

Chapter

6

DEVELOPMENT STANDARDS

6.1 ACCESS TO PUBLIC LANDS

- A. Developments, on which there are existing easements to public land/streams, are required to maintain these easements. This shall not require the developer to maintain any trails, roads, or other methods of access.
- B. Developments adjacent to any public lands or navigable streams, if there is a proven historical access, shall provide an access to the public lands or navigable streams. The issue of responsibility for maintenance needs to be clarified.

6.2 ADDRESSING SYSTEM

- A. The Office of Planning and Engineering, with Lincoln County E.M.S and the Lincoln County Sheriff's Office, have responsibility to maintain a system for the assignment of physical addresses for the unincorporated areas of Lincoln County. This includes the organization of road maps and road names.
- B. When a development permit is approved, a rural address number will be assigned and posted by the Office of Planning and Engineering. This address will be placed in a location easily visible from the road off of which the address was assigned.
- C. All private, subdivision, and county road names shall be unique in order to provide for efficient delivery of emergency services. All candidate road names, either for a new road or renaming of a road, shall be approved by the Lincoln County Rural Addressing Committee. This committee consists of representatives from: Planning Staff, County G.I.S. (Geographic Information System) Coordinator, County Emergency Management, Local Town Governments, and Sheriff's Office. The process for new road names and renaming of current roads is set as follows based on the type of road:

1. All new road names shall be approved through the following process A completed Road Name Application is submitted to the Office of Planning and Engineering.

A Road Name Application is considered complete when it contains:

- (1) three unique proposed road names, (2) when all landowners affected by this road have signed the application or submitted signed approval of the application, and (3) the required application fee is received. If the applicant is Lincoln County, the fee is waived. In the case of a new subdivision road, a fee is not collected because the fee is included in the subdivision permit fee.
- b. The completed application will be forwarded to the Lincoln County Rural Addressing Committee for approval. A decision by the committee shall be made within 30 days of the submittal of the application or the application is deemed approved. Approval will be granted based on the following criteria: the road requires 3 or more assigned addresses, an address or addresses will be difficult to see without a road sign, and the road name is unique.
- c. If the Road Name Application is denied, the applicant is sent a letter explaining the decision. In the case of a new subdivision road or new county road, the applicant can submit 3 new unique road names.
- d. For a new county road, if the Road Name Application is approved, the appropriate procedure outlined in W.S. 24-3-1 are followed for the establishment of a county road.
- e. If the county road is approved, or in all other cases, if the Road Name Application is approved, the applicant is sent a letter acknowledging the decision and detailing the cost for new road signs, posts, sign brackets, and any warning signs required.
- f. Once the cost of the sign post system is received by the Office of Planning and Engineering from the applicant, the appropriate signs will be ordered and installed at the earliest convenience by Planning Staff.
- g. The new road name will not take effect until the new road sign has been installed. Once it is installed, any existing landowners along the road will be notified via mail of their new address. The Office of Planning and Engineering will notify local utilities, Lincoln County Emergency Management, and the Lincoln County Clerk's Office of the new road name and any change of addresses. The individual landowners will be responsible to contact any other entity that would have their physical address on file.

2. All requests to rename existing roads shall be approved through the following process:

- a. A completed Road Name Application is submitted to the Office of Planning and Engineering. A Road Name Application is considered complete when it contains (1) three unique proposed road names, (2) when 51% of landowners affected by this road have signed the application or submitted signed approval of the application, (3) Home Owners Association, if exists, submits a signed approval of the application, and (4) the required application fee is received.

- b. The completed application will be forwarded to the Lincoln County Rural Addressing Committee for review and recommendation. A recommendation by the committee shall be made within 30 days of the submittal of the application based on the following criteria: the proposed road name is unique, the current road is proven to cause confusion for emergency response personnel, and other mitigating factors affected by the current road name.
 - c. Once the application has been reviewed and a recommendation has been provided by the Lincoln County Rural Addressing Committee, the matter is brought before the Board of County Commissioners to make the final decision.
 - 1. For a private road name change, it is presented when the Office of Planning and Engineering is next scheduled on their agenda.
 - 2. For subdivision road name change, the process of an Amended Plat as per Lincoln County Land Use Regulation is initiated. The Board of County Commissioners will make the final decision on whether the road name warrants changing through the approval or denial of the Amended Plat, thus approving or denying the Road Name Application.
 - 3. For a county road name change, the process of alteration of a county road as found in W.S. 24-3-1 is initiated and followed.
 - d. If the Road Name Application is denied, the applicant is sent a letter notifying them of the final decision made by the Board of County Commissioners. The current road name will remain.
 - e. If the Road Name Application is approved, the applicant is sent a letter acknowledging the decision. A request for cost of sign posts, sign brackets and road sign blades, and any warning signs required will be contained in the approval letter.
 - f. Once the cost of the sign post system is received by the Office of Planning and Engineering from the applicant, the appropriate signs will be ordered and installed at the earliest convenience by Planning Staff.
 - g. The new road name will not take effect until the new road signs have been installed. Once they are installed, all landowners along the road will be notified via mail of their new address. The Office of Planning and Engineering will notify local utilities, Lincoln County Emergency Management, and the Lincoln County Clerk's Office of the road name change and change of addresses. The individual landowners will be responsible to contact any other entity that would have their physical address on file.
3. The Lincoln County Rural Addressing Committee may review existing road names and recommend changes to the Board of County Commissioners.

6.3 AGRICULTURAL LANDS

- A. Engineering which could limit the operation of existing agricultural uses is discouraged. Limits to the operations of existing agricultural uses could include potential nuisance or liability suits, predation on stock by domestic dogs or traffic conflicts.
- B. Subdivisions of land creating lots for residential purposes shall incorporate a twenty-five (25) foot non-building buffer along any project boundary that adjoins existing agricultural operation(s), defined as land being taxed as agricultural land. The building limitations of this non-building buffer shall only be for dwellings, residential accessory buildings over 800 s.f., and residential garages.
- C. A Plat Warning shall be placed on the Final Plat of a subdivision of land creating parcels for residential purposes adjacent to an existing agricultural operation(s). See Section 5.1, L., 14.
- D. Subdivisions shall provide a non-building easement for irrigation facilities. For canals and ditches, the setback is measured from the edge of water, when full. In the event that an easement of record exists, the more restrictive distance shall be used.
- E. Canals shall have a fifty (50) foot non-building easement on the down-slope side and a twenty (20) foot non-building easement on the up-slope side. Ditches shall have a twenty (20) foot non-building easement on both sides. Pipelines shall have a ten (10) foot non-building easement on both sides of the centerline.
- F. Existing irrigation easements and structures may only be disturbed with the approval of the State Engineer's Office and the owner of the structure and/or easement.
- G. Engineering, which could limit the operation of existing agricultural uses, is discouraged. Limits to the operations of existing agricultural uses could include potential nuisance or liability suits, harassment of stock by domestic dogs, and traffic conflicts.
- H. Crushed rock used for construction of subdivision roads, driveways, building construction, and small wastewater system construction shall not contain noxious weeds. The Lincoln County Weed and Pest shall certify that such rock does not contain seeds which will promote noxious weeds and evidence of such certification shall be submitted to the Planning Office prior to approval of subdivision roads. This is covered by W.S. 11-5-101 & 11-44-101 to 103.

6.4 BUFFERING

- A. Buffering may be required between development of different intensities and use. Examples of adjacency situations that require buffering may include projects that propose non-residential uses next to existing residential uses, multi family next to existing single family.

- B. Buffering shall be required when the development creates noise, glare, traffic, dust, lighting, or other negative external effects.
- C. Fences should be opaque and at least six feet high but may be higher depending on the specific circumstances of the project. For subdivisions, the subdivider shall be responsible for the construction of a perimeter partition fence on any part of the subdivision adjacent to lands upon which livestock can be legally run at large and incurrent costs per W.S. 11-28-106 (a) and W.S. 11-28-106 (b).
- D. Berms shall be at least two feet high and should appear natural. Berms shall have a gentle transition to surrounding grade. Grades on berms shall not exceed 3:1. Berms shall be seeded and planted with tree clusters or natural vegetation.
- E. Tree clusters shall consist of three or more trees at least four feet tall planted at intervals sufficient to buffer the project.
- F. Other buffering measures may be employed on a case by case basis if a determination is made that a fence or berm will not sufficiently buffer the project. These measures may include setbacks, landscaping, or other methods identified and agreed upon by the project applicant and the Administrator.
- G. When required, the applicant may choose the type of buffering to be employed in terms of fence, wall, berm or vegetation.

6.5 DENSITY

- A. Lot/parcel size requirements. Residential lot size minimums are found in Table 6.1 for newly created lots.
 - 1. The development shall function efficiently and safely without overcrowding, given the site's topography, location, hazards and the development's:
 - a. Utilities;
 - b. Vehicular, pedestrian, and emergency access;
 - c. Parking;
 - d. Small wastewater systems;
 - e. Storage of trash, snow and other items;
 - f. Structures; and
 - g. Open space.
 - 2. The developed lot/parcel shall contain and/or mitigate external nuisances. External nuisances include, but are not limited to, the following:

- a. Odor;
 - b. Noise;
 - c. Vibration;
 - d. Dust;
 - e. Smoke; and
 - f. Light.
3. New development should be as compatible as reasonably possible with adjoining and/or surrounding densities and uses in terms of the preservation of views, the design, bulk and height of the proposed structures, and the need to preserve the privacy of neighbors.

**Table 6.1 RESIDENTIAL DENSITY TABLE FOR NEWLY CREATED SUBDIVISION
LOTS CREATED AFTER 5/4/2005
Utility Improvements Installed by Developer**

ZONE	NO. OF LOTS CREATED	MINIMUM LOT SIZES	R.O.W.	ELEC	TEL	ROADS	WATER	WASTE WATER	COMMENTS
R & RC	one or two	2.5 ac. Avg. 1.5 ac. Min.	60'	n/a	n/a	n/a	Individual	**Individual Septic	enhanced septic if avg. lot size < 5 acres and new system**
R & RC	one or two	2.5 ac. Avg. 1.0 ac. Min.	60'	n/a	n/a	n/a	Central	Individual Septic	.
Mixed	one or two	1.5 ac. Avg. 1 ac. Min.	60'	n/a	n/a	n/a	Individual	Individual enhanced	
Mixed	one or two	1.5 ac. Avg. 0.5 ac. Min.	60'	n/a	n/a	n/a	Central	**Individual septic	*Enhanced if new system**
R & RC	3+	5 ac. Avg 2+ ac. Min.	60'	X	X	X Gravel***	Individual	Individual septic	
Mixed	3 +	1 ac. Avg. 1/2 ac. Min.	60'	X	X	X paved	X central	Individual enhanced	
Mixed	3 +	1/2 ac. Avg. 1/2 ac. Min.	60'	X	X	X paved	**X central	Individual enhanced	**Improvement district connections
RC	*P.U.D.	1 ac. Avg.	60'	X	X	X paved	X central	X central treatment	60 ac. Minimum project size (*Appendix D)
Mixed	*P.U.D.	8 per acre	60'	X	X	X paved	X central	X central treatment	2 ac. Minimum project size (*Appendix D)

R = Rural Zone RC = Recreational M = Mixed Zone R.O.W. = Right-of-Way

X = Applicable Developer Installed Improvement;

***P.U.D. = Planned Unit Development see Appendix D;**

****Existing septic system may be retained for simple subdivision lots if pumped & passed inspection in past 2 yrs.**

*****Paved roads required for Class A collector roads serving 40+ lots.**

6.6 EROSION AND SEDIMENTATION CONTROL

- A. Water drainage is to be managed without damage to surrounding properties.
- B. Projects shall be designed such that water is directed away from structures.
- C. Driveways exceeding 10% grade, for over 50 lineal feet, shall require an erosion mitigation plan designed by a Wyoming Registered Engineer.
- D. Development disturbing surface area of 1 (one) acre and greater shall obtain a storm water discharge permit from Wyoming Department of Environmental Quality prior to construction.

6.7 FIRE PROTECTION

- A. These codes are adopted by the County for the purpose of establishing rules and regulations and standards for fire-flow requirements for buildings, fire hydrant locations and distribution, and fire apparatus access roads to safeguard life, health, property and welfare of the citizens of the county, the following technical codes and standards:

1. International Fire Code (IFC) Appendices B, C, and D, 2006 Edition, International Code Council (ICC)*. (See Lincoln County Land Use Regulations Appendix N)**.

*The role of Fire Chief defined in the appendices will be the Advisory Fire Panel as designated by the County Commissioners. This panel will make recommendations to the Planning and Zoning Commission.

**Appendix N shall be used for the review of Major Developments, such as Major Subdivisions, Multi-Family Dwellings and Condominiums, in the Mixed Zone and the Recreational Zone of the unincorporated areas of Lincoln County.

6.8 LAND USE SITING STANDARDS AND REQUIREMENTS

A. Adult Uses

- 1. Siting Criteria for Recreational Zone.
 - a. Land use not allowed adjacent to an existing residential subdivision due to off-site impacts.
 - b. Land use not allowed within 1,000 feet of existing homes.
 - c. Land use not allowed within 1,500 feet of another adult oriented business.
 - d. Land use not allowed within 1,000 feet of any public or private school, public park, playground, public building, publicly owned recreational area, church or any noncommercial establishment operated by a bona fide religious organization.

- e. The establishment of any adult orientated business shall include the operating of such a business as a new business, the relocating of such business, or the conversion of an existing business location in any adult orientated business use.
- f. Distances required by these regulations for adult use shall be measured from the nearest project boundary of the use in question.

2. Operation Standards.

- a. All windows, doors and other apertures shall be architecturally screened or otherwise obscured so as to prevent the viewing of the interior of the adult orientated entertainment business from without.
- b. 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.
- c. All adult orientated business shall provide security personnel to control behavior of both indoor and outdoor patrons so they do not violate any laws. The security personnel shall be provided at a ratio of one (1) per ten (10) parking spaces.
- d. No loitering or consumption of alcoholic beverages shall be allowed in sex orientated business parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.
- e. Total wall sign area shall not exceed 20 square feet. No signage associated with the business shall be visible from a State Highway or County Road.
- f. Hours of operation of the business shall be limited to between 10 am and midnight daily.
- g. Parking shall be provided at a ratio of one (1) space per two (2) seats and/or one (1) space per 100 square feet of gross floor area as determined by the Planning Office. The Planning Office determination shall be based on the extent to which the adult orientated business provides seating for patrons.

B. Batch Plants and/or Rock Crusher

1. Siting Criteria.

- a. Land use not allowed adjoining to an existing residential subdivision unless the operation was permitted prior to a subdivision plat being filed.
- b. Land use not allowed within 1000 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the batch plant to the existing home(s).
- c. Operation shall be deemed permanent if the months of operation exceed six months.

2. Standards

- a. Storm Water Pollution Prevention Plan shall be submitted with the application.
- b. From DEQ an Air Quality Division Permit shall be obtained and a copy submitted to the Planning Office.

C. Bed and Breakfast Establishment

1. Siting Criteria.

- a. Establishment shall have only one kitchen.
- b. No more than two (2) meals per guest per day shall be served.
- c. The residence shall have a single dining area.
- d. The length of stay for any one (1) guest shall not exceed thirty (30) consecutive days.

D. Bulk Storage of Fuels

1. Siting Criteria for Rural Zone.

- a. Land use not allowed adjoining to an existing residential subdivision due to off-site impacts.
- b. Land use not allowed within 500 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the bulk storage unit to the existing home(s).
- c. Approval of State Fire Marshal and other appropriate agencies for project design.

2. Siting Criteria for Mixed Zone.

- a. Land use not allowed adjacent to an existing residential subdivision due to off-site impacts.
- b. Land use not allowed within 500 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the bulk storage unit to the existing home(s).
- c. Approval of State Fire Marshal and other appropriate agencies for project design.

~~E. Campgrounds~~— (DELETED July 8, 2020)

F. Gravel Pits

1. Siting Criteria.

- a. Limited Gravel Mining.
 - i. Gravel Pits not exceeding 15 acres gravel quarry exemption from the DEQ.
 - ii. The affected lands shall not be within three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowners' written consent has been obtained.
 - iii. An operator will not be allowed to conduct more than one (1) Limited Mining Operation within any six (6) mile radius when the two operations are to mine the same mineral under W.S. 35-11-401(3)(vi) (See Appendix Q) and Chapter

10 of the Wyoming Land Quality Non-coal Rules and Regulations (See Appendix R); and

- iv. Cannot conduct nearby operations of fifteen acres or less so as to circumvent the General Requirements of the Fifteen Acre Exemption under W.S. 35-11-401(e)(vi)(See Appendix Q)
- v. Additional Criteria for Rural Zone:
 - a. Land use not allowed adjoining to an existing residential subdivision unless the mining operation was permitted prior to a subdivision plat being filed.

b. Small Gravel Mining.

- i. Defined pursuant to W.S. 35-11-401(j) as surface mining operations that remove no more than thirty-five thousand (35,000) cubic yards of overburden, excluding topsoil, and disturb no more than ten (10) acres of land in any one year.
- ii. Affected lands shall not be within three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowners' written consent has been obtained.

2. Standards.

- a. Submission of a reclamation plan with application.
- b. The Lincoln County Weed and Pest shall certify that rock from the gravel pit rock does not contain seeds which will promote noxious weeds and evidence of such certification shall be submitted with the application to the Planning Office.
- c. Dust control plan shall be required on all haul roads, stockpiles, work areas and access roads shall be submitted with the application.
- d. Adequate and available access to/from the proposed extraction site and to/from the processing site shall be submitted with the application. Access documentation shall be submitted with the application.
- e. Storm Water Pollution Prevention Plan shall be submitted with the application.

G. Recreational Vehicle Parks (RV Parks)

1. Siting.

- a. Land use not allowed within 300 feet of existing home(s), unless home owner(s) give written permission.
- b. Distance required shall be measured from the nearest RV unit of the proposed RV Park to the existing home(s).

2. Standards.

- a. All Project Standards applicable to commercial permits and applicable overlay zones shall apply to a RV Park permit and the specific standards of this section shall also be applied.

3. Utilities.

- a. Each lot shall be provided with hook-ups for electrical power.
 - b. Water and sewer facilities shall also be provided according to the standards adopted by the Department of Environmental Quality and Lincoln County.
 - c. All new utility installations shall be underground.
4. Setbacks.
- a. Setbacks are a minimum of 10 feet from the front lot line and 10 feet from the sides and rear lot line to the edge of the recreational vehicle. Each RV space shall have at least one vehicle parking space (in addition to RV) 10 feet by 20 feet in size.
5. Streets.
- a. Street easements of rights-of-way shall be a minimum of 60 feet wide to access park property. Interior street shall have minimum 40 feet wide right-of-way.
 - b. The improved street(s) shall be 15 feet wide one way and 20 feet wide 2 way. Streets are required to meet the road construction standards outlined below:
 - 1. All recreational vehicle park roads are required to be graveled. For gravel roads, the minimum acceptable sub-base is eight (8) inches of pit run coarse aggregate; the minimum surface is four (4) inches of crushed coarse aggregate, Wyoming Department of Transportation Grading W.
 - 2. Construction Layout and Survey.
 - a. Roadways shall be constructed to profiles and cross sections, grade and surfaced in accordance with the standards, rules, and regulations of Lincoln County.
 - 3. Streets shall be designed for adequate snow storage for access that remains open in winter months.
6. Lot Design/Open Space.
- a. Recreational Vehicle parks are required to provide at least 200 square feet of common, developed recreational space for each lot. The recreational area shall be located on land free of natural and man-made hazards, including adjacent heavy traffic. The recreational land shall also be easily accessible to all residents of the park. Common recreational space shall not include roads, road easements, parking areas, storage areas, service areas, or areas required for setbacks.
 - b. Each recreational vehicle lot shall have a fireplace and picnic table.
7. Flood Plain.
- a. Development of recreational vehicle parks within the flood plain is not allowed unless the following FEMA standards are met: To qualify as a seasonal campground rather than a mobile home park according to FEMA, 1) All RV are temporarily connected (i.e. not hard plumbed); 2) All RVs can be moved; and 3) No RV is allowed to stay in

the same site for more than 180 consecutive days, OR be fully licensed and ready for highway use. Ready for highway use means that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

8. Service Building.

- a. Each recreational vehicle park shall have a service building which conforms with the following:
 - 1. One handicapped, unisex restroom with shower per 10 spaces and within 300 feet of all spaces;
 - 2. One washer and dryer available per 30 spaces.

9. Walkways.

- a. The installation of walkways which provides residents with a safe, all-season means of reaching common facilities and other areas within the park are required.

H. Salvage/Junk Yards

1. Siting Criteria for Mixed Zone.

- a. Land use not allowed adjoining to an existing residential subdivision.
- b. Land use not allowed within 500 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the salvage/junk yard to the existing home(s).
- c. Land use not allowed adjoining to an existing commercial establishment.

2. Siting Criteria for Rural Zone.

- a. Land use not allowed adjoining to an existing residential subdivision.
- b. Land use not allowed within 500 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the salvage/junk yard to the existing home(s).

3. Standards.

- a. The maximum size of a salvage/junk yard shall not exceed five (5) acres.
- b. Overhead covering may be required.

I. Truck Stops

1. Siting.

- a. Land use not allowed adjoining to an existing residential subdivision.
- b. Not allowed in the Rural Zones of Star Valley.

6.9 DRIVEWAY ACCESS

- A. Access shall be provided to all lots and tracts via public rights-of-way or private rights-of-way by recorded perpetual easement.-ALL PERMITS
- B. Driveway access onto County Roads shall require an access permit and meet the following standards:-ALL PERMITS
 - 1. Sixteen-gauge corrugated metal pipe culverts at least eighteen (18) inches in diameter shall be used on all driveways. The Road and Bridge Foreman or County Engineer/Surveyor may require larger culverts, alternative culvert material, may exempt this requirement, or require a bridge be built given particular site conditions.
 - 2. Cattle guards to be used on private driveways shall be located on private property and not within the road right-of-way.
 - 3. Driveways shall not exceed a six (6) percent grade for the first 150 lineal ft. of roadway from the easement right-of-way. Portions of driveways built within the road easement or right-of-way shall match the grade of the County Road. The six (6) percent driveway grade requirement begins out of the road easement or right-of-way. Driveways exceeding 10% grade, for over 50 lineal feet, shall require an erosion mitigation plan designed by a Wyoming Registered Engineer.
 - 4. A minimum radius of twelve and one-half feet shall be required for all approaches. A greater radius may be required depending on anticipated traffic flow. Driveway radius shall not exceed 30 feet.
 - 5. The width for a driveway onto a County Road shall be a minimum of twelve (12) feet and not to exceed 30 feet, excluding radius.
 - 6. Where excessive cuts are made for access in such a manner that erosion may cause a problem, erosion prevention measures or retaining walls shall be required. Driveway cuts shall not exceed a 2:1 (horizontal : vertical) slope and a drainage ditch shall be constructed on the up-slope side of the road.
 - 7. If lots are located in subdivisions so that a double frontage is created onto both a subdivision road and a County Road, direct access onto the County Road shall not be allowed. Where multiple lots are created, no single lot shall access the county road. If topographic or other site conditions require an individual access, then the variance procedure shall be followed.
 - 8. Driveways and structures shall be designed to avoid safety hazards. Site distance at driveways and intersections shall be designed so that drivers entering the roadway they will not create a safety hazard, given existing topography, vegetation, and the speed of vehicles on the public road. The Administrator may consult with the County Engineer for a determination of safety and adequacy of a proposed driveway access. The driver's view of the roadway shall be free of vegetation or other obstructions which may impair the view of on-coming traffic. The approach within the right-of-way shall be perpendicular (within +/- 10 degrees) to the travel surface of the County Road. Visibility shall be: 150 feet in either direction at heights of 30 inches for roads with speed limits up to 35 mph, 200 feet up to 45 mph, 250 feet over 45 mph. If topographic or other site conditions require relief, then the variance procedure shall be followed.
 - 9. New residential or commercial development, on pre-existing lots, shall not be allowed

more than one (1) access onto a collector County Road with posted speed limit of greater than 35 mph. If topographic or other site conditions require an additional access, then the variance procedure shall be followed.

- C. Common access drives and/or frontage roads which limit the number of entrances onto County Roads are encouraged.
- D. Driveways accessing State highways shall meet Wyoming Department of Transportation rules and regulations. (See Appendix 6 of the Lincoln County Comprehensive Plan).
- E. Common access drives and/or frontage roads which limit the number of entrances onto State roads are encouraged.

6.10 LIGHTING (Includes Exterior Lighting and Glare)

(See Sections 6.4.B. and 6.5.A.2.)

A. The purpose is to establish outdoor lighting standards that reduce impacts of glare, light trespass, light pollution, overlighting, sky glow and poorly shielded or inappropriately directed lighting, and to promote safety and energy conservation, i.e. Exterior Lighting and Glare, and allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of excessive light and glare. May also be referred to as "Dark Sky or Night Sky Lighting" and/or "Friendly Sky Lighting" or environmentally friendly lighting. Applies to all commercial buildings, multi-family complexes i.e. duplexes, condominiums, etc. Does not apply to baseball fields, tennis courts, or other playing fields. Applies to Signs (see Appendix G).

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and not produce glare onto adjacent properties or roadways.
2. Lights must be fully shielded, down directed and screened to limit light trespass to 0.1 of a foot-candle as measured at the property line. Total Cut-off of light at an angle to be less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from direct view from a vantage point six (6) feet about the ground at the perimeter of the lighted area. Light shall be contained in its entirety on site. Maximum permitted height is 20 ft.
3. Motion sensor lights must only be triggered by motion within the boundaries of their property and remain lit for durations of 45 minutes or less.
4. Lighting installed for temporary holiday displays, public safety, temporary construction or traffic control are exempt.
5. Glare standard: limited of use of a maximum allowable intensity of light sources
 - a. Light Source: Bare Incandescent bulbs = 25 watts maximum intensity
 - b. Light Source: Illuminated buildings = 25 foot-candles maximum intensity
 - c. Light Source: Back-lit or luminous = 200 foot-lamberts maximum intensity;

- d. Light Source: Outdoor illuminated signs = 35 foot-candles maximum intensity.
- 6. Glass must be opaque so that the illumination source is not visible; clear or seeded glass will not comply.
- 7. Fixtures must be designed to ensure that the light source does not extend below the shade/housing.
- 8. Prohibited lighting includes flickering or flashing lights, searchlights, laser lights, or holograms.

6.11 LOT DESIGN SPECIFICATIONS

- A. All lots shall be designed to conform to the existing topography in such a way as to avoid future problems of access, construction and drainage.
- B. Lots shall function efficiently and safely without overcrowding, given the lot's topography, location, hazards and the development's:
 - 1. Utilities;
 - 2. Vehicular, pedestrian, and emergency access;
 - 3. Parking;
 - 4. Small wastewater systems;
 - 5. Storage of trash, snow and other items;
 - 6. Structures; and
 - 7. Open space.
- C. A Subdivision development shall be required, as reasonably possible, to be compatible with adjoining and/or surrounding densities and uses in terms of the design, bulk and height of any proposed structures.
- D. Layout. A single lot shall not be divided by a public road, alley, or another lot.
 - 1. Side lot lines shall be at approximate right angles or radial to road right-of-way lines or center-lines.
 - 2. Each lot shall abut a private street, or private access right-of-way, or dedicated street, and have a minimum of 38 feet of frontage.
 - 3. Flag lot design is discouraged.
- E. Each lot, which is not served by central sewer systems shall contain within its boundaries a build-able area of at least 15,000 square feet. Build-able area is defined as area free of: slope over 30 percent, avalanche hazard, mine subsidence hazard, stream/river channels, 100-year flood plains, and/or road easements. See Table 6.1 Residential Density Table for minimum lot sizes for new residential subdivision lots.

6.12 LOCATION OF DEVELOPMENT

- A. Development is encouraged to locate near existing utilities.
- B. Commercial and Industrial developments are encouraged to provide common driveway, parking, loading areas; plan driveway access points so that they minimize safety hazards and are directly across the road or highway from other access drives; provide turn lanes where needed; and provide landscaping in front of the development.

6.13 OVERLAY ZONE REGULATIONS

The following provisions, in addition to other applicable provisions of these regulations, shall apply to applicable buildings and structures within which any overlay zone is combined, subject to the regulations prescribed for that zone and any additional provisions of the overlay zone. Land uses allowed by Section 7.3 Land Use Table may be subject to development standards and, where identified, in additional overlay zone restrictions.

AZ Airport Zone Overlay

In order to provide for safe air navigation, land uses within the safety zones of the Afton, Cokeville, or Kemmerer airports shall comply with the standards of Airport Zone Overlay. In addition, airstrips in the proximity of future development shall have approach zone restrictions. No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in excess of the applicable height limit. (See Appendix B)

EQ Earthquake Overlay Provisions

- A. All permit applicants shall be noticed of earthquake hazard potential.
- B. Critical facilities located near fault lines are required to be designed by a qualified engineer, registered in the State of Wyoming, to withstand an earthquake of a magnitude possible for the area as determined by the Geological Survey of Wyoming.
- C. Definitions

Critical Facilities - Public schools; private schools with more than 15 students; hospitals; utility sub-stations; gas pipelines; fire, police and ambulance stations; emergency radio transmission facilities.

Earthquake Area, High Risk - 1,000 feet on each side of faults which have been determined to be active by the Geological Survey of Wyoming.

FL Flood Overlay Provisions

Any permitted developments in the 100 year flood plain shall be designed to allow participation in the National Flood Insurance Program. (See Appendix C)

SM Slope Movement Overlay Provisions

All structures to be constructed in areas identified as having the potential for slope movement are encouraged to be done under the consultation of a qualified engineer.

6.14 PARKING

- A. All development shall conform with the parking standards as presented below. The type of development will determine the parking standards.
1. Banks and professional offices: 1 space per 300 square feet of floor area; adequate loading area space unless determined by Administrator that frequency of deliveries does not conflict with proposed hours of operation.
 2. Churches and funeral homes: 1 space for every 3 seats in main assembly room.
 3. Hotels/Motels/Boarding Houses: 1 space per living/sleeping unit plus 1 space per employee; adequate loading area.
 4. Industrial and Wholesale: 1 space per employee plus one stall for each company-owned vehicle and visitor; adequate loading area.
 5. Retail Stores: 1 space for each 400 square feet of floor area; adequate loading area.
 6. Service Shop: 1 space for each 250 feet of floor area.
 7. Residential: 2 spaces per dwelling unit.
 8. Restaurants/Bars: 1 space per 3 seats; adequate loading area.
 9. Mixed uses: The sum of the parking requirements for the individual uses.
 10. Other Uses: Established by Planning and Zoning Commission/Board of County Commissioners, depending on condition/intensity of use.
- B. Each parking space shall be a minimum of 10 feet x 20 feet.
- C. Loading and unloading shall not be allowed on County Roads unless prior permission is given by the Board of County Commissioners. The Board of County Commissioners may require special improvements to the right-of-way and road use agreements be made. In no event shall traffic be blocked or a safety hazard created.
- D. Loading areas shall be clearly marked to exclude parking, have safe access to public streets or alleys, and be designed with adequate maneuvering room and lighting to accommodate their anticipated use.
- E. Developments may utilize joint parking or loading areas if the proposed parking area meets the number of stalls required above. Developments with differing peak activity periods may utilize joint parking areas with reduction in parking space requirements based on anticipated maximum parking demand at the peak hour of parking use.
- F. Parking spaces accommodating 10 or more vehicles shall: have continuous (as opposed to dead-end) circulation patterns; be dust and mud free (not necessarily paved) with adequate drainage (a minimum of 1 percent and a maximum of 5 percent); and have safe access to a

public street and be adequately lighted if intended for night use.

G. Proper disabled parking shall be provided per state and federal standards.

6.15 PRESERVATION OF TOPOGRAPHY AND VEGETATION

Development which preserves the natural topography and vegetation of the site is encouraged.

6.16 ROAD CONSTRUCTION STANDARDS

A. Surface Specification.

All subdivision roads are required to be either graveled or paved.

Gravel-- For gravel roads, the minimum acceptable sub-base is eight (8) inches of pit run coarse aggregate; the minimum surface is four (4) inches of crushed coarse aggregate, Wyoming Department of Transportation Grading W.

Paved--For paved roads, the minimum acceptable sub-base is four (4) inches of crushed coarse aggregate; the minimum acceptable base is two (2) inches of bituminous pavement. A chip seal or sand and gravel seal-wearing course shall be applied.

B. Construction Layout and Survey.

1. Alignment stakes will only be set for blade and cast sections.
2. Grade stakes will be set for grade sections. Grade given will be for finished grade on center-line of roadway.
3. Transitions from crowned sections to curved sections to be made in fifty (50) foot sections on the tangents preceding and following a curve.
4. Temporary monuments of 3/8 inch x 12 inch steel re-bar may be used during construction.
5. Roadways shall be constructed to profiles and cross sections, grade and surfaced in accordance with the standards, rules, and regulations of Lincoln County.

Table 8.2 (Page 1 of 3)

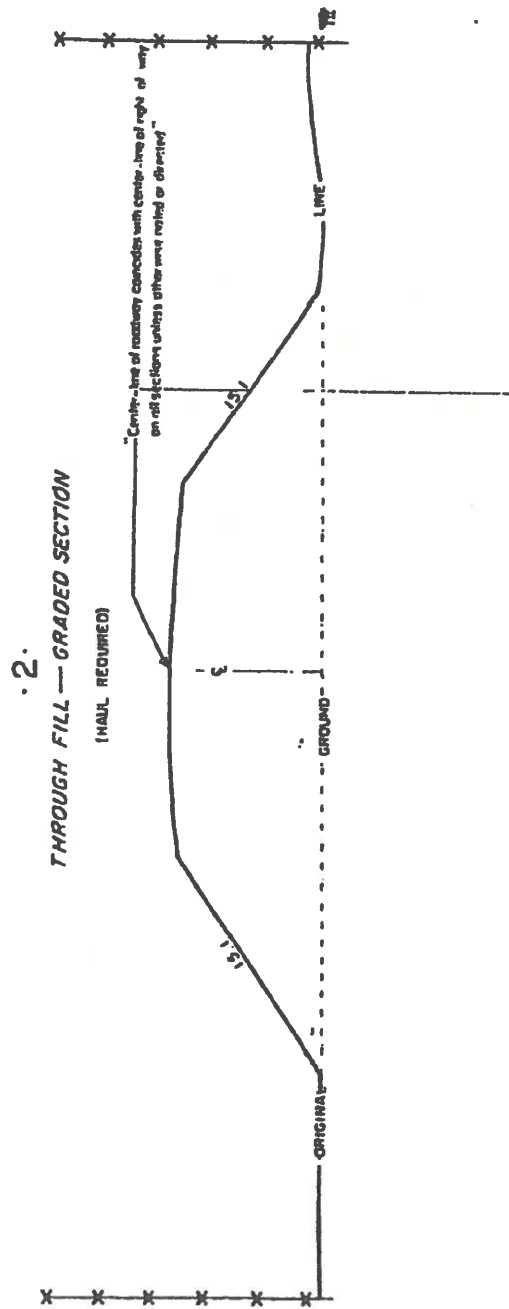


Table 6.2 (Page 2 of 3)

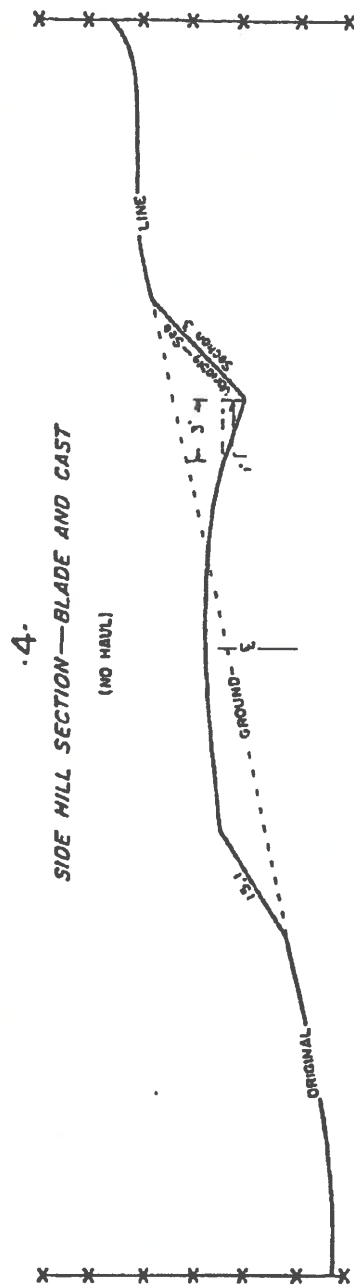
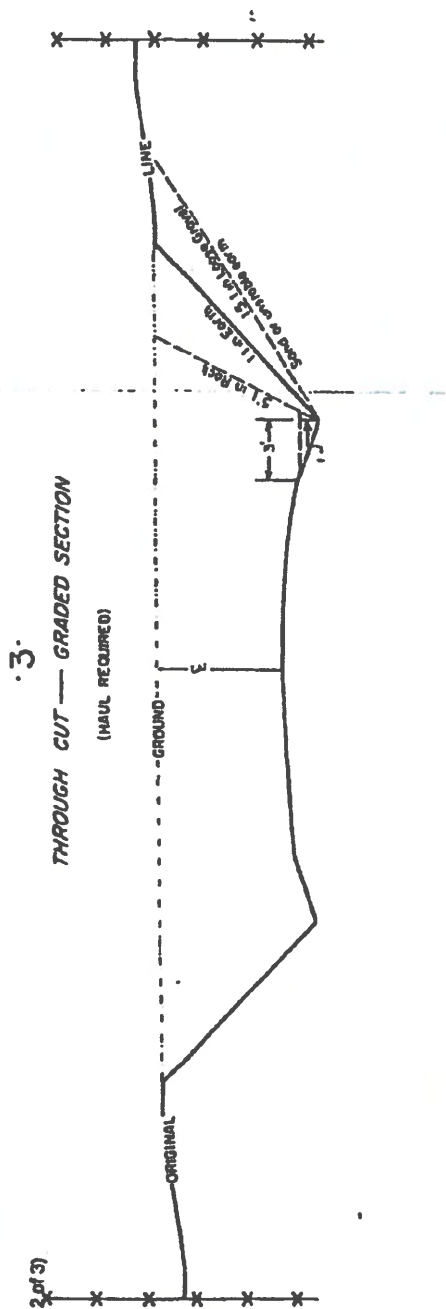
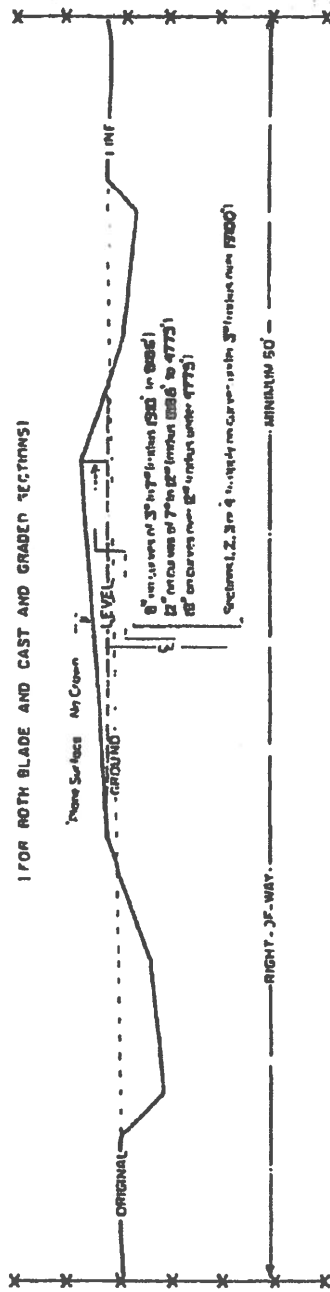


Table 6.2 (Page 3 of 3)

.5.

TYPICAL SECTION ON CURVE

FOR BOTH BLADE AND CAST AND GRADED SECTIONS



- 1 Alignment stakes only will be set for Blade and Cast sections.
- 2 Grade stakes will be set for Graded Sections - grade given for finish grade on center-line of roadway.
- 3 Transitions from crowned sections to curve section to be made in 30' sections on the tangents preceding and following curve.
- 4 8" Road or gravel base course.
- 5 4" Crushed gravel surface and, if required, 2" compacted asphalt layer.
- 6 Road grades shall not exceed 6%. Road grade shall mean the vertical rise in the road per 100' of horizontal distance. S=0.06 maximum.
- 7 Borrow, fill, and disturbed areas will be seeded with appropriate species of plants at suitable rates recommended by public agencies.

6.17 GENERAL ROAD DESIGN REQUIREMENTS

- A. Subdivision roads should have a loop road for a turn around point rather than cul-de-sac unless it is determined by the Office of Planning and Engineering and/or the County Engineer that the physical characteristics of the site prohibit its construction.
- B. The arrangement of streets in new subdivisions are encouraged to provide for the continuation of streets in adjoining subdivisions and other areas.
- C. If a subdivision proposes to have an interior road ending in a cul-de-sac (dead end), the road shall have a minimum radius of 60 feet. Road design proposals may be reviewed by the County Engineer and/or local fire chief to assist in review for safety and adequacy.
- D. The Board of County Commissioners shall require, prior to approving a subdivision plat, the rearrangement, deletion or addition of streets, lots and entrances if significant traffic, safety or other hazardous problems exist in a proposed subdivision.
- E. No lot, of a newly created subdivision, shall be designed to have direct access to a County Road. The construction of a subdivision road is necessary for access for multiple lots.
- F. Half streets within a subdivision, or along a subdivision boundary, are not permitted.
- G. All bridges/culverts, serving drainage basins over 200 acres, shall be designed by a registered engineer. Disturbed areas shall be re-seeded after construction.

6.18 SUBDIVISION ROAD DESIGN SPECIFICATIONS

All proposed subdivision roads shall be built to the specifications outlined below. The road design standards are designed to accommodate different volumes of traffic. The standards for roads carrying heavier traffic loads are more stringent than for roads carrying fewer automobiles. Each subdivision road shall be designed with the assumption that the subdivision will be fully developed and that each lot will create average daily traffic (ADT) of 11.25 trips.

Road type			
Road type	A	B	C
Number of Lots served by road	40 and more	25 to 39	24 to 3
Minimum Right of Way Width	60 feet	60 feet	60 feet
Intersections	Not less than 84 degrees	Not less than 84 degrees	Not less than 84 degrees
Visibility at Intersection	415 feet	310 feet	210 feet
Intersection offset, min	660 feet	330 feet	125 feet
Grades, max*	6%, 8%	6%, 8%, 10%	6%, 8%, 10%
Travel Way	24	20	20
Shoulder	0, 1',	0, 1', 2'	0, 1', 2'
Minimum Curve Radius (ft)	300,300	250,250,100	250,250,100
Crown, min	0.3%	0.3%	0.3%
Max Grade 100 ft. before intersection	3%	3%	4%
*Max 8% with 20 ft. travelway with 1 ft shoulders, 2:1 Slope			
*Max 10% for no more than 500 feet straightaway with 20 ft. travelway with 2 ft shoulders, 2:1 Slope, Section shall have a horizontal radius of 1500 feet or greater, grades shall not exceed 6% for 500 feet on either end of the section, curves with a horizontal radius of less than 600 feet shall not be within 500 feet on either end of the section.			

Signs are required to be installed by the applicant at the applicant's expense. The locations of signs are at the discretion of the county staff to promote safe traffic flow and clear communication of information to visitors and emergency service personnel. Signs shall be sturdy, readable and set in concrete.

6.19 ROAD RIGHT-OF-WAY

No development within the County right-of-way, or road easement is allowed, except by an approved County Road License and shall be removed by the property owner immediately upon discovery.

6.20 SETBACKS

- A. Any development within County rights-of-way or road easements, except by an approved county road license, is not allowed and shall be removed by the property owner immediately upon discovery.
- B. Setback standards for all permits are as follows:
 - 1. Side and Rear Setback. A minimum of ten (10) feet from the property line.
 - 2. Front Setback, the side of the property where primary vehicle access is located, as measured from lot line or right-of-way, whichever is more restrictive:
 - a. Fifteen (15) feet to front of building without parking area;
 - b. Twenty (20) feet to front of building with parking area.
 - 3. Building Setback to U. S. Highway 89 right-of-way shall be a minimum of:
 - a. Where ROW is at least 140 feet wide then front setback shall be at least twenty (20) feet and side or rear setback shall be at least ten (10) feet;
 - b. Where ROW is at least 100 feet wide but less than 140 feet wide then front setback shall be at least thirty (30) feet and side or rear setback shall be at least thirty (30) feet;
 - c. Where ROW is at least eighty (80) feet but less than 100 feet wide then front setback shall be at least fifty (50) feet and side or rear setback shall be at least thirty-five (35) feet.If topographic or other site conditions require a relief of setback, then the variance procedure shall be followed.
 - 4. Commercial structures shall have a minimum set back from all lot lines of 1 foot per 1 foot building height unless two hour fire walls are constructed.

- C. Alterations of Front, Side and Rear Setbacks for all permits. When the following condition is met, the Administrator may approve a variance of setback without following all of the Variance Procedures outlined in Chapter 3:

The adjoining property holder(s) being affected shall give written authorization to the applicant, indicating the proposed development is acceptable to them.

6.21 IRRIGATION FACILITIES AND SURFACE WATER

Development shall have a minimum setback of 150 horizontal feet from the bank high-water line of Salt River in the 100 year floodplain. Other development shall have a minimum setback of 50 horizontal feet from the bank high-water line of streams and rivers.

1. Streams and rivers shall include, but are not limited to, the following waterways:

Bear River, Black's Fork, Coal Creek, Corral Creek, Cottonwood Creek, Crow Creek, Dry Creek, Flat Creek, Fontenelle Creek, Green River, Grey's River, Ham's Fork, LaBarge Creek, Pine Creek, Pole Creek, Salt River, Smith's Fork, Spring Creek, Strawberry Creek, Stump Creek, and Swift Creek

2. Development shall have a minimum setback from irrigation facilities. For canals and ditches, the easement is measured from the average high-waterline. In the event that an easement of record exists, the more restrictive setback shall be used. The area of the setback shall be determined by the type of facility: (ALL PERMITS)
 - a. Canals shall have a fifty (50) foot setback on the down-slope side and a twenty (20) foot setback on the up-slope side.
 - b. Ditches shall have a twenty (20) foot setback on both sides.
 - c. Pipelines shall have a ten (10) foot setback on both sides of the centerline.
 - d. Other structures shall have a reasonable setback for operation and maintenance.

6.22 SIGNS AND SIGN PERMITS

No signs or advertising devices shall be erected or maintained in any zone except in conformity with the requirements of APPENDIX G. Signs adjacent to State or Federal highways shall conform to all State and Federal requirements in addition to the requirements of APPENDIX G. In case of conflict, the more stringent requirement shall govern. No advertising signs shall be permitted in County Road Rights-Of-Way. Refer to Sign lighting in Chapter 6.10.

6.23 SOLAR RIGHTS

A property owner may protect access to solar rights according to W. S. (see Appendix L).

6.24 SOLID WASTE DISPOSAL

- A. Adequate trash disposal capacity, haulage, and collection points are required.
- B. Trash shall be hauled from the site at least once a month.
- C. Trash collection points shall be screened and designed to prevent trash from being scattered by the wind or used by animals.
- D. Developments which do not offer common waste collection points or services shall establish a mechanism which will mitigate potential trash-related problems.

6.25 TRAFFIC-VEHICULAR AND PEDESTRIAN

- A. New development shall be as compatible as reasonably possible with existing residential areas, and shall not create excessive traffic, noise, or dust which will disturb or change the character of an existing residential area.
- B. New development shall provide a safe and adequate pedestrian circulation system with associated improvements. Designs which will separate pedestrian traffic from vehicle traffic are encouraged.
- C. New development shall mitigate any traffic related problems by increasing road capacity, providing turning lanes, or enlarging bridges.
- D. Development Major Subdivision applications and Conditional Use permit applications shall address impacts to County Roads by providing improvements to affected County Roads adjacent to the project if needed to provide safe and adequate access for the project. Evaluation of impact to county road system shall be obtained from County Engineer/Surveyor and Road and Bridge Supervisor.

6.26 UTILITIES

- A. All new subdivisions shall provide electricity and telephone service to each lot created as a part of the subdivision improvements.
- B. Subdivisions, which are required to provide a central water system and which are within 1320 feet of any existing central water, should be connected to that system, unless the existing system's owner(s) certifies that sufficient capacity to serve the proposed development is not available or that the owners do not wish to allow such connection. All State and Federal standards must be met and new systems must be compatible with existing systems.

- C. Subdivisions which are required to provide a central sewer system and which are within 1320 feet of any existing central sewer system should be connected to that system unless the existing system's owner(s) certifies that sufficient capacity to serve the proposed development is not available or that the owners do not wish to allow such connection. All State and Federal standards must be met and new systems must be compatible with existing systems.
- D. All utilities shall be placed underground and within a legally established easement. Utility development within the County right-of-way, or road easement is not allowed, except by an approved County Road License.
- E. Applicants shall establish a mechanism by which all improvements will be maintained without expense to the County. Suggested maintenance mechanisms include the establishment of private covenants, establishment of Local Improvement and Service Districts according to W.S. (see Appendix K), or a combination of a homeowners' association and an improvement district.
- F. The following easements shall be provided at a minimum on subdivision plats.
 - 1. Easements of not less than 10 feet in width for water, sewer, power, telephone, and other utility services shall be provided along at least two lot lines within a lot.
 - 2. Drainage easements of not less than ten (10) feet in width shall be provided along streams, or drainage ways of historical use.
 - 3. Drainage easements of not less than fifty (50) feet in width shall be provided along Bear River, Black's Fork, Coal Creek, Corral Creek, Cottonwood Creek, Crow Creek, Dry Creek, Flat Creek, Fontenelle Creek, Green River, Grey's River, Ham's Fork, LaBarge Creek, Pine Creek, Pole Creek, Salt River, Smith's Fork, Spring Creek, Strawberry Creek, Stump Creek, and Swift Creek.

6.27 WELLHEAD AND SOURCE WATER PROTECTION STANDARDS

- A. Each single family residential dwelling, outside of subdivisions, should have its own water well.
- B. All development shall indicate on site plans, maps or plats the location of any public or community water source as well as the well head or source water protection area. If a "Well Head Protection Plan" or "Source Water Protection Plan" has been established the constraints identified in the plan shall be adhered to.

6.28 ENFORCEMENT

A. The following conditions and requirements shall apply to all permits, except subdivisions:

1. Construction must commence within two years from issuance of the permit for the permit to remain valid.
2. Any major modification of the permit during construction shall render the permit void and represent a violation of these Land Use Regulations, unless authorized by the Office of Planning and Engineering.
3. The Board of County Commissioners may suspend or revoke a permit if the development is not built and/or used in compliance with the approved permit. Non-compliance with standards, the contents of the permit, and/or the attached permit conditions shall constitute a violation of these Land Use Regulations. Failure to fulfill any condition during construction or occupancy of a development shall result in the revocation of the permit. The suspension and revocation of a permit shall conform with the procedures outlined under Appeals.
4. All representations made in an application for a permit that are necessary for compliance with any standard are binding. Failure to fulfill any representation during construction or occupancy of a development shall result in suspension or revocation of a permit.
5. The County will not enforce private covenants nor shall the provisions of these Land Use Regulations be superseded by any private covenant.
6. Applicants may withdraw their application, in writing, at any time prior to the final decision on the Land Use Permit. Applications that has been determined incomplete for a period of longer than 12 months from the date of receipt shall be deemed withdrawn and voided. Applications tabled by the Planning and Zoning Commission or the Board of County Commissioners and has no additional activity within 12 months shall be deemed withdrawn and voided. No fees for withdrawn and/or voided applications will be reimbursed.
7. Any false information given in the permit application or in other representations to the Planning Staff shall make the permit null and void and represent a violation of these Land Use Regulations.
8. By signing the permit, the applicant acknowledges and understands the permit conditions and grants authorized County personnel the right of ingress and egress on said lands for any and all inspection purposes necessary to the exercise of the permit, including the right of inspection for possible violations of these Land Use Regulations. The applicant, by signing the permit, also certifies, to the best of his/her ability, that the permit application materials are true and correct.

B. Failure to obtain permits and to develop according to the permit shall constitute a violation of these Land Use Regulations. The Administrator, upon finding a violation, shall notify the person in violation by letter. The written notice shall specify the details of the violation, the procedure by which a violation can be corrected, and a deadline by which the violation is to be corrected. If the violation continues beyond the deadline established, the matter shall be referred to the County Attorney according to W.S. (see Appendices K and L) and C below.

- C. If development is undertaken without a valid permit, or if development is not constructed as per the approved permit application, a cease and desist order may be issued. The Administrator shall report the violation to the Office of the County Attorney, and the Attorney's Office may issue the order. The cease and desist order shall have the name of the owner of the property, the location of the property in question, appropriate sections of the Land Use Regulations in violation and the person to contact to correct the violation. The cease and desist order shall be posted at a conspicuous place on the property in question, and shall not be removed until the violation is corrected. A copy of the order shall be mailed to the property owner. All work and development shall immediately halt upon issuance of an order. If work continues after issuance of the order, the development shall be in violation of these Land Use Regulations and subject to penalties.
- D. Whoever violates any provision of a permit, or does not obtain a permit, shall be fined not more than seven hundred and fifty dollars (\$750.00) for each offense. Each day's continuation of such violation constitutes a separate offense.
- E. If the Planning Director determines there are reasonable grounds for the revocation or suspension of a permit under these Land Use Regulations, the Planning Director shall set a hearing before the Board of County Commissioners.

6.29 PERFORMANCE GUARANTEE PROCEDURES

- A. An applicant shall submit to the Lincoln County Planning and Zoning Commission satisfactory evidence of adequate financial resources to develop and complete improvements proposed and presented.
- B. Before a permit is approved by the Board of County Commissioners, the applicant may be required to provide a performance bond, irrevocable letter of credit, or other sufficient financial commitment to assure that any improvements shall, in fact, be completed and reclaimed as proposed. The documents associated with a performance bond, letter of credit, or escrow account shall be retained in the files of the Planning Office.
- C. The documents shall certify:
 - 1. That the bond, letter of credit, or other sufficient financial commitment guarantees funds payable to the County, equal to 120 percent of the total amount specified on the cost of improvement work sheet, in the event of the default of the applicant;
 - 2. That upon default the creditor shall pay the County, immediately and without further action, such funds as are necessary to complete improvements up to the limit of funds stated in the documents; and
 - 3. That a letter of credit may not be withdrawn or reduced in amount until released by the Board of County Commissioners.
- D. The applicant and the security agency shall be severally and jointly liable for completion of all improvements as specified in the permit and the standards of the County.

- E. Before construction starts, the applicant shall submit a detailed cost-of- improvement worksheet. The worksheet shall contain a breakdown of the costs of the improvements, in terms of material, equipment and labor. The improvement worksheet shall also contain a specified completion date. Person(s) designated by the Board of County Commissioners, shall review the proposed costs and approve or disapprove the estimates of cost. The worksheet shall be signed both by the applicant and by the reviewer.
- F. The Board of County Commissioners shall provide for inspection of required improvements during construction to ensure satisfactory completion. The official specified by the Board of County Commissioners shall inspect the required improvements during and after construction to ensure satisfactory construction and completion in accordance with the permit and County standards.
- G. The applicant shall file a statement of completion with the Administrator when the improvements have been completed. The statement shall certify that:
 - 1. All required improvements are complete;
 - 2. Improvements are in compliance with the standards specified by the permit and these regulations;
 - 3. The applicant knows of no defects, from any cause, in improvements; and
- H. The official specified by the Board of County Commissioners shall present a statement to the Board of County Commissioners following the final inspection of the development. The statement shall certify that the required improvements are complete and satisfactory, or that the required improvements are incomplete and/or not in compliance with the permit and/or these regulations.
- I. Upon hearing the report and any other evidence from the applicant, agencies, and citizens, the Board of County Commissioners shall take one or more of the following actions:
 - 1. Upon finding that the applicant has completed the improvements as specified in the permit and these regulations, the Board of County Commissioners shall approve the release of the performance guarantee.
 - 2. Upon finding that the applicant has completed a portion of the required improvements, the Board of County Commissioners may release a portion of the performance guarantee as follows:
 - a. The amount of the performance guarantee to be released shall be determined by a computation of a ratio, expressed in dollar amounts, of the improvements completed to the total improvements required.
 - b. The performance guarantee covering central water and sewage systems shall not be released until a registered Wyoming Engineer, employed by the applicant, provides a certification stating that the systems have been inspected, that they have been installed as authorized, and that they are safe and adequate.

- c. The performance guarantee shall not be reduced below twenty-five (25) percent of the principal amount.
- 3. Upon finding a need to extend the specified completion date, because of extraordinary circumstances beyond the applicant's control, the Board of County Commissioners may extend the specified completion date for up to one year beyond the original date.
 - 4. Upon finding that an applicant has not completed the required development by the specified completion date, or that the improvements are not adequate, the Board of County Commissioners shall declare the applicant in default. Such a motion shall be made in accordance with the Appeal Procedure. After finding an applicant in default, the Board of County Commissioners shall take one or more of the following actions:
 - a. The Board of County Commissioners may call the letter of credit, bond, or escrow account. These funds shall be used to complete the improvements. The Board of County Commissioners may choose to finish the work using County resources, or they may contract the work out to a private firm.
 - b. The Board of County Commissioners may revoke permit approval.
 - c. The Board of County Commissioners may assign proceeds, if any, collected under an improvement guarantee to any subsequent developer who covenants to complete improvements of the relevant permit. The agreement to assign proceeds, if any, shall only be made after approval of the subsequent developer's application for permit has been reviewed and approved by the Board of County Commissioners. The subsequent developer's obligation to complete improvements pursuant to an agreement under this Section shall not be affected by the failure of the County to collect proceeds under the permit improvement guarantee if the County makes a good faith effort to obtain such proceeds.
- J. Developer(s) shall establish a mechanism for maintenance of required improvements. In describing the "mechanism for maintenance" the developer(s) shall establish who shall accomplish said maintenance and how often the maintenance shall occur and how the collection of required maintenance funds will be ensured.

6.30 (DELETED July 2, 2014)

6.31 WIND POWER/WIND ENERGY/WIND FARM/WIND ENERGY FACILITIES

This regulation is adopted under the authority granted by Wyoming Statute Title 9 Administration of the Government, Chapter 8 Land Use Planning, Article I. General Provisions, 9-8-101 to 9-8-302 (see Appendix P), Wyoming Statute Title 18 Counties, Article 5, Wind Energy Facilities, 18-5-501 to 18-5-513 (see Appendix K), and Wyoming Statute Title 35 Public Health and Safety, Chapter 12 Industrial Development and Siting, 35-12-101 to 35-12-119 (see Appendix P). Non-commercial Wind Farms are aggregate generation for size 1 kW to 10 kW and permitting shall follow the Zoning and Development Permit Procedure (see Land Use Regulations Chapter 2.1). Commercial Wind Farms/Wind Energy Facilities are aggregate generation above 10 kW and permitting shall follow the Commercial Wind Permit Procedure (see Land Use Regulations Chapter

3.6).

Aggregate generation less than 1 kW non-commercial wind farms shall be considered exempt where: stand alone tower is less than 30 feet in height from ground, roof mount is less than 60 feet in height from ground; and setback as noted in 6.31.A.3.

Agriculture non-commercial wind farms shall be considered exempt where: aggregate generation is less than 10 kW, setback as noted in 6.31.A.3., and minimum parcel size is 35 acres.

A. Non-Commercial Wind Farm (definition includes purpose is to produce power primarily for the On- site single user)

The purpose is to provide for construction and operation of wind turbines that will preserve public health and safety and minimize adverse impact on neighboring properties. Non- commercial wind farms shall be an accessory use and shall be permitted by the issuance of an approved Zoning and Development Permit (as noted in the above paragraph). The approval is subject to compliance with the standard application requirements and compliance with all of the following non-commercial wind farm requirements as set forth below:

1. All wind turbines shall have automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower, blades and turbine components, no furling, upwind rotor, at least three (3) tapered and twisted blades.
2. The minimum distance between the ground and any part of the rotor shall be 15 feet. Wind turbines must limit climbing access.
3. Wind turbines shall have a minimum setback distance from property lines, overhead utility lines, dwellings, public buildings, and other wind turbines no less than 1.5 times the sum of the height of the tower plus rotor radius, plus the normal setbacks as outlined in 6.20 Setbacks.
4. Minimum parcel size: The minimum parcel size to establish a non-commercial wind farm is two (2) acres.
5. Noise shall not exceed 60 dba as measured at the property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
6. The applicant must mitigate or eliminate interference with electromagnetic communication such as radio, telephone, or television, or microwave communications.
7. Colors and surface treatment shall be non-reflective neutral colors.
8. There is no height limitation on tower except as imposed by setback, airport overlay zones, and FAA regulations.
9. Aggregate generation is 1 kW to 10 kW.
10. No illumination of the turbine or tower shall be allowed unless required by the FAA or other appropriate authorities.

11. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, shall be prohibited.
12. Multiple wind turbines on same parcel: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback requirements as defined.
13. Applicant(s) must contact and inform neighbors in writing about proposed installation for aggregate generation less than 10 kw. For aggregate generation greater than 10 kw, applicant(s) must contact and inform neighbors/owners within one (1) mile and to all cities and towns located within twenty (20) miles in writing about proposed installation. Notice shall include a general description of the proposed project including its location, projected number of turbines and the likely routes of ingress and egress for either scenario.
14. At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as: National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association; and upon the construction and installation phase the applicant must provide written documentation verifying compliance with ICBO Building and Electric Code.
15. On the application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
16. Must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
17. Provide documentation that the appropriate utility company has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
18. If any wind energy system is not operated for a continuous 18 month period, or is considered unsafe, the county may notify the owner of record by certified mail and provide 90 days for response. In such response, the owner shall set forth reasons for operational difficulty and reasonable timeframe for corrective action. If the County deems the timeframe or corrective action unreasonable, the owner will be notified that within six (6) months the turbine must be removed. Wind turbines designated for agricultural use may be exempt from this requirement.
19. Wind turbine(s) that may present a threat to the public health, safety, or welfare, regardless of height, shall require a Commercial Wind Permit.
20. Lighting: Wind farm/energy systems shall not be artificially lighted with accent or accessory lighting unless it is determined by the Board of County Commissioners to be necessary for safety and security purposes; Lighting must comply with the regulations and guidelines of the Federal Aviation Administration (FAA), or other appropriate authorities, and shall be at the lowest intensity allowed.

B. Commercial Wind Farm/Wind Energy Facilities

This governs the siting of Wind Energy Projects that provide electricity sold to wholesale or retail markets, with aggregate generation above 10 kW, and the following requirements applies, in addition to applicable requirements under Section A above (items 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 16, 18, and 20 are requirements for Commercial Wind Farm/Wind Energy Facilities), and refer to Wyoming Statute Title 18 Counties, Article 5, Wind Energy Facilities, 18-5-501 to 18-5-513 (see Appendix K), and Wyoming Statute Title 35 Public Health and Safety, Chapter 12 Industrial Development and Siting, 35-12-101 to 35-12-119 (see Appendix P). Permitting shall follow the Commercial Wind Permit Procedure (see Land Use Regulations Chapter 3.6). Some Wind Energy Facilities may require Wyoming Industrial Siting Council authority (see Appendices K and P).

1. Appearance

- a. There shall be no signage or logo of any type allowed on the wind tower(s) with the exception of safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the County.
- b. All Wind Energy project facilities must be of neutral, non-reflective colors.
- c. To minimize the degradation of the visual character of the area, additional performance standards may be adopted by the County upon formal consideration, review and public hearing(s).

2. Setbacks. All Wind Energy Project Structures shall be set back:

- a. The base of any tower would be located at a distance of five and one-half (5.5) times the maximum height of the tower from any residential structure/dwelling. The owner of the residential structure may waive this setback requirement, but in no case shall a tower be located closer than one-quarter mile; and would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of five and one-half (5.5) times the maximum height of the tower unless waived in writing by the owners of all lands included within the distance specified within, but in no event less than one-quarter mile from any platted subdivision.
- b. A distance of five and one-half (5.5) times the maximum height of the tower from any third party transmission lines and communication towers unless waived in writing by the owners of all lands included within the distance specified within, but in no event less than one-quarter mile.
- c. A distance of five and one-half (5.5) times the maximum height of the tower from any adjacent property lines unless waived in writing by the owners of all lands included within the distance specified within, but in no event less than one-quarter mile.
- d. One (1) mile from any incorporated municipality, unless waived by the municipality;

- e. Except transmission lines, one-quarter mile from state highways, and 1.5 times the tower height from public roads;
 - f. Setback distances may be modified at the discretion of the County Commissioners if affected adjacent property owner(s) have provided a waiver to the setback requirement.
3. Construction and Transportation Plan (provide detailed Construction Plan and Transportation Impact Study) to include, but not limited to:
- a. An applicant(s), owner(s), operator(s) or transportation company(s) proposing to use any county road(s) for the purpose of transporting Wind Energy Project, substation parts and/or equipment for construction, operation, or maintenance of the Wind Energy Project or Substation(s), shall:
 - 1. Identify all such public roads and submit detail mapping of haul routes;
 - 2. Obtain applicable weight and size permits from relevant government agencies prior to transport;
 - 3. Obtain new access, access modification or change of use of access permit;
 - 4. Applicant(s) may be requested to provide additional studies and reports prepared by a qualified professional(s) to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long term road maintenance agreement will be required at the discretion of the County Commissioners;
 - 5. Plan to include disposal of material (not necessary able to take to landfill).
 - b. To the extent an applicant(s), owner(s), operator(s) or transporter(s) must obtain a weight or size permit from the County, the applicant(s), owner(s), operator(s) and/or transporter(s) shall:
 - 1. Conduct a pre-construction baseline survey to determine existing road conditions for accessing potential future damage; and
 - 2. Secure financial assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of repairing any damage to public roads caused by transporting, constructing, operating or maintaining the Wind Energy Project;
 - 3. The use of public roads and other infrastructure shall be in accordance with and compliance of Federal, State and County regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the transportation, installation, operation or maintenance of Wind Energy Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same.
 - c. Environmental Impacts.
 - d. Provide a waste management plan, to include an inventory of estimated solid wastes and a proposed disposal program for the construction, operation and

eventual decommissioning.

- e. A written emergency management plan, submitted for review and comment to the County Emergency Management Coordinator and County Sheriff.
- f. Applicant(s) must provide to the record owners and claimants of mineral rights located on and under lands where the wind energy facility will be constructed (see also W.S. 35-12-105).

4. Life of Project and Final Reclamation of Project

Provide a statement of the useful life of the project, a decommissioning plan (as noted below) and a final land reclamation plan in the event the project is abandoned or terminated. Bonding shall be required for construction phase as well as decommission/reclamation. Detailed costs shall be submitted for each. Bonding shall remain in place for life of project and reclamation/decommission after construction has been completed. Plan shall be updated every five (5) years until site reclamation and decommissioning is complete.

- a. Decommissioning: For applicants that are not otherwise regulated by the Wyoming Public Service Commission, each Commercial Wind Energy Project shall have a Decommissioning Plan outlining the anticipated means and cost of removing Wind Energy Project facilities at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the Wind Energy Project and any accessory facilities.

5. Impact and Mitigation

In the absence of a required environmental analysis by a state or federal agency, which encompasses the entire project area, provide a project impact review and a proposed mitigation plan addressing:

- a. Environmental: wildlife, wildlife habitat, endangered or threatened species, avian population (including migratory birds), flora, soil, water quality and water supply, dust from project activities, and historic, cultural or archaeological resources within the project area.
- b. Wind Farm: noise levels at the residence(s) nearest to the project boundary and at the property line, any wastes, electromagnetic fields and communications interference generated by the project, public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created, discuss any potential changes that could be anticipated when considering the cumulative impacts of other adjacent wind energy projects
- c. Provide a detailed summary of any significant adverse social or economic

effects and include any preliminary plans developed to alleviate.

6.32 COMMUNICATION TOWERS & WIRELESS TELECOMMUNICATION FACILITIES (including antennas)

The purpose of this regulation is to provide for placement, construction, operation and modification of Communication Towers (includes Wireless Telecommunication Towers) that will preserve public health and safety and minimize adverse impact on neighboring properties. This regulation will establish requirements for the permitting associated with a Communication Tower. Each Tower shall require a permit and permitting shall follow the Zoning and Development Permit Procedure (see Land Use Regulations Chapter 2.1). Exemptions shall include amateur radio operators using attached antennas for personal, non-commercial use, including, but not limited to, television and ham radio antennas. Refer to Land Use Regulations Chapter 7 for definitions.

A. General Requirements:

The approval is subject to compliance with the standard application requirements and compliance with all of the following requirements as set forth below:

1. All Communication Towers construction plans and drawings shall be certified by an engineer licensed in the State of Wyoming, that demonstrate the suitability of the tower site, the suitability of the foundation design, and show the number and position of guy wires and proposed tower(s).
2. Towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surround buildings. Colors and surface treatment shall be non-reflective neutral colors.
3. Lighting: Towers may not be artificially lighted, unless required by public safety, the Federal Aviation Administration (FAA), or other applicable authority.
4. General Nuisances: Minimize light, glare, heat, noise, vibration, odors, fumes, smoke, or other off-site nuisances generated by the use.
5. All towers must meet current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and any other agency of the local, state or federal government with the authority to regulate towers and antennas.
6. Shall have a minimum setback distance from all property lines, overhead utility lines, dwellings, public buildings, and other structures no less than 100% of the sum of the height of the tower plus the normal setbacks as outlined in 6.20 Setbacks.
7. Setbacks.
 - a. At least 300 feet from any residential structure. The owner of the residential structure may waive this setback requirement, but in no case shall a tower be located closer than 100% of the tower height;
 - b. A distance of at least 100% of the tower height from third party transmission lines;
 - c. At least 100% of the tower height from adjacent property lines;
 - d. One (1) mile from any incorporated municipality, unless waived by the

- municipality;
- e. Except transmission lines, one-quarter mile from state highways unless waived by WYDOT, and 1.5 times the tower height from public roads;
8. The applicant must mitigate or eliminate interference with electromagnetic communication such as radio, telephone, or television, or microwave communications.
 9. There is no height limitation on tower except as imposed by setback, airport overlay zones, and FAA regulations.
 10. Commercial messages shall not be displayed on any tower. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a tower, building, or other structure associated with the tower shall be prohibited.
 11. Applicant(s) must contact and inform neighbors (adjacent property owners within 300 feet) in writing about proposed installation prior to application and provide copy with application. Exemptions from this requirement will be if the application is for the purpose of: (1) the installation of antennae and equipment on an existing antenna support structure provided the installation does not result in an increase in the overall height of the existing structure; and (2) Collocating on an existing tower provided the installation does not result in an increase in the overall height of the existing structure or present a problem to the property owners.
 12. Tower facilities will be considered abandoned if they are unused for a continuous 18 month period, or is considered unsafe. The county may notify the owner of record by certified mail and provide 90 days for response. In such response, the owner shall set forth reasons for operational difficulty and reasonable timeframe for corrective action. If the County deems the timeframe or corrective action to be unreasonable, the owner will be notified that within six (6) months the tower must be removed.
 13. Communication towers that may present a threat to the public health, safety, or welfare shall require a Conditional Use Permit.
 14. To minimize the degradation of the visual character of the area, additional performance standards may be adopted by the County upon formal consideration, review and public hearing(s).
 15. Shared use on existing towers is preferred as opposed to the construction of a new Tower. Applicants intending to locate on an existing Tower (collocate) or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant. If a new tower is proposed, the applicant shall provide information regarding the availability of shared use space within the area served by the proposed tower, which shall include information regarding the coverage by existing towers to demonstrate the need for an additional tower. The applicant must demonstrate that there are not existing towers within the general area that will structurally, technically, or otherwise meet the needs of the applicant applying for the new tower and that there is a clear need for the erection of a new tower.
 16. Shall be located, fenced or otherwise secured in a manner that prevents unauthorized access; specifically, all towers, antennas, and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided

with.

17. Amateur Radio Antenna: Amateur radio antennas may be individually reviewed for placement, screening or height of antennas based on health, safety or aesthetic considerations. Any requirements must be crafted to reasonably accommodate amateur communications and represent the minimum practicable regulation to accomplish the legitimate purpose.