood impacts and include, but are not limited to, amendments, conditional uses, variances and appeals.
51. **Districts:** Any section or sections of Sweetwater County for which the regulations governing the use of lands and the use, density, bulk, height, and coverage of buildings and other structures are uniform.
52. **Double Frontage Lot:** A lot or parcel which abuts a street or highway along both its Front and Rear Lines.
53. **Drive-In Restaurant:** A retail establishment engaged in the sale of prepared food and drink, which is served to and/or consumed on the premises by the occupants of vehicles in their vehicles.
54. **Dwelling Unit:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
55. **Election Sign:** A sign advertising a candidate for political office or a measure scheduled for election.
56. **Emission:** 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).
57. **Endangered Species:** 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 of a significant portion of its range.
58. **Establishment:** Any business regulated by the Sweetwater County Sexually Oriented Business Regulations.
59. **Filtered:** Any outdoor light fixture that has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).
60. **Financial Assurance:** 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 for a WECS Facility.

61. **Fire Apparatus Access Road:** A road that meets International Fire Code standards and provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot and access roadway.
62. **Fireworks:** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks of the International Fire Code.
63. **Fireworks Business:** Any business which sells fireworks as defined in this Resolution to include buildings or structures from which fireworks are sold or in which they are stored.
64. **Fireworks Storage Unit:** Any building, semi-trailer, or other structure or edifice the primary purpose of which is the storage of fireworks as defined herein but which shall not include any soft-sided structure.
65. **Flammable Liquid:** A liquid having a closed cup flash point below 100°F (38°C). Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:
  - a. Class IA – Liquids having a boiling point below 100°F (38°C).
  - b. Class IB – Liquids having a flash point below 73°F (23°C).
  - c. Class IC – Liquids having a flash point at or above 73°F (23°C) and below 100°F (38°C).
 The category of flammable liquids does not include compressed gases or cryogenic fluids.
66. **Flood Light:** A form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.
67. **Footcandle:** A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.
68. **Foundation:** 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.
69. **Foundation, Permanent:** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line. A full, poured concrete or masonry foundation, a poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
70. **Freight Terminal:** An operation involving dock facilities for the purposes of transferring goods or breaking-down and assembling tractor-trailer transport. Not included in this definition are parking, storage or servicing of trucks incidental and located on the same lot as a permitted use, warehouse facilities or similar facilities used primarily for freight forwarding.
71. **Fresh Water Aquifer:** Refers to a geologic formation that is capable of yielding fresh water to a well or spring.
72. **Front Line:** A designated boundary line of a lot or parcel parallel to and abutting the right-of-way line of a public street or private road. There shall be only one Front Line per lot or parcel; the

- Front Line of a Corner Lot or a Double Frontage Lot shall be designated by the owner of the lot or parcel.
73. **Front Setback:** The distance between the front property line or right-of-way line and the outermost wall of a structure.
  74. **Full Cut-Off Fixture:** A fixture that does not allow light to escape above a 90 degree angle measured from a vertical line from the center of the lamp extended to the ground.
  75. **Gasoline Filling Station:** A retail establishment engaged in the sale of automotive fuels, motor oil, or other automobile accessories, and providing incidental services including lubrication, hand washing and cleaning, or major mechanical work and repairs. Shall not include painting or body-work.
  76. **General Contractor:** General contractors, service contractors, sub-contractors, builders, and the various trades engaged in, but not limited to, the construction of either residential or commercial structures.
  77. **Glare:** Direct and unshielded light striking the eye to result in visual discomfort and reduced visual performance.
  78. **Grading:** The excavation or fill of earth material or a combination of both.
  79. **Greater Sage Grouse Core Area:** That sage grouse management and protection area as defined by the 2011-5 Executive Order issued by the Wyoming Governor's Office as amended.
  80. **Gross Floor Area:** The sum of the areas of the several floors of a building measured between the exterior faces of the exterior walls at each floor excluding any floor area used exclusively as parking for storage vehicles and excluding any area of the building which has a floor-to-ceiling height of less than six feet. Floor areas meeting the six foot height shall be included in the gross floor area whether or not they are considered finished areas.
  81. **Growth Management Area:** The total area covered by Exhibit A of the Growth Management Plan and Agreement as amended.
  82. **Guest House:** A small, site built, private dwelling, separate from the main dwelling on a property, used to accommodate guests for overnight stays. A recreational vehicle shall not be considered a guest house.
  83. **Hazardous Material:** Those chemicals or substances which are physical hazards or health hazards as defined and classified in the International Fire Code, whether the materials are in usable or waste condition.
  84. **Heavy Construction Contractor:** Heavy construction contractors engaged, in, but not limited to, activities such as paving, highway construction and utility construction including oil and gas drilling activities and pipeline construction activities.

85. **Heavy Equipment Storage Yard:** Yard used for the outdoor storage of heavy equipment such as Frac Tanks, Drilling Rigs, Cranes, etc.
86. **Helicopter Landing Site:** A private facility for accommodation and servicing of helicopters the use of which shall be limited to the owner or owners of the lot on which the facility is located.
87. **Heliport:** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling and emergency service facilities.
88. **Hospital:** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
89. **IESNA:** The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
90. **Illuminance:** Density of luminous flux incident on a surface. Unit is footcandle or lux.
91. **Immission:** The sound energy received at a receiver (dwelling or property line) transmitted from the source (Wind Generation Device) that emitted sound energy (see Emission).
92. **Impound, Salvage and Storage Yard for Vehicles:** Facilities for the storage of operative and inoperative vehicles for limited periods of time. This includes, but is not limited to, the storage of towed and/or impounded vehicles and the storage, keeping, buying or selling of wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
93. **Indoor Riding Arena:** An establishment contained within an enclosed structure where horses are boarded and cared for and where instruction in riding, jumping, cutting, training and showing is offered, and the general public may, for a fee, hire horses for riding. No outside corrals used for the purpose of boarding or housing horses or manure storage in an unenclosed structure will be allowed in conjunction with this use.
94. **Industrial Siting Council:** The council created by W.S. 35-12-104.
95. **Infrastructure:** Improvements, both on-site and off-site, that are basic to a proposed development including, but not limited to, public and private roadways, water systems and components, sanitary sewer systems and components, drainage systems, electrical utility, natural gas utility, telephone utility, fire protection appurtenances, driveway culverts and driveway approaches.
96. **Inoperable Vehicle:** Any motor vehicle which cannot be moved under its own power, or cannot be operated lawfully on a public street or highway due to lack of an engine, transmission, wheels, tires, or when such vehicle is totally or partially suspended above the ground by jack, block, or any other lifting device.



97. **International Fire Code:** The edition of the International Fire Code most recently adopted by the Board. This code is also referred to as the IFC.
98. **Junk:** Scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other scrap ferrous or nonferrous material.
99. **Junkyard and/or Recycling Center:** An establishment or place which is maintained, operated or used for storing, keeping, buying or selling junk or recyclable materials.
100.  **kennel and Pet Boarding:** Any property or premises on which dogs, cats or other household pets are boarded, bred or sold and which may provide outdoor animal pens and runs.
101. **Lamp:** The generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a bulb.
102. **Landscaping:** The bringing of the soil surface to a finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. This may include the use of rocks, fountains, water features, mulch and other similar materials.
103. **Leisure Activities:** Human endeavors other than employment or those principally concerned with the provision or procurement of the necessities of life. Leisure activities include such things as participatory sports, fitness activities, active or passive recreational pursuits and social, cultural, educational or religious events.
104. **Licensed Vehicle:** A vehicle with a currently valid license.
105. **Light Bulb:** The component of the light fixture that produces the actual light. A bulb includes, without illumination, a lamp or tube.
106. **Light Fixture:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as reflector (mirror) or refractor (lens), the ballast, housing and the attachment parts.
107. **Light Pollution:** Any adverse effect or artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uncontrolled up-lighting, uncomfortable distraction to the eye, or any artificial light that diminishes the ability to view the night sky.
108. **Light Trespass:** Light falling where it is not wanted or needed, generally light from one property that shines onto another property or the public right-of-way.
109. **Livestock:** Horses, mules, rabbits, llamas, cattle, swine, sheep, goats, poultry or other animals generally used for food or in the production of food or fiber.

110. **Loading Space:** A space within a building or on the same lot or parcel providing for the standing, loading, or unloading of a vehicle.
111. **Lot or Parcel:** A portion of a subdivision or a parcel of land intended as a unit for the purpose, whether immediate or future, of sale or lease or for building development.
112. **Lumen:** A quantitative unit measuring the amount of light emitted by a light source. One footcandle is one lumen per square foot. One lux is one lumen per square meter.
113. **Luminaire:** The complete lighting unit, including the lamp, the fixture and other parts.
114. **Manufactured Home:** A Manufactured Home is a separate, detached structure that is transportable in one or more sections. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled.
115. **Marina:** A commercial facility for 10 or more boats, with wet and/or dry storage, launching and mooring of boats together with all accessory structures and uses.
116. **MET Tower:** A tower that measures wind speed for the purposes of gathering data for a Commercial WECS Facility.
117. **MET Tower, Permanent:** A monopole, non-lattice and non-guyed MET Tower.
118. **MET Tower, Temporary:** A tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term.
119. **Mini Warehousing:** Storage within a site-built enclosed structure of domestic or household goods, passenger and other types of recreational vehicles, or equipment where no major repair work is done or maintenance requiring any open flame, welding, use or storage of flammable liquid, gasses, or explosives.
120. **Mining, Drilling and Oilfield Equipment Sales, Supplies, Fabrication and/or Repair:** Includes all equipment sales, supplies, fabrication and/or repair used for mining and drilling operations, including welding for the fabrication and/or repair of equipment.
121. **Mobile Home:** A portable structure designed for use as a year-round dwelling unit built on a chassis which is an integral part of the mobile home's structure. The mobile home is transportable over public highways on its own wheels. Such a structure shall be considered a mobile home whether or not the wheels originally mounted have been removed and whether or not the structure has been placed on a foundation. The structure must have been built prior to June 15, 1976 to be considered a Mobile Home. After that date, they are considered Manufactured Homes.
122. **Modular Home:** A structure or part of a structure capable of being transported by an appropriate vehicle from the place of fabrication to the site on which it is to be erected. The foundation for Modular Homes must be permanent and must meet the requirements of the most current edition of the International Residential Building Code. The chassis on which a modular home is transported is not a required part of the modular home superstructure. Modular homes are constructed to the same state, local or regional building codes as site-built homes.

123. **Motel:** A building or series of buildings in which lodging is offered for compensation and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.
124. **Multi-Family Dwelling:** A building containing three or more dwelling units, including units that are located over the other.
125. **Nacelle:** The part of the wind turbine which houses a drive train and all other related components that support the electrical generation system.
126. **Net Metering:** 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. Operated 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.
127. **Non-Commercial WECS Facility:** 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).
128. **Non-Conforming Use for a Structure on a Lot or Parcel (Grandfather Rights):** Any permitted existing use for a structure on a lot or parcel which, on the effective date of this Resolution or as a result of subsequent amendments thereto, does not comply with the provisions of this Resolution for the district in which the non-conforming use or structure is located.
129. **Nude Model Studio:** Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
  - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
  - b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - c. Where no more than one nude or semi-nude model is on the premises at any one time.
130. **Nudity or A State of Nudity:** The appearance of a human bare buttock, anus, male genitals, female genitals or female breast; or a state of dress failing to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.
131. **Nuisance:** Any use or non-use of property, real or personal, which causes material injury to others or which endangers life, health, or safety or which is otherwise defined at common law,

Wyoming State Statute, or herein.

132. **Open Space:** That portion of a lot or parcel not occupied by a structure. Setback areas meeting this definition shall be considered as open space.
133. **Operator:** The primary person responsible for managing and maintaining the WECS Facility once the WECS Facility becomes functional by producing electricity.
134. **Original Grade:** Pre-development grade of the surface.
135. **Owner:** The surface owner of land.
136. **Owner of Record:** The person or entity shown in the records of the Sweetwater County Clerk to be the owner of a particular property. Owner of Record includes multiple owners of property. When there are multiple owners of record, a co-owner may sign as the owner of record.
137. **Parcel:** A contiguous piece of property under common ownership.
138. **Parking Area:** An all-weather surfaced area not in a street or alley devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives and landscaped areas and providing vehicular access to a public street.
139. **Parking Space:** An off-street space available for the parking of one motor vehicle.
140. **Permitted Use:** A use enumerated for a Zoning District which is only allowed through an approved permit application.
141. **Person:** 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.
142. **Photovoltaic Power System:** Electrical power generation through the utilization of photovoltaic cells that convert sunlight into electricity.
143. **Plat:** A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and eventual recording in final form.
144. **Pre-Application Meeting:** 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.
145. **Primary Structures:** Residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds and other non-occupied structures.
146. **Private Road:** Any right-of-way or easement created to provide vehicular access through the property of others that is not dedicated or intended to be dedicated to the public and will not be maintained by the County.

147. **Public Service:** The business of supplying a commodity (such as electricity or natural gas) or service (such as public transportation) to any or all members of a community.
148. **Public Street:** A street, highway or road dedicated or otherwise legally established to the public use affording the principal means of access to abutting property. A public street may be publicly or privately maintained. The construction standards of WYDOT or Sweetwater County must be met for a public street.
149. **Public Utility:** Any person, firm, corporation, municipal department, or board duly authorized to furnish to the public electricity, gas, communication, transportation, sewer or water.
150. **Qualified Professional:** 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 works as a Qualified Professional.
151. **Quarry:** An open land area where sand, gravel, soil, rock fragment, or similar unconsolidated material is mined or excavated for sale or off-tract use. A quarry may include sifting, crushing, and washing as part of the operation. However, a quarry operation shall not include the stockpiling of materials mined or quarried off site, nor the production of asphalt, concrete or similar products, nor the use of storage of explosives unless a conditional use permit specifically authorizing such operations is obtained. All quarry operations must be permitted by the Wyoming Department of Environmental Quality.
152. **Ranch Recreation Facility:** A ranch, including associated lands and accessory buildings and structures, operated as a resort for tourists. Housing and recreational activity is provided to guests and may include horseback riding, day and overnight horseback trips, guided hunting trips, fishing trips, cook-outs and hay rides. Permanent buildings for lodging all guests shall be provided. Lodging may be in cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities but shall not be the primary type of accommodation. A dining facility to include a licensed bar for guests is permitted as an accessory use and may be open to the general public.
153. **Rear Setback:** The distance between the rear property line and the outermost wall of a structure.
154. **Recessed:** When a light is built into a structure or a portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
155. **Recreational Facility:** A facility which is open to the general public for the purpose of enjoyment. This includes rec centers, archery ranges, paintball facilities, skate parks, etc.
156. **Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, park model RV's, travel trailers, truck campers, camping trailers, and self-propelled motor homes not exceeding 400 square feet. A Recreational Vehicle is not considered a manufactured or mobile home and shall

- not be placed on a permanent foundation.
157. **Required Improvement:** A required improvement is an improvement, public or private, that may be required for the approval of a Provisional Construction Use Permit, Development Plan, Major Site Plan, or Subdivision. Required Improvements are those improvements listed in an Improvements Agreement, stated requirements of the Regulations of Sweetwater County, or other reasonable items that may be required by Staff for health, safety, and welfare purposes.
  158. **Restaurant:** A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building or adjoining patios and where food sales constitute not less than 60 percent of the gross sales receipts for food and beverages.
  159. **Sanitary Landfill:** A site for final disposal of solid waste on the land by a method employing compaction of the refuse and cover with earth or other inert material. Such site shall comply with the health laws, standards, rules, and regulations of the Wyoming Department of Environmental Quality.
  160. **Screening:** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.
  161. **Semi-Nude:** A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as any portion of the body covered by supporting straps or devices.
  162. **Setback:** The distance required to comply with the front, side or rear yard provisions set forth in this Resolution as measured from the property line. In cases where the property line is the center of the road, the setback shall be figured from the edge of the dedicated right-of-way or public or private access easement, whichever is closest to the structure.
  163. **Sexually Oriented Business:** An inclusive term used to describe collectively: an adult arcade, adult bookstore, adult novelty store, video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude modeling, and other similar businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of specified anatomical areas or specified sexual activities.
  164. **Shadow Flicker:** The visible flicker effect when rotating blades of the WECS cast shadows on adjacent property causing a repeating pattern of light and shadow.
  165. **Shielded:** When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.
  166. **Shipping Container:** A standardized, reusable, fully enclosed, box-like container used in the transportation of freight and capable of being mounted and moved on a rail car, truck trailer or loaded on a ship or airplane. The trailer portion of a tractor-trailer is not considered a shipping container.

167. **Side Setback:** The distance between the side property line and the outermost wall of a structure.
168. **Sign:** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination or projected images. Signs do not include the following:
- a. Flags of nations, states, cities, fraternal, religious and civic organizations, corporations.
  - b. Merchandise, pictures or models of products or services incorporated with a window display.
  - c. Time and temperature devices, not related to a product.
  - d. National, state, religious, fraternal, professional and civic symbols or crests, or works of art which in no way identify a product or a device. If, for any reason, it cannot be readily determined whether or not the object is a sign, the Board shall make such determination.
  - e. Nameplate sign – a sign which states the name and/or address of the occupant and does not exceed three square feet.
169. **Sign, Building:** A sign which directs attention to the building to which it is attached. The following signs are building signs:
- a. **Sign, Canopy:** Any sign attached to or constructed on the face of a permanent, roof-like shelter, extending from part or all of the building face and constructed of some durable material.
  - b. **Sign, Projecting:** A sign attached to or erected on a wall of a building, with the face perpendicular to the building wall.
  - c. **Sign, Roof:** Any sign erected upon, against or directly above a roof or on top of the parapet of a building.
  - d. **Sign, Under Canopy:** Any sign attached to or constructed under a canopy.
  - e. **Sign, Wall:** A sign attached to, erected against or painted upon the wall of a building, with the face horizontally parallel to the building wall.
  - f. **Sign, Window:** A sign installed or painted on a window for purposes of advertisement, display, to identify a person, object or product.
170. **Sign, Directional or Informational:** Any sign which directs vehicular or pedestrian traffic for purposes of parking, circulation or sale points of various products and services. No directional or informational sign may contain any business name, advertising, price or other commercial message or business logo.
171. **Sign, Free Standing:** A sign supported by one or more uprights, poles or braces in or upon the ground, not attached to any building and having its bottom edge above ground.
172. **Sign, Gross Area:** Omitting any structure or bracing, the area of a sign shall be measured by the sum of each rectangle, triangle or circle or combination thereof that encompasses the outer limits of all portions of the sign, message or display. All faces shall be measured except where two faces are back to back and parallel and less than 36 inches apart shall be measured together as one sign.
173. **Sign, Illuminated:** A sign designed to give forth artificial light or designed to reflect light derived from any source.

174. **Sign, Off-Premise:** Any sign advertising goods, products or services not located or sold on the premises on which the sign is located.
175. **Sign, On-Premise:** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.
176. **Significant Shadow Flicker:** More than 30 hours per year of Shadow Flicker on adjacent property.
177. **Single-Family Dwelling:** A single, detached structure having but one dwelling unit designed for or used exclusively for residence purposes by one family.
178. **Site Plan:** A drawing to a measurable and readable scale showing the accurate location of all existing and proposed improvements on subject property or any other information as may be required by this Resolution.
179. **Soft-Sided Structure:** A tent or tarp-like structure constructed of canvas, nylon or similar material.
180. **Solar Energy System – Utility Scale:** A large, utility scale solar collection system designed to convert solar energy into electrical energy for the supply of solar power into the electricity grid or with a total rated capacity of 250 kW or larger.
181. **Solar Energy System – On-Site:** Any device or combination of devices which collects sunlight primarily for generating energy for use on-site and with a total rated capacity under 250 kW. When a property also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be sold back to the utility company.
182. **Solar Glare:** The effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort, or loss in visual performance visibility.
183. **Special Status Species:** 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.
184. **Specified Anatomical Areas** means:
- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and,
  - b. Human male genitals in a discernibly turgid state, even if completely covered.
185. **Specified Sexual Activities** means:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; and,
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or,
  - c. Excretory functions as part of or in connection with any of the activities set for in (a) through (b) above.



186. **Structure:** A combination of materials, above or below ground, artificially built up or composed of parts forming a building of any kind or joined together in some definite manner.
187. **Structure, Attached:** A structure having one or more party walls in common with another structure, and where the common attached wall exceeds 30% of the length of the attached wall.
188. **Structure, Detached:** A structure having no party wall in common or physical connection with another structure.
189. **Substation:** The apparatus that connects the collector system of the WECS and increases the voltage for connection to the off-site transmission lines.
190. **Subsurface Storage of Records:** The use of a building or structure, or portion thereof, for the storage of records and/or documents and is partially or fully below grade in which the lowest floor level is not more than 30 feet below the lowest level of exit discharge. The building or structure is constructed to blend in with the surrounding environment and uses. Subsurface storage shall not be used for temporary or permanent occupancy other than temporary occupancy as an accessory use (offices). Construction shall be certified by a Professional Engineer licensed in the State of Wyoming to meet the most recent editions of the IFC, IBC, IFGC (International Fuel Gas Code) and IMC (International Mechanical Code).
191. **Sweetwater County Development Codes:** The Sweetwater County Development Codes include the following Sweetwater County documents: Zoning Resolution of Sweetwater County, Subdivision Regulations of Sweetwater County, and the Sweetwater County Growth Management Plan and Agreement.
192. **Temporary Dwelling:** The use of a manufactured home or recreational vehicle as a temporary dwelling on the same lot as and during the construction of a permanent, site built home or the remodeling of an existing home.
193. **Temporary Work Camp:** Two or more temporary, self-contained, mobile housing units used exclusively for temporary housing. A Temporary Work Camp is also referred to as Base Camp, Man Camp or Work Camp.
194. **Threatened Species:** Under the Endangered Species Act, 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.
195. **Track, Trail, Course or Speedway:** An improved area built for the riding or racing of animals, vehicles or athletes, whether private or commercial, and may be outdoors or contained within a building. Appurtenant facilities may include grandstands, concession areas, parking facilities, paddocks and stables, but do not include residences, offices or retail facilities.
196. **Transmission Lines:** Utility owned electrical transmission lines.
197. **Travel Center - Truck Stop:** A site providing specialized facilities for retail fueling services primarily for trucks. With diesel sales exceeding fifty percent of total fuel sales, the site may include related facilities including, but not limited to, restaurants, overnight parking, convenience

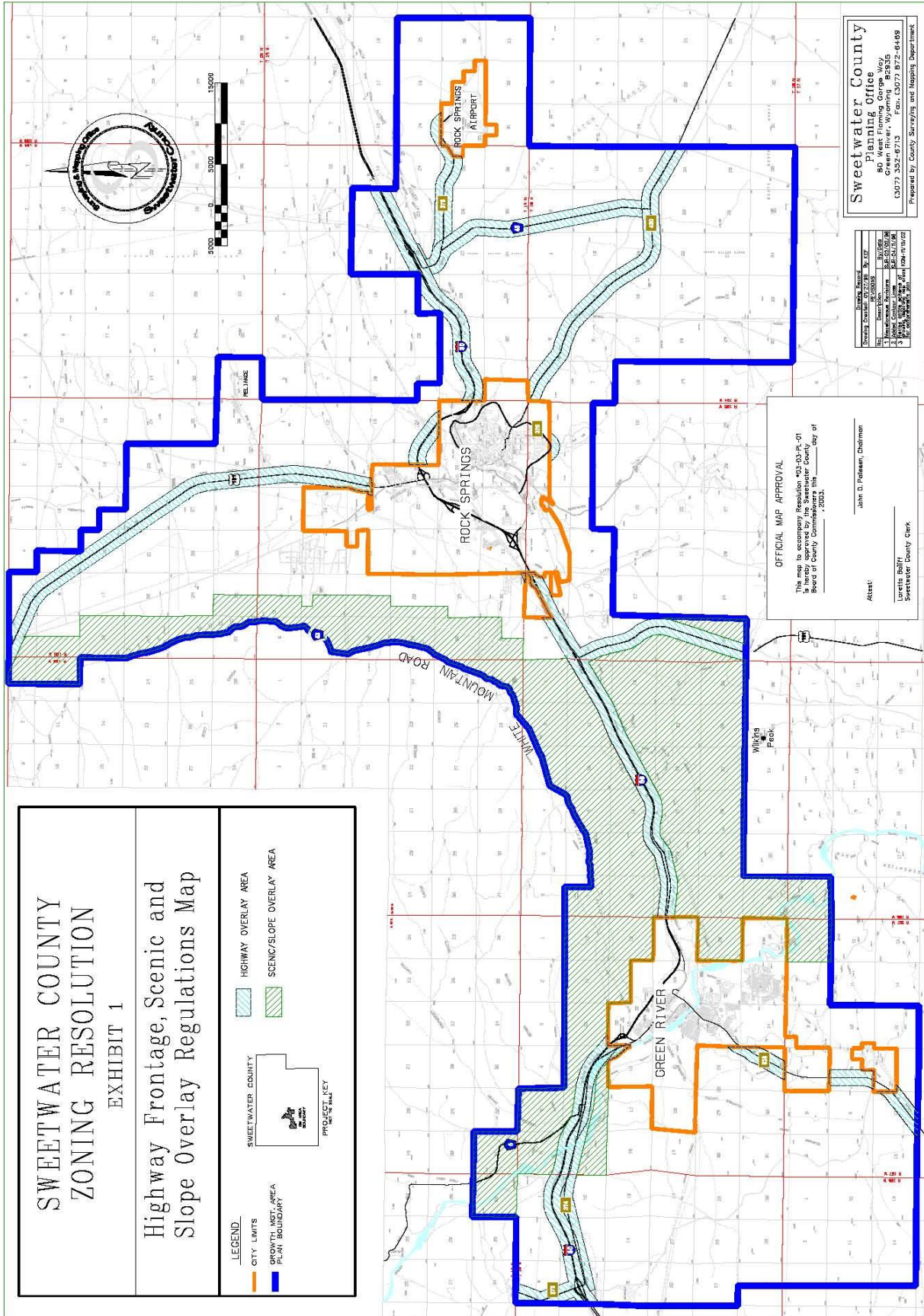
- stores, vehicle washing facilities and vehicle service center.
198. **Two-Family Dwelling:** A single structure designed or used for the residential occupancy of two families.
  199. **Uplighting:** Any light source that distributes illumination above a 90 degree horizontal plane.
  200. **Use:** Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
  201. **Veterinary Hospital:** A place intended for the medical diagnosis, treatment, and care of animals. A hospital shall be distinguished from a clinic by virtue of providing for the boarding of animals for purposes of receiving some medical care.
  202. **Video Viewing Booth or Arcade Booth:** Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or set patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means of media (including, but not limited to film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals) for observation by patrons therein.
  203. **Wallpack:** A type of light fixture typically flush-mounted on a vertical wall surface.
  204. **WECS Facility:** 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.
  205. **WECS Facility Area:** 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.
  206. **WECS Facility Boundary:** 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.
  207. **WECS Facility Phase:** 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.
  208. **WECS Tower:** The support structure to which the nacelle and rotor is attached.
  209. **WECS Transmission Lines:** Non-utility owned electrical transmission lines.

210. **Wilderness Characteristics:** Lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c of the Wilderness Act.
211. **Wind Energy Conversion System (WECS):** Interchangeable with WECS Facility.
212. **Wind Generation Device:** All components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
213. **Wind Generation Device Height:** The distance from the highest point of the device to the original surface grade.
214. **Wood Recycling Shop:** An establishment within an enclosed structure for the purpose of using used wood and recycling it into usable products such as molding for house construction, molding for picture frames, and other types of wood products. All products and supplies will be stored in a structure. Retail/Wholesale sales will be allowed in conjunction with this use. No outside storage of debris, waste or other by-products will be allowed.
215. **Zoning Certificate:** As referenced in Wyoming Statute 18-5-203, this includes all permits and authorizations allowable by the Sweetwater County Zoning Resolution.
216. **Zoning Permit:** All permits and authorizations allowed under the Sweetwater County Zoning Resolution. A Zoning Permit is also known as a Zoning Certificate.

**Section 22. Exhibits**

**Exhibits are shown on the following pages.**

# Exhibit A. Highway, Scenic and Slope Regulations Map



# Exhibit B Release and Waiver of Services for Private Roads

## RELEASE AND WAIVER OF SERVICES FOR PRIVATE ROADS

The State of Wyoming )  
 : ss.  
County of Sweetwater )

Owners (hereinafter Property Owners), of lawful age, after having been duly sworn on their oaths according to law, depose and state as follows:

1. Property Owners acknowledge that they are the owners of the parcel of real property described with particularity in Exhibit “A”, attached hereto and by this reference made a part hereof.

2. Property Owners further acknowledge that they have made application for a Zoning Permit for Construction to the Sweetwater County Land Use Department. Said application is for the purpose of obtaining a permit to construct a single family dwelling at and upon the parcel of real property, described in Exhibit “A” hereto.

3. Property Owners further acknowledge that the proposed access to said real property is by Private Road; that this Release and Waiver of Services for Private Roads (Release and Waiver) is made in contemplation of Property Owners receiving a Zoning Permit for Construction to construct and inhabit a single family dwelling at and upon said real property; and that in the event a Permit is granted this Release and Waiver shall be recorded by the Property Owners in the land records maintained by the Sweetwater County Clerk and Ex-Officio Register of Deeds.

4. Property Owners understand that if their permit application is granted, the real property described in Exhibit “A” will be permitted to be accessed by a Private Road. Regarding said Private Road, the Property Owners acknowledge and understand the following:

a. Sweetwater County makes no representations concerning legal title to the Private Road, the adequacy of said Private Road for its intended purposes or the continuing availability of said Private Road for its intended purposes. The Property Owners shall satisfy themselves concerning all issues pertaining to the Private Road.

b. Sweetwater County makes no representations concerning whether the Private Road to said real property will meet the criteria and guidelines of lenders. The Property Owners are exclusively responsible for satisfying the criteria and guidelines of lenders.

c. Sweetwater County has no duty to improve, maintain or repair the Private Road to said property; and Sweetwater County will not improve, maintain or repair said Private Road. As between Sweetwater County and the Property Owners, the Property Owners shall be exclusively responsible for acquiring all necessary easements, and for improving, maintaining and repairing said Private Road, once a Private Road is constructed.

d. Because said Private Road may be narrower than County Roads, may be built to standards less stringent than County Roads, and will not be improved, maintained or repaired by Sweetwater County, emergency access to Property Owners’ real property may not always be possible. In this regard, Property Owners acknowledge that emergency responders, including but not limited to fire, law enforcement and ambulance, may not be able to reach, or timely reach, said real property when emergency situations arise. Property Owners hereby indemnify and agree to hold Sweetwater County harmless from any and all claims of whatever nature, and for any and all asserted injuries due to emergency responders’ inability to timely respond to emergencies at said property. Regarding future use of said real property, Property Owners make this Release and Waiver of Services for Private

Roads on behalf of themselves, their heirs, successors and assigns. Property Owners agree that if different uses or more intensive uses of the real property described in Exhibit "A" are applied for in the future, the Private Road may not be sufficient as a means of access to said real property and a public road may be required, depending on the intended use and its intensity. The Private Road shall run with the real property described in Exhibit "A" and shall not be sold, assigned or conveyed separate and apart from sale, assignment or conveyance of said Real Property. Further, said Private Road shall not be the basis for de facto subdivision of any parcel or tract of real property under Wyoming Statute 18-5-303(a)(iii).

DATED \_\_\_\_\_.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## Section 23. Amendments

This section is solely for the purpose of tracking amendments and is not an amendable section of these regulations.

<b>AMENDMENTS</b>		
<b>DATE</b>	<b>ACTION</b>	<b>RESOLUTION</b>
June 21, 2016	Language Amendments – Section 4 – Admin & Enforcement	16-06-CC-02
June 21, 2016	Language Amendments – Section 5 – District Uses	16-06-CC-03
June 21, 2016	Language Amendments – Section 8 – Temporary Uses	16-06-CC-04
June 21, 2016	Language Amendments – Section 14 – Fuel Regulations	16-06-CC-05
June 21, 2016	Language Amendments – Section 19 – Application Fees	16-06-CC-06
June 21, 2016	Language Amendments – Section 21 - Definitions	16-06-CC-07
September 20, 2016	Language Amendments – Section 4 – Admin & Enforcement	16-09-CC-03
September 20, 2016	Language Amendment – Section 7 – Conditional Uses	16-09-CC-03
September 20, 2016	Language Amendment – Section 21 – Definitions	16-09-CC-03
July 5, 2017	Language Amendment – Section 5 – District Regulations	17-07-CC-01