

Albany County Zoning Resolution



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Amendments:

October 6, 2015 – Portable Storage Structures
October 20, 2015 – On Premise Signs
April 19, 2016 – Correction of Errors
June 20, 2017 – Zoning Certificate Process
August 1, 2017 – Application Withdrawal
November 5, 2019 – Landscaping Standards
September 15, 2020 – Wind Energy Regulations
October 6, 2020 – Solar Energy Regulations
March 2, 2021 – Wind Energy Regulations
November 2, 2021 – Aquifer Protection Overlay Zone Regulations

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Chapter 1. General Provisions

Section 1. Title and Authority.

- A. This Resolution shall be known and may be cited as the "Albany County Zoning Resolution". This Resolution is adopted pursuant to W.S. § 18-5-201, et seq. and the Wyoming Administrative Procedures Act (W.S. § 16-3-101 through § 16-3-115).
- B. Pursuant to W.S. § 18-5-202, the Board of County Commissioners established a Planning and Zoning Commission in 1975.

Section 2. Purpose. The purpose of this zoning resolution is to promote the public health, safety, morals, and general welfare of the County, pursuant to W.S. § 18-5-201, and to protect private property rights.

Section 3. Jurisdiction. This resolution shall apply to all unincorporated areas within Albany County, Wyoming. State and Federal lands are exempt from this resolution.

Section 4. Repeal. This zoning resolution repeals and replaces all previous zoning regulations in Albany County, Wyoming.

Section 5. Relationship to Other Resolutions or Laws. If municipal, county, state, or federal law or regulations or adopted County Resolutions impose additional standards on land use within the unincorporated areas of Albany County, the more restrictive standard of the entity with legal jurisdiction shall apply.

Section 6. Severability. If any portion of this resolution or its application to specific circumstances shall be held invalid by a court of competent jurisdiction, the remainder of this resolution and its application to other circumstances shall be unaffected.

Section 7. Interpretation. In interpretation and application, the goals and policies contained in this Resolution shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.

Section 8. Amendments. Amendments to this Resolution may be made as specified in W.S. § 18-5-202 and in accordance with the Wyoming Administrative Procedures Act as specified in W.S. § 16-3-101 through § 16-3-115.

Section 9. Expiration of Conditions. The Planning and Zoning Commission may require that any qualifiers, conditions or contingencies of an approval recommendation be completed by a deadline. If a required contingency is not completed by a specific deadline, the approval recommendation expires and becomes void, unless extended by the Commission. The extension must be initiated by the applicant.

Section 10. Violation.

- A. Pursuant to W.S. § 18-5-204, no person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or use any land in violation of this zoning resolution. Each day's continuation of such violation is a separate offense.
- B. Falsification or distortion of information required on permits shall be considered a violation of this zoning resolution.
- C. Methods of construction, land conveyances, or other acts intended to evade the regulations set forth in this zoning resolution are violations of the resolution.

Section 11. Enforcement and Penalty. Pursuant to W.S. § 18-5-204 through § 18-5-206.

- A. Any violation of this zoning resolution shall be punishable as provided in the provisions of the Wyoming Statutes applicable hereto. Enforcement of this zoning resolution may be by injunction, mandamus, or abatement.
- B. The penalty for violation of this zoning resolution shall be a fine not more than seven hundred and fifty dollars (\$750.00) for each offense. Each day in which a violation continues shall be counted as a separate offense, except when an appeal is filed. The fine shall be held in abeyance of pending findings.
- C. Properties in violation with this resolution shall not be issued a land use permit until the violation has been resolved to the satisfaction of the County. In addition, permits for development shall not be issued on parcels of land conveyed in evasion of this resolution.

Section 12. Appeals. Pursuant to W.S. § 18-5-203, an applicant desiring to appeal the decision of the Planning Director shall appeal to the Board of County Commissioners. The decision of the Board of County Commissioners may be reviewed by the district court and by the Supreme Court upon appeal in the same manner as provided in Rule 12 of the Wyoming Rules of Appellate procedure, for review of decisions of boards of adjustment.

Section 13. Applicability of Zoning District/Classification Definitions. Zoning districts/classifications, defined within this resolution, apply specifically to land use regulations adopted by the Board of County Commissioners. Zoning districts/classifications established within this resolution do not represent taxation classifications. Taxation classifications are determined by the County Assessor's Office.

Section 14. Acting County Engineer Review Fees. Any land use permit application or request for a zoning change may be reviewed by the Acting County Engineer at the discretion of the Planning Director. The applicant must reimburse the County for the cost of this review.

Chapter 2. Definitions

Section 1. Purpose. The purpose of this chapter is to provide definitions for terms that will be used within this resolution.

Section 2. Application. Definitions found in this chapter apply to the entire zoning resolution. Words that are not defined within this resolution shall be defined by the common usage of the word.

Section 3. Definitions Specific to this Zoning Resolution.

Adult Entertainment Uses: Retail and/or entertainment establishments offering adult entertainment, the sale of sexually explicit materials, and similar uses.

Agricultural Use: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals, useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including, but not limited to, beef cattle, sheep, swine, equine, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; lands devoted to a soil conservation or forestry management program.

Agricultural Operation, Incidental: The production, principally for use or consumption of the property owners, of plants, animals, or their products and for sale to others where such are incidental, including but not limited to: gardening, fruit production, and poultry and livestock products.

Amateur Radio Operators: An operator who uses a radio and/or communication device for non-commercial, personal use.

Animal Boarding/Shelter: The commercial boarding of four (4) or more small animals (e.g. dogs, cats) for a temporary amount of time for a pet owner or for unwanted animals. This includes boarding kennels, pet day cares, animal shelters, or other similar uses.

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.

Antenna, (attached): An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

Accessory Building/Structure: A building that is incidental, detached, and subordinate to the principal building on the premises and is not used as a residence.

Auditorium: A large building used for public meetings or performances.

Boarding Stable: A structure which may include an equestrian arena designed for the feeding, housing, and exercising of equine not owned by the owner of the premises and for which the owner of the premises receives compensation.

Business: A lawful endeavor for engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or services, including the maintenance or conduct of offices, professions, warehouses, or recreation or amusement enterprises. Also see Home Business.

Butcher Shop: A retail store supplying meat and poultry products. Processing of meat may be associated with this use.

Co-location: Locating wireless communications equipment for more than one (1) commercial wireless telecommunication service provider on a single structure.

Commercial Outdoor Event Venue, Limited: The use of property for small outdoor events such as weddings, family reunions, or small private parties.

Commercial Use: Having qualities of a Business as defined in this Chapter.

Commercial Wireless Telecommunication Services: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

Communication Tower: A tower which has equipment attached (usually an antenna) for the purpose of sending and or receiving communication signals (e.g. radio towers and cell towers).

Development: As defined by W.S. §18-5-203, the location, erection, construction, reconstruction, enlargement, change, maintenance or use of any building or land.

Dwelling/Dwelling Unit: One (1) or more rooms providing complete living facilities for a person, family or equivalent group of persons, including kitchen facilities or equipment for cooking or provisions for same, and including a room or multiple rooms for living, sleeping, bathing, and eating.

Dwelling, Single-Family: A building containing one (1) dwelling unit surrounded by open space or yard, including mobile or modular homes.

Dwelling, Multi-Family: A building containing two (2) or more dwelling units.

Frontage: The front portion of a lot abutting a road.

Feedlot, Stockyard, Livestock Confinement Operation: Any parcel of land containing less than thirty-five (35) acres having greater than ten (10) animal units per acre, continuously in a corral for more than one hundred eighty (180) days in any twelve (12) month period. All animal units shall be based on the following unit equivalents:

1	Beef Cow	= 1.0 Unit
1	Feeder Calf	= 0.5 Unit
1	Dairy Heifer	= 1.0 Unit
1	Beef Cow/Calf Pair	=1.2 Unit
1	Dairy Cow	=1.4 Unit
1	Swine	= 0.3 Unit
1	Feeder Pig	=0.1 Unit
1	Sheep or Lamb	=0.2 Unit
1	Horse	= 1.0 Unit
1	Goat	= 0.2 Unit
1	Calf (up to 3 Months)	=0.1 Unit

Home Business: An occupation or activity carried out by the owner or immediate occupant(s) of the property who reside on the premises. By definition, home businesses are clearly incidental and secondary to the use of the structure or property for residential or agricultural purposes.

Land Use: A description of how land is occupied or utilized.

Land Use/Development Permit: A permit required for land uses and development specified within Albany County Resolution.

Leapfrog Development: Subdivisions or commercial development which skips parcels of undeveloped land, leaving undeveloped parcels separating developed parcels.

Manufacturing:

Light Manufacturing. Manufacturing operations which do not emit noxious smoke, odor, fumes, dust or noise beyond the confines of its property. Usually, these businesses do processing, fabricating, assembly, or disassembly of items within an enclosed building (e.g. manufacturing of clothing, candy, electronics, etc.).

Heavy Manufacturing. Any manufacturing use that exceeds the definition of Light Manufacturing shall be considered Heavy Manufacturing (e.g. fertilizer plant, cement plant, etc.).

Meteorological (Met) Tower: A tower which has equipment attached to it which is designed to assess wind resource. Generally a met tower will have anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached to it at various levels above the ground.

Mineral Mining: Extraction of minerals, as defined by State Statute (W.S. § 18-5-201, W.S. § 35-11-101 et al. Seq., and clarified in *River Springs Ltd. Liability Co. v. Board of County Commissioners of the County of Teton*, 899 P. 2d 1329 [Wyo. 1995]).

Mobile Home Park: Any lot or parcel of land, whether for rent, lease, hire, or otherwise, where three (3) or more mobile homes are parked and used for living and/or sleeping purposes. Three (3) mobile homes established on agricultural land, in addition to owner or operators residence, and used as housing for agricultural workers on the same property shall not be construed as a mobile home park.

Non-mineral Mining: Extraction of substances such as sand, gravel and limestone unless they are rare and exceptional in character or possess a peculiar property giving them special value, as for example sand that is valuable for making glass and limestone of such quality that it may profitably be manufactured into cement. Such substances, when they are useful only for building and road-making purposes, are not regarded as minerals in the ordinary and generally accepted meaning of the word (*River Springs Ltd. Liability Co. v. Board of County Commissioners of the County of Teton*).

Overlay Zone: A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Parcel: A plot of land, usually a division of a larger area.

Principal Building/Structure: The building in which is conducted the main or principal use of the property upon which the building is located. These buildings may be agricultural, residential, commercial, or industrial buildings.

Pod Storage Structures: These structures are commonly known as portable on demand storage (PODS). These structures are used for on-site storage. These structure are moved by truck and can be used for temporary (6 months or less) or long-term (over 6 months) storage on a property.

Public/Quasi Public Use: Areas or buildings available for the use of the general public (parks, schools, cemeteries, etc.) or for churches, clubs, or related uses.

Residential Area: Two (2) or more dwelling units located on different lots within five hundred (500) feet of one another as measured from the nearest points of the foundations of those structures.

Residential Use: Land that is used for dwelling units.

Screening and Buffering: The use of berms, open space, fencing, landscaping, or other approved means to visually screen abutting incompatible uses from each other.

Shooting Range: An area or structure used for the safe discharge of firearms for shooting sports, target practice, or military or law enforcement firearm training. This definition does not refer to private ranges used primarily for personal use by the owner of the property.

Site Plan: A plan which illustrates proposed development on a parcel of land. These plans include parcel dimensions, the dimensions of any proposed structures, geographic features of the parcel (topography, waterways, etc.) and any other information needed for the particular development.

Strip Development: A pattern of development, attracted by a major thoroughfare, which is only one (1) lot or parcel deep along that thoroughfare and which creates numerous accesses to it, usually for commercial uses.

Structures: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Subdivision: The creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

Tower: Any ground, roof, or otherwise mounted pole, spire, structure, or combination thereof that is thirty (30) feet or greater in height above the ground, including supporting lines, cables, wires, braces, masts, or other structures, for the purpose of mounting an antenna, meteorological device, or similar apparatus above ground.

Utility Use: Structures and facilities related to the production and/or transportation of electricity, gas, or oil.

Wind Energy Conversion System (WECS) Tower: See Chapter 5, Section 12, B.

Zoning Certificate: Statement issued by the Albany County Board of County Commissioners that the proposed development is in compliance with this zoning resolution.

Zoning District: A specifically delineated area or district in the county within which uniform regulations and requirements govern the use, placement, spacing, size of land, and buildings.

Section 4. Appeals of Staff Interpretation of Definitions and Regulations. The planning staff shall interpret all definitions and regulations and their application in this zoning resolution. Appeals of planning staff interpretation may be submitted to the Planning and Zoning Commission for review and recommendation and to the Board of County Commissioners for final determination.

Note: Some definitions in this chapter were taken or adapted from *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom (1995).

Chapter 3. Zoning

Section 1. Purpose. The purpose of this chapter is to establish Zoning Districts.

Section 2. Establishment of Zoning Districts. This section establishes the zoning districts and associated standards for Albany County. These districts include the following:

A. Agricultural (A)

1. Purpose: The purpose of the A zone is to promote the continuation of farming and ranching operations and the retention of the rural character of the County. Areas within this district have low levels of public service and are often in active agricultural areas.
2. Density: One (1) dwelling unit per thirty-five (35.0) acres.
3. Minimum Lot Size: Thirty-five (35.0) acres.
4. Minimum Lot Frontage Width: None.
5. Minimum Setbacks: Principal and accessory structures must be set back twenty (20) feet from all property lines. Setbacks for water wells shall be fifty (50) feet from all property lines. Setbacks for sewage disposal systems shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.

B. Rural Residential (RR)

1. Purpose: The RR zone promotes single family dwellings on larger lots with limited agricultural operations and provides the ability to store, maintain and adequately care for limited numbers of livestock. Areas within this district typically are not served by centralized water and sewer systems and available utilities may be limited.
2. Density: One (1) dwelling unit per five (5.0) acres.
3. Minimum Lot Size: Two (2.0) acres.
4. Minimum Lot Frontage Width: One hundred (100) feet.
5. Minimum Setbacks: Principal and accessory structures must be set back ten (10) feet from all property lines. Setbacks for water wells shall be fifty (50) feet from all property lines. Setbacks for sewage disposal systems shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.

6. Dwelling Units per Parcel: A property owner is allowed one (1) zoning certificate for a single-family dwelling per parcel. A zoning certificate for a multi-family dwelling or one (1) additional zoning certificate for a single-family dwelling may be allowed or conditionally permitted if specified in the land use table and if in compliance with all County land use regulations.

C. Small Lot Residential (SLR)

1. Purpose: The SLR zone will provide for single-family dwellings.
2. Density: One (1) dwelling unit per two (2.0) acres
3. Minimum Lot Size: Two (2.0) acres
4. Minimum Lot Frontage Width: One hundred (100) feet
5. Minimum Setbacks: Principal and accessory structures must be set back ten (10) feet from all property lines. Setbacks for water wells shall be fifty (50) feet from all property lines. Setbacks for sewage disposal systems shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.
6. Dwelling Units per Parcel: A property owner is allowed one (1) zoning certificate for a single-family dwelling per parcel.

D. Urban Residential (UR)

1. Purpose: The UR zone is primarily for single-family uses on individual lots with centralized water and/or sewer systems, typically within water and sewer districts or in areas that are connected to the City of Laramie water and/or sewer systems. The use of a centralized water or sewer system is a requirement for subdivision in this zone.
2. Density: One (1) dwelling unit per ten thousand (10,000) square feet.
3. Minimum Lot Size:
 - a. If a centralized water system and on-site sewage systems will be provided, the minimum lot size shall be one (1) acre.
 - b. If on-site wells and a centralized sewage system will be provided, the minimum lot size shall be fifteen thousand (15,000) square feet.
 - c. If both a centralized sewage and water system are employed, density shall have a minimum lot size of ten thousand (10,000) square feet.

4. Minimum Lot Frontage Width:
 - a. Subdivisions requiring a minimum lot size of one (1) acre require a one hundred (100) foot lot frontage width.
 - b. Subdivisions requiring a minimum lot size of fifteen thousand (15,000) square feet requires a seventy-five (75) foot lot frontage width.
 - c. Subdivisions requiring a minimum lot size of ten thousand (10,000) square feet requires a seventy-five (75) foot lot frontage width.
5. Minimum Setbacks: Principal and accessory structures must be set back a minimum of ten (10) feet from all property lines. If an on-site water well is employed, it must be a minimum of fifty (50) feet from all property lines. If an on-site sewage disposal system is employed, setbacks shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.
6. Dwelling Units per Parcel: A property owner is allowed one (1) zoning certificate for a single-family dwelling per parcel.

E. Neighborhood Business (NB)

1. Purpose: The purpose of the NB zone is to protect the character and property values of residential neighborhoods, while allowing the operation of appropriate neighborhood oriented businesses. Businesses shall be limited to professional offices and small retail businesses that provide goods and services. These areas should be located near major roads and have water and sewer available (on-site or connected to centralized systems).
2. Minimum Lot Size: Lots must be large enough to site a water and wastewater system (whether on-site or centralized) within required setback limitations.
3. Minimum Lot Frontage Width: One hundred (100) feet.
4. Minimum Setbacks: Structures must be set back ten (10) feet from all property lines. If an on-site water well is employed, it must be fifty (50) feet from all property lines. If an on-site sewage disposal system is employed, setbacks shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.
5. Neighborhood Compatibility Standards.
 - a. Building Height: The building height shall not exceed twenty-five (25) feet from finished grade.

- b. Operating Hours: Business shall not be open to the public between the hours of 10 p.m. and 6 a.m.

F. Commercial (C)

1. Purpose: The purpose of the C zone is primarily to allow for commercial uses within the County. A mix of uses will be allowed in this zone including both commercial and residential uses. These areas should be located near major roads and have water and sewer available (on-site or connected to centralized systems).
2. Minimum Lot Frontage Width: One hundred (100) feet.
3. Minimum Setbacks: Commercial structures must be set back ten (10) feet from side and rear property lines and fifty (50) feet from frontage property lines. If an on-site water well is employed, it must be 50 feet from all property lines. If an on-site sewage disposal system is employed, setbacks shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.

G. Industrial (I)

1. Purpose: The I zone will be for areas or lands determined appropriate for industrial uses. These uses include the use of land or buildings requiring substantial applications of skill, capital, machinery, or labor in transforming materials into other suitable forms, qualities, or properties.
2. Minimum Lot Size: One (1) acre
3. Minimum Lot Frontage Width: Two hundred (200) feet.
4. Minimum Setbacks: Principal and accessory structures must be set back ten (10) feet from all property lines. Setbacks for water wells shall be fifty (50) feet from all property lines. Setbacks for sewage disposal systems shall be in accordance with the County Resolution entitled “Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities”.

Section 3. Overlay Zones. This section establishes overlay zones which may include more than one (1) underlying zoning district and/or overlay zone. Development, subdivision, or uses within an overlay zone must meet the additional standards of the overlay, in addition to the underlying zoning standards.

- A. Floodplain Overlay.** The Floodplain Overlay is established by the most recent Flood Insurance Rate Maps (June 16, 2011) provided by the Federal Emergency Management Agency. Any structure that will be built within the delineated Floodplain Overlay shall obtain a Floodplain Development Permit from the Albany County Planning Office prior

to approval of an application for a Zoning Certificate and/or application for Small Wastewater Treatment Facility. A Floodplain Development Permit will be issued in accordance with the currently enacted Flood Damage Prevention Resolution (June 7, 2011).

B. 201 Intergovernmental Agreement Overlay. The "Intergovernmental Agreement for Laramie Wastewater Treatment Facilities and Collection System" is a cooperative agreement between the City of Laramie, Albany County, and the South of Laramie Water and Sewer District (Effective November 1, 1997). This agreement establishes specific standards for the construction of sewage collection lines, and establishes standards for requiring connection to the City of Laramie sewer lines. See the agreement for the specific standards and jurisdictional boundaries.

C. Neighborhood Conservation Overlay Zone (NCOZ).

1. Purpose: The purpose of the NCOZ is to avoid creating non-conforming structures and lots for platted properties in existence prior to the adoption of the Albany County Zoning Resolution in 1997. Future subdivisions of land in this overlay zone must meet the standards of the underlying zone.
2. Minimum Lot Size: Existing lots under the minimum lot size standard for the underlying zone are considered to be legal lots and within the standards of these regulations.
3. Minimum Lot Frontage: None.
4. Minimum Setbacks: No setback is required for principal or accessory structures. Setbacks for new water wells shall be a minimum of fifty (50) feet from all property lines. Setbacks for new sewage disposal systems shall be in accordance with the County Resolution entitled "Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities".
5. Land Uses: Land uses shall conform to those allowed and conditionally permitted in the underlying zone designation (see land use table).

D. Aquifer Protection Overlay Zone.

1. Purpose. The purpose of the Aquifer Protection Overlay Zone (APOZ) is to prevent degradation to the water quality within the Casper Aquifer.
2. These regulations incorporate the findings of Albany County's Casper Aquifer Protection Plan (CAPP) and its update. Approximately fifty (50) to sixty (60) percent of the City of Laramie's municipal water supply and one hundred (100) percent of the water to approximately four hundred fifty (450) rural residences come from wells and springs in the Casper Aquifer. The delineated recharge area

of the Casper Aquifer in the Laramie area encompasses approximately seventy-nine (79) square miles that lie east of the City and extends to the crest of the Laramie Range, with the northern boundary approximately six (6) miles north and the southern boundary six (6) miles south of City limits. The City of Laramie has municipal well fields which draw water from this area. The Casper Formation is exposed along the west side of the Laramie Range and is vulnerable to contamination because:

- a. Points of withdrawal (municipal and domestic wells) are in close proximity to the recharge area;
 - b. The Casper Aquifer recharge area is fractured and has extensive exposures of porous sandstones;
 - c. There are existing areas of residential and commercial development on the recharge area and there is a potential for additional future development in the recharge area; and
 - d. Interstate 80 (I-80), across which numerous hazardous substances are transported each day, cuts through the entire thickness of the Casper Formation. The Casper Aquifer is comprised of the saturated portions of the Casper Formation which consists of approximately seven hundred (700) feet of marine and eolian sandstones interbedded with marine limestone and minor amounts of shale. The Sherman Granite provides an effective lower confining layer for the Casper Aquifer and the low permeability of the Satanka Shale provides an upper confining layer where there is sufficient thickness. In general, the Satanka Shale effectively retards the flow of water upward out of the Casper Aquifer and the flow of water downward to the Casper Aquifer.
3. Because the bottom fifty (50) feet of the Satanka Shale may be fractured and in hydraulic communication with the underlying Casper Aquifer, the City of Laramie/Albany County Environmental Advisory Committee - Technical Advisory Subcommittee (June, 1999) recommended that a minimum seventy-five (75) foot vertical thickness of Satanka Shale be present above the Casper Formation to provide an adequate safety factor to reduce the risk of potential contamination to the Casper Aquifer. These regulations hereby incorporate the Technical Advisory Subcommittee's recommendation as the basis for defining the APOZ.
 4. Definitions. For the purpose of the Aquifer Protection Overlay Zone (APOZ) regulations, the following words and terms shall have the meanings specified herein:

- a. **Aquifer Protection Overlay Zone (APOZ) Development:** Any modification to the natural land surface that may result in the introduction of contaminants and/or increasing the vulnerability of the aquifer to contamination.
 - b. **Best Available Control Technology:** Use of equipment and management practices to provide the maximum possible reduction in the release, or possibility of release, of hazardous materials into the Casper Aquifer.
 - c. **Improvement Site:** The area that will receive improvements such as structures, a septic system, roads, driveways, or other alterations to the existing land.
 - d. **Hazardous Material:**
 - (i) Any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4;
 - (ii) Any hazardous waste as defined in Wyoming law including, but not limited to, the Wyoming Department of Environmental Quality Hazardous Waste Rules and Regulations as may be amended from time to time;
 - (iii) Any pesticides as defined in Wyoming law; or
 - (iv) Any oil or petroleum. This definition does not include natural gas or propane used for heating homes or businesses or other common residential uses.
 - e. **Person:** Any individual, developer, homeowner's association, group, business, corporation, partnership, governmental body, or any other legal entity.
 - f. **Vulnerable Feature:** Any physical feature that reduces the natural protection of the aquifer at or near the ground surface including faults, folds, open fractures that extend to the ground surface; shallow depth to groundwater (any location where no effective confining layer is present over the water-bearing strata within the Casper Formation and the depth to water is less than seventy (70) feet); exposed bedrock; and drainages.
 - g. Other words used in these APOZ regulations shall be defined by the usage in the Albany County Casper Aquifer Protection Plan, other County land use regulations or by the common definition.
5. Aquifer Protection Overlay Zone Established.
- a. There is established within the unincorporated area of Albany County an Aquifer Protection Overlay Zone (APOZ). The APOZ is the area where

the upper boundary of the Casper Formation is not covered by at least seventy-five (75) feet of the overlying Satanka Formation naturally in place, regardless of if the reduction in thickness of the Satanka Formation is due to natural causes or is man-made.

Delineation of the APOZ is based upon the CAPP approved by the Board of County Commissioners on January 4, 2011. All property within Zones 1, 2, and 3 are zoned APOZ. The APOZ Boundary is defined on page 129 of the Albany County Zoning Map Book.

- b. Where the boundary line of the APOZ divides a lot, the requirements established by these regulations shall apply only to the portion of the lot that is located within the APOZ.
 - c. Exclusions. Previously surveyed parcels may be excluded from the APOZ upon clear and convincing evidence of the presence of at least seventy-five (75) feet of undisturbed Satanka Formation overlaying the Casper Formation beneath the parcel. Evidence shall be based upon publicly available data and provided by a Wyoming-licensed professional geologist or engineer with appropriate expertise.
 - 1) An application for exclusion shall be made by the landowner on a form provided by the Albany County Planning Office.
 - 2) The County may submit the evidence to a different qualified professional for review. Reasonable costs of professional consultation to the County shall be reimbursed by the exclusion applicant to the County.
 - 3) Any exclusion shall be approved by a vote of the Board of County Commissioners. If approved, the APOZ boundary shall be modified accordingly.
 - d. All Development located within the APOZ shall meet the requirements of these regulations.
 - e. Where these regulations are less strict or silent as to a particular issue, any APOZ Developments shall conform to the requirements of the underlying zoning district(s) in which the APOZ Development is located.
6. Prohibited Activities.
- a. Development, except that which is proposed by the City of Laramie for the protection and usage of City of Laramie water wells, is prohibited in Zone 1 of the APOZ, and

- b. No property within any zone of the APOZ may be used for any use listed in the Table of Prohibited Activities set forth below or otherwise prohibited or limited by operation of these APOZ regulations.

Table of Prohibited Activities

Prohibited Activity		Examples of prohibited activities
The following activities are prohibited in the APOZ:		
1.	Activities involving any equipment for the storage or transmission of any hazardous material to the extent that it is not pre-empted by federal law.	Petroleum pipelines or gasoline stations.
2.	The discharge to groundwater of any regulated waste.	
3.	Commercial car or truck washes, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works or centralized wastewater treatment system.	Car or truck washes, detail shops or car dealership.
4.	Commercial and home occupation/home business production or refining of chemicals, including without limitation, hazardous materials or asphalt.	Chemical, petroleum, or asphalt manufacturer.
5.	Commercial and home occupation/home business clothes or cloth cleaning service which involves the use, storage, or disposal of hazardous materials, including without limitation, dry-cleaning solvents.	Dry cleaner.
6.	Commercial and home occupation/home business clothes or cloth cleaning service for any activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works or centralized wastewater treatment system.	Industrial laundry.
7.	Commercial generation of electrical power by means of fossil fuels except generation by means of natural gas or propane.	
8.	Commercial and home occupation/home business production or fabrication of metal products, electronic	Metal foundry, metal finisher, metal

	boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, metal cleaning or degreasing of parts or equipment with industrial solvents, or etching operations.	machinist, metal fabricator, metal plating, electronic circuit board, electrical components or other electrical equipment manufacturer.
9.	Commercial and home occupation/home business on-site storage of oil, petroleum or gasoline for the purpose of wholesale or retail sale.	Bulk plant.
10.	Commercial and home occupation/home business embalming or crematory services which involve the use, storage or disposal of hazardous material.	Funeral home or crematory.
11.	Commercial and home occupation/home business furniture stripping operations which involve the use, storage or disposal of hazardous materials.	Furniture stripper.
12.	Commercial and home occupation/home business furniture finishing operations which involve the use, storage or disposal of hazardous materials.	Furniture repair.
13.	Storage, treatment, or disposal of hazardous waste permitted under Wyoming law.	Hazardous waste treatment, storage or disposal facility.
14.	Commercial and home occupation/home business of any biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material.	Laboratory: biological, chemical, clinical, educational, product testing or research.
15.	Commercial and home occupation/home business involving pest control.	Lawn care or pest control service.
16.	Commercial and home occupation/home business salvage operations of metal or vehicle parts.	Metal salvage yards, vehicle parts, salvage yards or junk yards.
17.	Commercial and home occupation/home business photographic finishing which involves the use, storage, or disposal of hazardous materials.	Photographic finishing laboratory.
18.	Commercial and home occupation/home business printing, plate making, lithography, photoengraving or	Printer or publisher.

	gravure, which involves the use, storage or disposal of hazardous materials.	
19.	Commercial and home occupation/home business pulp production, which involves the use, storage or disposal of any hazardous materials.	Pulp, paper or cardboard manufacturer.
20.	Accumulation or storage of waste petroleum products, waste anti-freeze or spent lead-acid batteries.	Recycling facility which accepts waste oil, spent anti-freeze or spent lead-acid batteries.
21.	Commercial and home occupation/home business production or processing of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials.	Rubber, plastic, fabric coating, elastomer or resin cement manufacturer.
22.	Storage of pavement de-icing chemicals unless storage takes place within a weather-tight waterproof structure.	Salt or de-icing storage facilities.
23.	Commercial and home occupation/home business accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste.	Solid waste facility or intermediate processing center. Landfill or dumps on residential or commercial property.
24.	Commercial and home occupation/home business finishing or etching of stone, clay, concrete or glass products or painting of clay products which involves the use, storage, or disposal of hazardous materials.	Stone, clay or glass products manufacturer.
25.	Commercial and home occupation/home business dyeing, coating or printing of textiles, or tanning or finishing of leather, which involves the use, storage, or disposal of hazardous materials.	Textile mill, tannery.
26.	Commercial and home occupation/home business involving the repair or maintenance of automotive or marine vehicles or internal combustion engines of vehicles, the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids or the generation of hazardous wastes.	Vehicle service facilities which may include: new or used car dealership, automobile body repair or paint shop, aircraft repair shop, automobile radiator, or transmission

		repair; small-engine repair; boat dealer; recreational vehicle dealer; motorcycle dealer; truck dealer; truck stop; diesel service station; automotive service station, municipal garage, employee fleet maintenance garage or construction equipment repair or rental.
27.	Commercial and home occupation/home business of on-site storage of hazardous materials for the purpose of wholesale or retail sale.	Wholesale trade, storage or warehousing of hazardous substances, hazardous wastes, oil or petroleum.
28.	Commercial and home occupation/home business production or treatment of wood, veneer, plywood, or reconstituted wood, which involves the use, storage or disposal of any hazardous material.	Manufacturer of wood veneer, plywood or reconstituted wood products.
29.	All Underground Injection Control (UIC) wells except Class V subclasses 5B2, 5B3, 5B4, 5B5, 5B6, 5B7, 5E3, 5E4, and 5E5 and Class V subclasses 5A1 and 5A2, if 5A1 and 5A2 facilities do not use any additives, as defined in WDEQ/WQD Division Rules and Regulations, Chapter 16.	Underground injection control facilities.
30.	Water wells which are not capped. Water wells which are not cased at least to the top of the production zone with the annular space sealed from the top of the production zone to the surface, or in accordance with the state engineer's requirements or recommendations, whichever is stricter.	

31.	Application of pesticides and herbicides which do not conform to label instructions and Wyoming Environmental Pesticide Control Act of 1973.	
32.	Application of fertilizer at greater than the agronomic uptake rate of the vegetation fertilized.	
33.	Commercial and home occupation/home business quarrying and sand and gravel mining unless the operations are conducted pursuant to valid permits issued by the Wyoming Department of Environmental Quality, Bureau of Land Management or other federal or state regulatory agency.	
34.	Above ground storage of any hazardous material, including oil and petroleum, unless enclosed in secondary containment.	Agricultural gasoline storage.
35.	Commercial and home occupation confined animal feeding operations (CAFO's) as designated by the permitting authority (Wyoming Department of Environmental Quality).	Concentrated animal feeding operation or stockyards.
36.	Commercial and home occupation/home business cemeteries.	Cemeteries of all types.

7. Minimum Lot Size: Minimum lot size within the APOZ shall be 35 acres, with one dwelling. Parcels smaller than 35 acres, as of the date of the adoption of these regulations, shall be allowed one dwelling.
8. Setbacks from vulnerable features.
 - a. Vulnerable features requiring a setback include:
 - 1) Faults, folds, or open fractures that extend to the ground surface;
 - 2) Shallow depth to ground; and
 - 3) Drainages.
 - b. No person shall install, maintain, or use any on-site wastewater treatment system or wastewater storage system or any private connection to a public wastewater system within one hundred (100) feet of a vulnerable feature in the Casper Formation which requires a setback. However, this setback may be lessened upon approval of the County Wastewater Engineer if

documentation that the facility poses no significant threat to groundwater is provided. This documentation must be provided by a professional engineer or geologist, licensed in Wyoming, and should include the following:

1. Evidence that no other location exists on the property that can meet the required setback standards;
 2. Evidence that ensures no significant threat to groundwater will occur due to the installation of the proposed wastewater system; and
 3. If recommended, mitigation methods needed to protect the groundwater are installed (e.g. installation of an advanced wastewater system as defined by Wyoming Department of Environmental Quality).
- c. Additional location and setback constraints may be established as determined by the results of Site Specific Investigation in Chapter 3, Section 3, D. for the specifically proposed APOZ Development.
9. Site Specific Investigations (SSI).
- a. An SSI shall be required with applications for a zoning certificate, subdivision permit, conditional use, or zoning change. Zoning certificate applications requiring an SSI shall be approved by the Board of County Commissioners.
 - b. SSI Purpose. The purpose of the SSI is to determine the vulnerability of the Casper Aquifer to contamination by the proposed APOZ Development. The SSI shall be completed by a professional engineer or geologist, with appropriate expertise, licensed in the State of Wyoming.
 - c. The SSI and report shall include the following:
 - i. A search to determine the presence of Vulnerable Features on the Improvement Site;
 - ii. A site narrative including historical information relating to previous land use, existing or abandoned wells, known contamination of any part of the property, underground tanks, septic systems, utilities, and any other improvements on the Improvement Site;
 - iii. An on-site investigation to determine the presence of Vulnerable Features not previously identified and of any other hydrogeologic conditions relevant to the potential for compromising aquifer water quality beneath the area considered on the Site Plan;

- iv. Where subsurface wastewater disposal is proposed, documentation that the facility will comply with Albany County's Design and Construction Standards for Small Wastewater Facilities and Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities and all applicable Wyoming DEQ standards;
- v. A delineation of the one hundred (100) year floodplain on the subject property, if none is indicated on the FEMA Flood Insurance Rate Map, and deemed necessary by the Albany County Planning Office;
- vi. A determination of any necessary mitigation measures or setbacks as a result of features or conditions as identified by iii, above;
- vii. A determination of the depth to groundwater on the Improvement Site. An attempt should be made to determine the groundwater at its highest annual elevation, which typically occurs in late spring. Water level(s) in a well on the site property are preferable for determining depth to groundwater. Water levels from wells on adjoining properties may be used if a well has not been drilled on the subject property. If a well is not available for obtaining water levels, then maps depicting the potentiometric surface of the Casper Aquifer at the subject property may be used;
- viii. An assessment and mitigation plan for any impacts to the Casper Aquifer caused by storm water run-off;
- ix. Evaluation of the potential impact of septic system effluent on any member of the Casper Formation, for proposals involving subsurface waste disposal;
- x. A map illustrating the geologic formations on the Improvement Site including the location of all existing and abandoned wells. A potentiometric surface of the Casper Aquifer may be included on this map; and
- xi. A Site Plan shall be provided for the Improvement Site that shall extend one hundred fifty (150) feet from the Improvement Site in all directions, showing existing and planned structures, proposed small wastewater systems, and other improvements (including but not limited to roads, driveways, and utilities; landscaping improvements shall indicate whether pesticides, fertilizers or herbicides will be used). Any other information necessary to make an accurate analysis of the property shall be included on the Site Plan.

- d. A professional engineer, geologist, or other qualified professional licensed in the State of Wyoming, other than the professional that performed the investigation, will review the Site Specific Investigation (SSI). Reasonable costs of professional consultation to the County shall be reimbursed to the County by the property owner. The technical review will include the following:
 - i. Qualifications of the individual and/or firm completing the review;
 - ii. Verification that the SSI includes all information required in Chapter 3, Section 3, D, 9;
 - iii. Assessment of compliance with state, federal and local regulatory authorities;
 - iv. Assessment of whether the recommendations of the SSI will mitigate potential negative impacts to the aquifer;
 - v. A review of the veracity and validity of the technical information provided in the SSI;
 - vi. Identification of any errors or omissions within the SSI and of elements of the SSI that need clarification, modification, or further consideration; and
 - vii. An analysis of the quality and consistency of the data used to arrive at any stated conclusions.
- e. Exceptions. An SSI shall not be required for the following:
 - i. Any buildings or structures proposed on property zoned residential before August 7, 2012. If a property receives approval of a zoning change to a non-residential zone, the property will not be exempt by this paragraph;
 - ii. Any buildings or structures proposed in a subdivision with a subdivision permit approved prior to August 7, 2012. If a property receives approval of a zoning change to a non-residential zone, the property will not be exempt by this paragraph; or
 - iii. Any accessory buildings/structures or additions to existing buildings/structures that are within and consistent with the zoning of the property.
- f. Modifications. Applications for modifications to any APOZ development shall be submitted on a form supplied by the Albany County Planning Office. The application must address how the modification meets the recommendation of the SSI and technical review prepared for the original

development. The Board of County Commissioners shall vote on any proposed modification.

10. Design standards for on-site wastewater treatment systems.
 - a. In addition to the design standards listed in the Albany County Small Wastewater Regulations, all new and replacement of septic systems located within the APOZ shall meet the Wyoming Department of Environmental Quality standards for septic systems in the same aquifer that supplies a public water supply well. This regulation does not grant the right to install a septic system or small wastewater treatment system otherwise forbidden by County or State regulations.
 - b. The installation, design, repair, and removal of septic systems located within the APOZ must be in accordance with plans and specifications certified by a registered professional engineer or geologist licensed to practice in the State of Wyoming.
 - c. Septic systems must be pumped and maintained on a regular schedule by a County licensed septage pumper/hauler. Pumping and a visual inspection of the installed septic system shall be conducted when the ownership of the property is transferred and reported to the Albany County Wastewater Engineer on a form supplied by that office.
 - d. When a septic tank is pumped, the pumper/hauler shall visually inspect the septic system, including its various components, for signs of failure or impending failure. Any incidence of a septic system or any of its components exhibiting signs of failure or impending failure shall be reported by the septage pumper/hauler to the Albany County Wastewater Engineer on a form provided by that office and copied to the Albany County Planning Office. The form shall include the anticipated resolution of all noted issues and a schedule for resolution, to be enforced by the Albany County Planning Office. No form or report is required for a properly functioning septic system.
 - e. All new and replacement septic systems and leach fields within the APOZ shall be inspected by the Albany County Wastewater Engineer before backfilling in accordance with Albany County Small Wastewater Regulations.
 - f. If a septage pumper/hauler finds that a septic system is not adequately designed or constructed to serve the use to which it is intended, it shall not be used for the disposal of wastewater until it is cleaned, repaired, or otherwise made to operate adequately as determined by the Albany County Wastewater Engineer.

11. Nonconforming uses. If the nonconforming use is damaged due to conditions beyond the control of the owner or operator, it may be repaired and resumed at the same location, size, and scope.
 - a. The owner or operator shall submit a report to the Albany County Planning Office. The report shall include:
 - 1) A description of the damage;
 - 2) A description of the planned repairs and how these will maintain the same location, size or volume, and scope of the operation prior to the damage;
 - 3) Documentation demonstrating how the planned repairs incorporate best available control technology to prevent hazardous materials from entering the Casper Aquifer; and
 - 4) Documentation demonstrating compliance with all county, state, and federal rules and regulations.
 - b. Notwithstanding (a) above, repairs shall not be allowed to extend, enlarge, or expand the use, as prohibited by Section 6 of this Chapter.
12. Proper abandonment of unused wells. All wells, including but not limited to groundwater pumping wells and monitoring wells, which are no longer in use by the owner must be properly abandoned by a well driller licensed in the State of Wyoming in accordance with Chapter 11, Section 70 of the Wyoming Department of Environmental Quality Rules and Regulations.
13. Existing law on aquifer contamination unaffected. The establishment of the APOZ and the use of properties in the APOZ in accordance with these regulations do not relieve any person from liability provided by law for contamination of the aquifer. These APOZ regulations do not supersede or modify the requirements of any federal, state, or local law imposing stricter requirements regarding aquifer protection and/or contamination.
14. Severability. The provisions of these APOZ regulations are severable. If any provision is declared to be invalid or unenforceable by any court of competent jurisdiction, those provisions not so declared shall remain in effect.

Section 4. Official Zoning Maps. The boundaries of the zoning districts shall be determined and defined by the Official Albany County Zoning Maps. Maps, displaying the date printed, shall be available at the Albany County Planning Office, the Albany County GIS Office, the Albany County Clerk's Office, and the Albany County Real Estate Office.

Section 5. Zoning Change.

- A. Initiation of a Zoning Change:** A zoning change may be initiated at the request of the Board of County Commissioners, the Planning and Zoning Commission, planning staff, or a private entity (individual or business).
- B. Application Submission:** Applicant(s) and property owner(s) or an agent authorized by the property owner(s) must complete, sign, and submit to the Albany County Planning Office an application on a form prescribed by the Planning Director for a zoning change. In the event the proposed zoning change is proposed in connection with a zoning certificate for a permitted or conditional use or a subdivision permit, the application for the proposed use may accompany the zoning change application.
- C. Notification Requirements:** See Chapter 5, Section 5.
- D. Planning and Zoning Commission Review and Recommendation:** The Planning and Zoning Commission will review the request for a zoning change at a regular or special meeting and make findings and a recommendation to the Board of County Commissioners. The Planning and Zoning Commission shall make their recommendation based on subsection F. below.
- E. Board of County Commissioners Review and Action:** The Board of County Commissioners shall hold a public hearing prior to acting on the request for a zoning change.

In order to give final approval of the zoning change, the Board of County Commissioners must be able to make the required findings and conclusions of law.

- F. Findings Necessary for Approval:** As a condition for approval of the request for a zoning change, the Board of County Commissioners must make the following findings:
1. The applicant has provided such site plans and/or survey maps as required.
 2. The proposed zoning change generally follows the suggestions of the Albany County Comprehensive Plan, including, but not limited to the Long Range Growth Plan and the Priority Growth Areas (see Chapter 3 of the Albany County Comprehensive Plan).
 3. The applicant has adequately addressed the following impacts:
 - a. **Compatibility with Surrounding Properties:** The proposed zoning change is compatible with the existing land use of surrounding properties.
 - b. **Screening and Buffering of Incompatible Zoning Districts:** Screening and buffering must be provided if Industrial or Commercial zoning is proposed adjacent to a Residential zone.
 - c. **Consistent Patterns of Development:** The proposed zoning change results in a logical and orderly development pattern in the area and will not create

undesirable patterns of development such as leapfrog developments or strip patterns of development.

- d. Economic Impacts: Any complaints submitted as public comments concerning negative economic impacts must be addressed.
- e. Natural and Environmental Resource Impacts: The proposed zoning change will not result in significant adverse impacts to natural and environmental resources such as water quality, air quality, crucial wildlife habitat, wetlands, streams, etc.
- f. Cultural Resource Impacts: The proposed zoning change will not result in significant adverse impacts on cultural resources such as historical or archeological sites.
- g. Road Network Impacts: The existing road network can accommodate any increase in traffic generated by the zoning change.
- h. Impacts on Public Services, Utilities, and Public Facilities: Public services, utilities, and public facilities will adequately meet the needs of the proposed zoning change.

G. Exempt Property: State and federal land is exempt from zoning. In the event that exempt land is acquired by a non-exempt entity, it shall automatically be zoned Agricultural.

Section 6. Non-Conforming Lots, Structures, and Uses.

A. General Provisions

1. It is recognized that there may exist, within the zoning districts established by this Resolution, lots, structures, and uses which were lawful ("grandfathered") before this Resolution became effective which would be prohibited, regulated, or restricted under the terms of this Resolution. It is the intent of this Resolution to permit those non-conformities to continue, providing said non-conformities are not extended, enlarged or expanded.
2. There may be a change of tenancy, ownership, or management of a non-conforming lot, structure, or use provided there is not a change in the nature or character of said non-conformity.
3. Nothing in this Resolution shall prevent the restoring to a safe condition any building or part thereof, declared to be unsafe by an official of Albany County or of the State or Federal governments. Nothing in this Resolution shall prevent the installation or repair of curbs, gutters, sidewalks, streets, storm sewers, or any other capital improvement that is for the safety and general welfare of the public.

B. Non-Conforming Lots

1. The definition of a non-conforming ("grandfathered") lot is a platted lot or lot of record which, on the effective date of this Resolution or as a result of subsequent amendments thereto, does not comply with the lot size requirements for the zone in which the lot is located.
2. In any zone in which a proposed use is permitted, notwithstanding limitations imposed by other provisions of this Resolution, said use may be conducted and necessary customary buildings may be erected on any single lot of record after the effective date of this Resolution. This does not preclude the need of other permits required by these regulations. This provision shall apply even though such lot fails to meet the requirements for minimum lot size applicable to the zone, providing the use and buildings must comply with all the regulations for the zone in which such lot is located. If separately-created, contiguous lots are merged by a recorded instrument, combining two (2) or more lots into a single legal description, the new combined lot shall be regarded as a single lot.

C. Non-conforming Structures

1. The definition of a non-conforming ("grandfathered") structure is a structure 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 zone in which the non-conforming structure is located.
2. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restriction on open space, height, setbacks or other requirements of the structure or its location on the lot, such structure may be continued so long as it remains lawful, subject to the following provisions:
 - a. No such structure may be enlarged or altered in a way which increases its non-conformity; unless an enlargement or structural alteration makes the building more conforming or is required by law.
 - b. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, as determined by the County Assessor, it shall not be reconstructed except in conformity with the provisions of this Resolution.
 - c. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

D. Non-Conforming Uses

1. The definition of a non-conforming ("grandfathered") use is a use which, on the effective date of this Resolution or as the result of subsequent amendments

thereto, does not conform to the permitted or conditional uses established for the district in which the non-conforming use is located.

2. Where, at the effective date of adoption or amendment of this Resolution, a lawful use exists that is no longer permissible under the terms of this Resolution as adopted or amended, such use may be continued, subject to the following provisions:
 - a. If active and continuous operation of a non-conforming use is discontinued for a period of twenty-four (24) consecutive months, all subsequent uses shall be in compliance with the scope and intensity of the uses for the district in which the use is located.
 - b. No non-conforming use shall be expanded beyond the use in existence at the time of adoption of this Resolution.
 - c. No non-conforming use shall be changed to another non-conforming use.
 - d. No non-conforming use shall be relocated unless moved to a location where the use would no longer be non-conforming.

Chapter 4. Land Use

Section 1. Purpose. The land use table sets forth the land uses allowed for new development in the established zoning districts. Any uses existing prior to the adoption of these regulations may continue to exist; however change in use must conform to these regulations.

Section 2. Land Use Table Content Description.

- A. Uses Allowed by Right (“A”):** An “A” in the cell of the land use table indicates that the use is allowed by right in that zone. If there are additional standards or a required special use permit pertaining to the use, they are referenced in the far-right column of the land use table. Uses allowed by right are subject to all other requirements found in these zoning regulations.
- B. Conditional Use (“C”):** A “C” in the cell of the land use table indicates that the use is allowed subject to approval of a conditional use permit. If there are additional standards or a required special use permit pertaining to the use, they are referenced in the far-right column of the land use table. Uses requiring a conditional use permit are subject to all other requirements found in these zoning regulations.
- C. Prohibited Uses (“P”):** A “P” in the cell of the land use table indicates that the use is prohibited in that zone. If a use existed in a zone prior to the adoption of these regulations and is now prohibited, the use shall be allowed to continue according to Chapter 3, Section 6 (Non-Conforming Lots, Structures and Uses) of these zoning regulations.
- D. Similar and Compatible Uses:** If a proposed use is not listed within the land use table, the Planning Director shall determine whether the proposed use is an allowed use, a conditional use, or a prohibited use within the zone because the use is similar or compatible to another use within the zone and that it falls within the intent of these zoning regulations. The Planning Director’s decision may be appealed to the Planning and Zoning Commission for review and recommendation and then to the Board of County Commissioners for a final determination.
- E. Exempted Land Use:** Mineral mining extraction or production is exempt from zoning (W.S. § 18-5-201). This provision does not inhibit the authority of the County to regulate non-mineral mining.

Land Use Table 4.1

Uses	Zoning Classification							Additional Use Standards/Permit
	A	RR	SLR	UR	C	NB	I	
Abbreviation: A = Allowed by Right C = Conditional Use Permit P = Prohibited								
Agricultural Uses								
Agricultural operation, incidental	A	A	A	A	A	A	A	
Boarding stables	A	C	C	C	C	C	C	
Commercial livestock production, grazing, and storage of related equipment	A	A	C	P	C	C	C	
Equestrian arena, commercial	A	C	P	P	C	C	C	
Feed lot, Stockyard, Livestock Confinement Operation	A	C	P	P	C	P	C	
Guest/dude ranch	A	C	P	P	P	P	P	
Incidental sale of agricultural product produced on-site (e.g. hay, honey, vegetables, etc.)	A	A	A	C	A	A	A	
Timber harvesting and equipment storage	A	C	P	P	C	P	A	
Tree farm	A	A	P	P	A	P	A	
Residential Uses								
Day care, home (secondary to residential use)	A	A	C	C	P	P	P	
Dwelling, multi-family	A	C	P	P	A	P	P	
Dwelling, single-family	A	A	A	A	C	P	C	
Mobile home park (3 or more mobile homes)	P	C	C	C	A	P	P	
Commercial Uses								
Adult entertainment uses	P	P	P	P	C	P	C	Chapter 6, Section 3
Agricultural equipment and feed sales	C	C	P	P	C	P	A	
Amusement Park	P	P	P	P	C	P	C	
Animal Shelter/Kennel	C	C	C	P	C	P	C	
Assisted Living	P	C	C	C	A	C	P	
Auditorium (primary use)	C	P	P	P	A	P	P	
Automobile- mechanical repairs, sales, wash, body shop	P	P	P	P	A	P	A	
Automobile- wrecker service	P	P	P	P	A	P	A	
Bakery (small-scale)	P	P	P	P	A	A	A	
Bank, credit union, other financial institutions	P	P	P	P	A	A	P	
Bar, lounge, nightclub	P	P	P	P	A	P	P	
Bed and breakfast	A	C	C	C	A	A	P	
Bowling alley	P	P	P	P	A	P	C	
Butcher Shop	A	P	P	P	A	C	A	
Cinema, theater	P	P	P	P	A	P	P	
Coffee shop, donut shop	P	P	P	P	A	A	P	
Cold storage facility	P	P	P	P	C	P	A	
Commercial Outdoor Event Venue, Limited	A	P	P	P	C	P	A	
Convenience store (with fuel sales)	P	P	P	P	A	C	A	
Day care center (primary use)	P	P	P	P	A	A	P	
Department store, shopping mall	P	P	P	P	A	P	P	
Dinner theater	C	P	P	P	A	P	P	
Fireworks stand	P	P	P	P	C	P	C	Chapter 6, Section 4
Florist shop	P	P	P	P	A	A	P	
Food stand/concession stand (e.g. snack kiosk or hot dog stand)	C	C	C	C	A	A	C	

Land Use Table 4.1

Uses	Zoning Classification							Special Use Standards/Permit
	A	RR	SLR	UR	C	NB	I	
Funeral home	P	P	P	P	A	P	P	
Green house/nursery, commercial	C	C	P	P	A	P	A	
Hangar/Aviation repair	C	P	P	P	C	P	A	
Health Spa	C	P	P	P	A	A	P	
Hotel/Motel	P	P	P	P	A	P	A	
Information Technology Facilities (e.g. data center)	P	P	P	P	A	P	A	
Laundromat	P	P	P	P	A	A	A	
Liquor sales	P	P	P	P	A	C	A	
Lumber sales and storage	C	P	P	P	A	P	A	
Medical or dental office/clinic	P	P	P	P	A	A	P	
Mini-storage	P	P	P	P	A	P	A	
Office building	P	P	P	P	A	A	C	
Office buildings with a mix of residential uses	P	P	P	P	A	A	P	
Outfitting business facilities	A	C	P	P	A	P	A	
Pharmacy	P	P	P	P	A	A	P	
Print shop/copy shop	P	P	P	P	A	A	A	
Radio, TV, Recording, Motion Picture Studio	P	P	P	P	A	P	A	
Retail uses, including those with a mix of residential uses	P	P	P	P	A	C	P	
Research lab and facilities	P	P	P	P	A	A	A	
Restaurant	P	P	P	P	A	C	A	
Supermarket/grocery store	P	P	P	P	A	C	P	
Truck stop, terminal	P	P	P	P	C	P	A	
Veterinary clinic	C	C	P	P	A	C	P	
Warehouse	P	P	P	P	C	P	A	
Industrial Uses								
Asphalt plant/hot mix plant	P	P	P	P	P	P	A	
Compressor Station	P	P	P	P	P	P	A	
Construction yard/shop, Heavy	P	P	P	P	C	P	A	
Correctional facility	C	P	P	P	P	P	C	
Dairy processing (e.g. cheese factory)	C	P	P	P	P	P	A	
Heavy equipment sales and service	P	P	P	P	C	P	A	
Landfill, commercial	C	P	P	P	P	P	C	
Manufacturing, light	P	P	P	P	C	P	A	
Manufacturing, heavy	P	P	P	P	P	P	A	
Meat packing and slaughterhouse	P	P	P	P	P	P	A	
Mineral processing (mineral mining is exempt)	C	P	P	P	P	P	C	
Non-mineral mining	C	P	P	P	P	P	C	Chapter 6, Section 5
Refinery, petroleum and natural gas products	P	P	P	P	P	P	C	
Research and development	P	P	P	P	C	P	A	
Salvage yard	P	P	P	P	P	P	C	
Saw mill	P	P	P	P	P	P	C	
Saw mill, portable	A	P	P	P	C	P	A	
Storage, outdoor	P	P	P	P	P	P	A	
Telephone service garage	P	P	P	P	P	P	A	
Temporary hot-mix facility	C	P	P	P	C	P	A	

Land Use Table 4.1

Uses	Zoning Classification							Special Use Standards/Permit
	A	RR	SLR	UR	C	NB	I	
Public and Quasi-public Uses								
Campground/RV Park	C	P	P	P	A	P	P	
Cemetery	C	P	P	P	C	P	P	
Churches/religious facilities	C	C	C	C	A	C	P	
Club house/social or fraternal hall	C	C	C	C	A	P	P	
Cultural facilities (e.g. visitor/interpretive center)	C	C	P	P	A	P	P	
Hospital	P	P	P	P	C	P	P	
Library	P	C	C	C	A	A	P	
Parking garage/deck	P	P	P	P	A	P	A	
Parks, playgrounds, open space	A	A	A	A	A	A	A	
Post office	C	C	C	C	A	C	P	
Rail, bus, or air terminal	P	P	P	P	A	P	A	
Recreational facilities	C	C	P	P	A	P	P	
Sheriff or fire station	C	C	C	C	A	C	A	
Shooting range	C	P	P	P	C	P	C	
School/educational facility	C	C	C	C	C	C	P	
Accessory Uses								
Additional dwelling, single family (must meet density requirements for zone)	A	C	P	P	C	P	P	
Accessory building	A	A	A	A	A	A	A	
Agricultural Employee Housing	A	P	P	P	P	P	P	
Home business	A	A	A	A	A	A	A	Chapter 5, Section 13
Utility Uses								
Commercial wind energy conversion systems	C	P	P	P	P	P	C	Chapter 5, Section 12
Power plant	P	P	P	P	P	P	C	
Re-generation structures for fiber optic cables	A	C	C	C	C	P	A	
Small wind energy systems	A	A	A	A	A	A	A	Chapter 5, Section 11
Solar energy facility, commercial	C	P	P	P	P	P	C	
Substations for electrical utilities	C	P	P	P	C	P	C	
Switching station buildings and electronic enclosure building for phone lines	A	C	C	C	C	P	A	
Temporary towers	A	A	A	A	A	A	A	Chapter 5, Section 10
Towers	C	C	C	C	C	P	C	Chapter 5, Section 9

Note: Similar and Compatible Uses- If a proposed use is not listed within the land use table, the Planning Director shall determine whether the proposed use is an allowed use, a conditional use, or a prohibited use within the zoning district because the use is similar or compatible to another use within the zoning district and that it falls within the intent of these zoning regulations. The Planning Director’s decision may be appealed to the Planning and Zoning Commission for review and recommendation and then to the Board of County Commissioners for a final determination.

Chapter 5. Land Use Permits and Procedures

Section 1. Purpose. This chapter establishes the land use permits required to develop land in the County and the procedures by which the various permits may be obtained.

Section 2. Zoning Certificates Required. New uses, expansions of existing uses, conditional uses, or changes of use are required to get a zoning certificate pursuant to W.S. § 18-5-203: "It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land within any area included in a zoning resolution without first obtaining a zoning certificate from the Board of County Commissioners or its designee and no zoning certificate shall be issued unless the building plans for the proposed building, structure or use fully comply with the zoning regulations then in effect. The Board of County Commissioners or its designee shall act promptly upon any application filed with it and shall grant certificates when the proposed construction or use complies with the requirements of the zoning resolution. If it denies the application, the board or its designee shall specify the reasons for the denial." The Board of County Commissioners authorizes the Planning Director to be its designee for zoning certificate approvals where a public hearing is not required.

Accessory buildings one hundred forty-four (144) square feet or less shall not require a zoning certificate. Zoning certificates shall expire after two (2) years unless the applicant can show evidence of substantial progress and the applicant applies for a one (1) year extension. Zoning certificates will expire after three (3) years.

Substantial progress may be satisfied by completion of a foundation and septic system and/or fifty percent (50%) or more of the building's exterior.

Section 3. Complete Application Submittal and Withdrawal.

- A. **Completed Applications.** Applicants must complete, sign, and submit to the Albany County Planning Office an application on a form prescribed by the Planning Office. Planning staff shall make the determination of when an application is complete.
- B. **Application Withdrawal Process:** The applicant may withdraw an application, in writing, at any time prior to the final decision on the land use permit. The application fees may be refunded, at the discretion of the Planning Director, if no county funds have been expended for the application process (e.g. publication of notice) and staff time spent on the application is unsubstantial.

Section 4. Site Plan. A site plan shall accompany all zoning certificate or conditional use permit applications, as prescribed by the Planning Director.

Section 5. Notice Requirements.

- A. **Development Proposals:** The notice requirements shall apply to land use changes, conditional uses, variances, and telecommunication and utility facilities.

B. **Fee:** Applicant shall remit a fee in the amount of one hundred (100.00) dollars to cover notice expenses at the time of filing a development proposal. This fee shall be in addition to the application filing fee.

C. Notice Requirements:

1. **Mail:** Applicant shall be responsible for mailing notice, by certified mail, to surrounding, contiguous property owners of the proposed development. If the applicant is not the property owner of the proposed development site, notice shall be sent in the described manner to the property owner(s). Notice of pending proposals for development shall be given before both the Planning and Zoning Commission and the Board of County Commissioners at least fourteen (14) days prior to consideration. Rights-of-way and easements shall not be considered as dividing properties. Names and addresses for the surrounding property owners shall be obtained from the real estate records filed with the Albany County Clerk's Office or the assessment records on file with the Albany County Assessor's Office. Use of any information which is not up-to-date shall not invalidate this notice requirement.
2. **Affidavit of Mailing:** Applicant shall submit to the Planning Office both an affidavit of mailing of the certified mail notice and copies of the signed return by recipients of the notice. The affidavit and the receipt copies shall be submitted to the Planning Office at least five (5) days prior to the respective Planning and Zoning Commission and Board of County Commissioners meetings.
3. **Publication:** The Planning Department shall propose and place in the local newspaper a legal notice of the proposed development. The publication shall provide at least fourteen (14) days notice of a development proposal before the Planning and Zoning Commission and fourteen (14) days notice prior to the Board of County Commissioners.
4. **Signage:** The applicant shall obtain at the time of the application submission, one (1) sign to be placed along and clearly visible from each publicly used road abutting the property. The sign shall state the property is being proposed for development and shall give contact information for the Planning Department. The sign(s) shall be posted at least fourteen (14) days prior to consideration of a development proposal before the Planning and Zoning Commission and the Board of County Commissioners. Applicant is responsible for return of the signs in as good a condition as when obtained, except for reasonable wear and tear.

D. **Contents of Notice:** All mailed and publication notices shall include a brief description of the development proposal including the owner, location and proposed use; contact information for the Planning Department; and the location, date and time, and reviewing body for the public meeting or hearing.

Section 6. Zoning Certificates—Permitted Uses. If the proposed use is allowed by right and the planning staff has determined that the use complies with all minimum County standards, the Planning Director shall approve a zoning certificate for the use. If a septic system will be employed by a structure/building, a small wastewater permit application should accompany the zoning certificate application.

Section 7. Zoning Certificates—Conditional Uses.

A. Purpose: Each zoning district contains not only permitted uses available as a matter of right, but also conditional uses, which are neither permitted as a right nor prohibited by law. Conditional uses are privileges, which must be applied for and approved by the Planning and Zoning Commission and the Board of County Commissioners. Without proper review, conditional uses can be incompatible with other uses within the vicinity. The conditional use process allows for certain uses provided specified adverse impacts are identified and mitigated.

B. Permit Runs with the Land: Unless otherwise noted, a conditional use permit runs with the land and does not terminate when the property is sold. A new owner succeeds to the benefits; however the successor is subject to the limitations in the permit.

C. Expiration:

1. A conditional use permit shall become void one (1) year after it is granted unless put to use.
2. If a conditional use permit has been abandoned for one (1) year it becomes void and the applicant must reapply.
3. Failure to meet required conditions will result in notification to the holder of the conditional use permit that they have thirty (30) days to come into compliance with all required conditions. At the end of this thirty (30) day period, if the applicant remains incompliant, the conditional use permit becomes void and use must be discontinued.

D. Process:

1. **Application Submission:** The applicant must submit a completed application to the Planning Office. Planning staff shall have thirty (30) days to review the application and solicit input from other agencies. By the end of the thirty (30) day review period, staff will schedule a public hearing with the Planning and Zoning Commission for their next regular meeting.
2. **Notification Requirements:** Chapter 5, Section 5.
3. **Planning and Zoning Commission Review and Recommendation:** The Planning and Zoning Commission will review the request at a regular meeting and make findings and a recommendation to the Board of County Commissioners.

4. Board of County Commissioners Review and Action: The Board of County Commissioners shall hold a public hearing prior to acting on the request.

In order to give final approval of the conditional use permit, the Board of County Commissioners must be able to make the required findings of fact and conclusions of law, determining that each impact shall be mitigated, if deemed necessary, providing reasonable compatibility with adjacent uses. Additional conditions may be imposed by the Board of County Commissioners in order to more adequately promote the public health, safety, morals, and general welfare of the County.

5. Findings Necessary for Approval: The Board of County Commissioners must make the following findings:

- a. That the applicant has provided such site plans and/or survey maps as required.
- b. That the proposed conditional use shall not harm the public health, safety, and welfare of the community.
- c. That adequate public services are available for the proposed conditional use without creating an undue financial burden on the County.
- d. That the applicant has adequately addressed the following possible impacts:
 - 1) Comprehensive Plan: The proposed conditional use shall generally reflect the suggestions put forth in the Albany County Comprehensive Plan.
 - 2) Leapfrog or Strip Patterns of Development: Avoid the creation of scattered or strip development.
 - 3) Economic: Demonstrate that the applicant has addressed any complaints specified during the public comment period concerning any negative economic impacts.
 - 4) Air Quality: Mitigate any air quality impact at or beyond the property line: fumes, smoke, odor, dust, heat, etc.
 - 5) Water Quality: Mitigate any adverse water quality impacts.
 - 6) Separation of Uses: Provide adequate separation from incompatible adjacent uses through yards and open spaces.
 - 7) Screening and Buffering: Provide separation from incompatible adjacent uses by screening and buffering. Reference type, dimensions, and character.

- 8) General Nuisances: Minimize light, glare, heat, noise, vibration, odors, fumes, smoke, or other nuisances generated by the use.
- 9) Traffic: Provide ingress and egress to the property and the proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- 10) Parking: Must meet standards found in Chapter 6, Section 6 of these regulations.
- 11) Exterior Lighting: Must meet standards found in Chapter 6, Section 2 of these regulations.
- 12) Refuse and Service Areas: Appropriately locate and provide adequate refuse and service.
- 13) Signs: Show the location and size of proposed signs. Must meet standards found in Chapter 5, Section 8 of these regulations.

Section 8. Outdoor Sign Permit. If the proposed outdoor sign meets the requirements stated in this section and all requirements of this Zoning Resolution, the Planning Director shall approve an Outdoor Sign Permit.

A. Definitions:

1. **Sign:** Any display, light, device, figure, painting, drawing, message, placard, poster, billboard, or any other thing which is designed, intended, or used to advertise or inform. The term "sign" includes the sign face and the sign structure.
2. **Sign Face:** That portion of a sign which is used for the purpose of graphic illustration or display.
3. **Sign Structure:** That portion of a sign not used for the purpose of graphic illustration or display and which serves as structural support for the sign face.
4. **Abandoned Sign:** A sign in which no one has an economic interest or a sign which has displayed obsolete material or has been totally or partially obliterated for over six (6) continuous months or shows signs of other economic obsolescence. The continued need of substantial repair may also be deemed to constitute abandonment.
5. **Commercial or Industrial Area:** Those areas which are occupied by three (3) or more commercial or industrial activities where those activities are located within two thousand (2000) feet of each other as measured from the nearest points on the foundations of the most distant principal commercial or industrial structures.

6. **Disrepair:** When a sign has been allowed to deteriorate to the extent that the message and/or display are incomplete, or the sign structure has been weakened, or parts of the sign face or sign structure has been detached and is free to be moved by the elements. A determination of "disrepair" will be made if the sign face or structure is visibly altered or deteriorated from the original construction drawings submitted with the application for the zoning certificate.
7. **Exempt Sign:** Any sign which is excluded from regulation under Subsection C below and which complies with the General Requirements as stated in Subsection B below.
8. **Off-premise Sign:** Any sign that advertises goods, products, services or facilities or directs a person to an activity which is conducted at a property other than where the sign is located.
9. **On-premise Sign:** Any sign that advertises goods, products, services, facilities, or directs a person to an activity which is conducted on the property on which the sign is located.
10. **Projecting Sign:** Any sign attached to a structure but which protrudes from that structure greater than one (1) foot but less than five (5) feet.
11. **Wall Sign:** A sign which is permanently affixed to a wall and which protrudes from a wall one (1) foot or less.

B. General Requirements. The following general requirements are applicable to all signs erected subsequent to the date of adoption of this Zoning Resolution.

1. Illumination of a sign is permitted provided that no flashing lights or rotating or revolving beams are used. All external light fixtures illuminating a sign shall be shielded so that direct light is confined to the surface of the sign and is directed downward and away from public roadways and residential areas.
2. No sign shall revolve or otherwise move in any fashion.
3. Relocation of a sign shall not be permitted as sign permits are granted on a site specific basis.
4. No motor vehicles or trailers of any kind, except those trailers manufactured with a sign face permanently attached to it specifically for the purpose of being used as a mobile sign, shall be used as a sign.
5. Signs which display an advertising message by means of the systematic blinking of lights or by systematic illumination of characters or symbols are prohibited.

C. Exempt Signs: The following shall be deemed to be excluded from regulation under this Resolution.

1. Real estate signs used exclusively to advertise property for sale or lease and where the sign face shall not exceed twenty-five (25) square feet in area. Such signs shall be removed within thirty (30) days of the subject property being sold or removed from the market.
2. Political campaign signs where the sign face shall not exceed thirty-two (32) square feet in area.
3. Special event signs shall not exceed thirty-two (32) square feet in area that are posted for a period no longer than thirty (30) days. Special events are those events which occur annually or less frequently than annually.
4. Signs on the inside of store windows.
5. Official federal, state, and county regulatory and informational signs within the right-of-way of a public highway.
6. Signs directing traffic on or to private property, but bearing no advertising matter and not to exceed six (6) square feet in area or five (5) feet in height as measured from the centerline of the nearest public roadway.
7. Memorial or historical plaques or tablets or other remembrances of persons or events that are non-commercial in nature and less than four (4) square feet in area and are erected by a public authority or by a recognized historical society or organization identifying sites, buildings, or structures of recognized historical significance.
8. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local, or religious holiday celebrations.
9. Fence signs within ball parks, arenas and other sporting events.
10. Signs used to identify a residence, a subdivision, an apartment complex, a farm, a ranch, and/or the agricultural goods or services available on the premises. The sign face shall not exceed one hundred (100) square feet in size.

D. Off-Premise Signs: All off-premise signs shall conform to the following requirements.

1. Location
 - a. Off-premise signs shall only be permitted within six hundred sixty (660) feet of an active commercial or industrial area as measured from the nearest point on the foundation of the principal commercial or industrial structure.
 - b. No off-premise sign shall be located closer than five hundred (500) feet to any other off-premise sign.

- c. No off-premise sign shall be located within a road right-of-way nor will the sign interfere with or distract a motorist's vision from normal safe driving.
 - d. No off-premise sign shall be located closer than five hundred (500) feet to a residential area as measured from the nearest point on the foundation of the nearest residence.
 - e. No off-premise sign shall be located within three hundred (300) feet of an intersection.
2. Size and Specifications
- a. Off-premise signs shall have a sign face of no more than three hundred (300) square feet if located adjacent to Interstate-80. Off premise signs not located next to Interstate-80 shall have a face of no more than sixty-four (64) square feet in area.
 - b. Double-faced signs shall be permitted provided such signs are mounted on the same structure at no more than a forty-five (45) degree angle so that only one (1) sign face is visible from any given direction.
 - c. No off-premise sign shall exceed twenty-five (25) feet in height, if located adjacent to Interstate-80, or sixteen (16) feet in height if located elsewhere, as measured from the centerline of the nearest roadway to the highest point of the sign.

E. On-Premise Signs: All on-premise signs shall conform to the following regulations.

- 1. Location. No on-premise sign shall be located within a road right-of-way nor interfere with or distract a motorist's vision from normal safe driving.
- 2. Size and Specifications
 - a. Total sign face area per site shall not exceed two (2) square feet per lineal foot of building frontage of the principal commercial or industrial structure; all on-premise signs shall be cumulative toward this total figure. Total sign square footage shall not exceed one hundred (100) square feet.
 - b. Two (2) free-standing signs shall be permitted per road frontage; no one (1) sign face shall exceed one hundred (100) square feet.
 - c. Free-standing sign structures shall not exceed twenty (20) feet in height as measured from ground level at the sign location.
 - d. The surface area of wall signs shall not exceed twenty (20) percent of the exposed building face of the wall to which it is attached, each wall to be considered separately.

- e. Projecting signs shall not be higher than the eaves or rafter line, or a point even with the lowest point of the roof of the building to which the sign is attached, whichever is higher. Projecting signs shall clear grade at ground level below the sign by a minimum of eight (8) feet.
- f. The display surface area of a projecting sign shall not exceed sixteen (16) square feet. Only one (1) projecting sign per business shall be permitted and a projecting sign shall not be permitted on property which has a free-standing sign.
- g. Roof signs shall not extend above the highest point of the roof to which they are attached.

F. Home Business: A home business shall be limited to one (1) double sided sign face of no more than six (6) square feet in area. The maximum height of the sign shall be six (6) feet.

G. Maintenance:

- 1. Any sign which is found to be abandoned or in a state of disrepair shall be removed within forty-five (45) days of written notification by the Albany County Planning Director, unless otherwise corrected.
- 2. The copy area of the sign face shall be painted a solid color when display board contains no copy.

H. Renewal of Sign Permit: All Off-Premise Sign permits must be renewed every three (3) years.

- 1. Inspection Required: As part of the renewal application, the County will inspect each Off-Premise Sign to ensure proper maintenance of each sign. If the sign is properly maintained, the sign permit will be renewed. If the sign is not properly maintained, the sign permit shall not be renewed and the provisions of subsection G. 1 of this section will apply. An application fee will be charged for review of the application and the inspection.
- 2. Renewal Date: All existing Off-Premise signs shall submit an application for a Sign Permit renewal every three (3) years. All Off-Premise signs will follow the same schedule. The initial renewal application will be due for all existing signs July 1, 2012 with subsequent renewal applications due on July 1, 2015; July 1, 2018; etc. A prorated fee will be charged for signs erected less than three (3) years from their first renewal date.

Section 9. Tower Permit. The following regulations outline the permitting process and requirements associated with a tower permit.

A. Application Submission: An application for a tower permit shall be submitted on a form provided by the Planning Office. To be considered complete, the application must include:

1. A site plan prepared in accordance with requirements listed on the application form.
2. A narrative description responding to the findings listed in paragraph D and E of this section.
3. Co-location on existing towers is encouraged. If a new tower is proposed, the application must include information regarding the availability of co-location space within the area served by the proposed tower. If co-location space is available the applicant must describe the reason(s) why that space is not suitable for the applicant's purposes.
4. A statement that applicant agrees to allow Albany County to install a communication antenna on the tower if feasible and if requested by Albany County.
5. A letter from the Wyoming Game and Fish Department reviewing the construction and operation of the site regarding impacts upon wildlife or important wildlife habitats.
6. A letter of intent to remove the facility at the expense of the facility owner and/or landowner if it is abandoned.

B. Planning Office Review: The County Planning Office staff shall review the application for completeness. If the application is found to be complete, staff shall prepare a report to the Planning and Zoning Commission for presentation.

C. Planning and Zoning Commission Review and Recommendation: The Planning and Zoning Commission will review the request at a regular or special meeting and make findings and a recommendation to the Board of County Commissioners.

D. Board of County Commissioners Review and Action: The Board of County Commissioners shall hold a public hearing prior to acting on the request for a change in land use classification. See Chapter 5, Section 5 for notice requirements.

In order to give final approval of the tower permit, the Board of County Commissioners must be able to make the required findings and conclusions of law, determining that each impact shall be mitigated, if deemed necessary, ensuring compatibility with adjacent uses.

E. Findings Necessary for Approval: As a condition for approval of the request for tower permit, the Board of County Commissioners must make the following findings:

1. That the proposed tower shall not adversely affect the public interest.

2. That the applicant has provided a site plan with the following requirement:
 - a. Identification of the intended users of the tower.
 - b. Site and any landscape plans drawn to scale that show the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; setbacks from property lines; and the location of the tower, including all related improvements and equipment.
 - c. The general capacity of the tower and its role in the network.
 - d. An analysis of the area containing topographical contours.
 - e. Construction plans and drawings certified by an engineer licensed in the State of Wyoming that demonstrates the suitability of the tower site and show the number and position of proposed tower(s). A foundation design must be approved by the County Engineer prior to construction.
 - f. Details regarding the on-site lighting scheme.
3. That the applicant has adequately addressed the following possible impacts:
 - a. Visual Impacts: Towers must not unreasonably interfere with the view of any natural scenic vista, historic building or monument, major view corridor, or residential area.
 - b. Environmental Impacts: Towers must not be located in environmentally sensitive areas.
 - c. Co-Location Requirement: The applicant must demonstrate that there are no existing towers within the general region 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.
 - d. Exterior Lighting: Proposed exterior lighting with reference to light, glare, traffic safety, economic effect, and compatibility with adjacent properties in the district.
 - e. Screening and Buffering: Provide separation from incompatible adjacent uses by screening and buffering. Reference type, dimensions and character of screening and buffering.
 - f. General Nuisances: Minimize light, glare, heat, noise, vibration, odors, fumes, smoke, or other off-site nuisances generated by the use.
 - g. Air Traffic Safety: If the proposed facility is determined by the Planning Director to be near an airport or flight path, the applicant may be required to provide an FAA response to the Notice of Proposed Construction or

Alteration from their FAA 7460-1 form (which is a formal airspace evaluation) or other similar documentation.

4. A statement that applicant agrees to allow Albany County to install a communication antenna on the tower if feasible and if requested by Albany County. This shall not exempt the County from paying an appropriate fee.

F. Technical Issues and Expert Review: Commercial Wireless Telecommunications Service facilities may involve technical issues that require review and input that is beyond County staff. Albany County may require the applicant to pay reasonable costs of a third-party technical study of a proposed Commercial Wireless Telecommunication Service facility. Selection of expert(s) to review this proposal will be at the sole discretion of the County.

G. Minimum Standards for Towers:

1. Minimum setbacks from all property lines (or lease lines) for Towers (and Tower associated equipment) shall be one (1) foot for every foot in height of the tower. The Board of County Commissioners can grant a variance from this setback requirement if the applicant can provide structural drawings and plans, produced by an engineer licensed in the State of Wyoming, that certifies that in the event the Tower collapsed, relief from the standard setbacks requirement would not pose a threat to the health and safety of adjacent property owners.
2. All towers and associated equipment shall not interfere with normal radio, television, and/or telephone reception in the vicinity.
3. Commercial messages shall not be displayed on any tower. The only signs permitted on the tower are warning and equipment identification signs, or other applicable signs required by law.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Board of County Commissioners may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding property owners.
5. In order to protect the public from the unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation indicating that the power density standard levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever provides stricter requirements.
6. In non-residential districts, towers are permitted on top of buildings or structures (which are not tower accessory structures). The top of said towers shall not be more than thirty (30) percent of the building's height above the building, nor shall be seventy (70) feet above the building, whichever is less.

7. Co-location is encouraged. Additional users and associated equipment which do not add to the tower height may be added, but a zoning certificate is required. Additional users co-locating on an existing tower shall not in any way cause the tower to violate the required standards described in items (a) through (f) of this section.
8. Commercial Wireless Telecommunication Service providers must not unreasonably exclude other providers from co-location on the same tower when co-location is structurally, technically, or otherwise reasonably possible (customary industry standards considered).

H. Abandonment: Tower facilities will be considered abandoned if they are unused for a period of twelve (12) months. Determination of abandonment shall be made by the Albany County Planner. The Planner may then send written notification to the tower facility owner and land owner requesting removal within ninety (90) days or show cause why such removal should not take place. Show cause hearings shall be scheduled before the Planning and Zoning Commission, with appeal to the Board of County Commissioners. If tower facilities are not removed within ninety (90) days of the notice by the County Planner or within ninety (90) days of a final appeal decision, the County may remove the facility at the facility owner's or land owner's expense. Upon abandonment and removal, the County permit for the facility shall be considered expired.

I. Attached Antennas: Attached Antennas are permitted in all zoning districts and a zoning certificate/same land use classification is required. Attached antennas may include antennas attached to existing towers, utility poles, flagpoles, buildings, or other structures. Attached Antennas on a roof may extend up to twenty (20) feet over the height of the building on which they are located. Attached Antennas mounted on a building or structure wall must be as flush to the wall as technically possible and shall not extend more than twenty (20) feet over the top of the wall. Attached antennas to a tower shall not add to the height of a tower.

J. Exemptions: Amateur radio operators using antennas for personal, non-commercial use, including but not limited to television and ham radio antennas, are permitted and a zoning certificate is not required.

Section 10. Temporary Tower Permit. Temporary Towers – Meteorological and other use towers, where allowed as permitted uses, shall comply with the following criteria:

- A. The proposed towers will be placed for a period of twenty-four (24) months or less.
- B. The height of the tower will be less than two hundred (200) feet.
- C. The tower location will be at least one thousand (1,000) feet from any residence unless the residents sign a document indicating no objection to the tower in the proposed location.

D. The tower shall be made more visible to low-flying aircraft if the tower exceeds seventy (70) feet. At least thirty (30) feet of the uppermost portion of the tower shall be alternating sections of red and white colored structure.

E. The impact to the site shall be minimal with no permanent fixtures.

Section 11. Small Wind Energy System Permit. Small wind energy systems, where allowed as permitted uses, shall comply with the following criteria:

A. **Definition of “small wind energy system”:** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than twenty-five (25) KW and which is intended to primarily reduce on-site consumption of utility power.

B. Small wind energy systems shall be a permitted use in all zoning classes where structures are allowed subject to the requirement listed below:

1. Total height: The total height of the structure, including the turbine and rotors, shall not exceed one hundred (100) feet above grade.
2. Support Wires. The tower shall be:
 - a. A self-supporting structure without use of guy wires; or
 - b. A structure supported with the assistance of guy wires in a manner recommended by the tower provider.
3. Set-backs. The tower shall be set back as follows:
 - a. One hundred fifty (150) feet or three (3) times the total height, whichever is greater from the base of the structure to all property boundaries.
 - b. One and one tenth (1.1) times the total height of the structure from above ground transmission and communication lines, road right-of-way/easement, and railroad right-of-way.
 - c. The one hundred and fifty (150) or three (3) times the total height setback requirement may be waived by all affected adjacent landowners. Any such waiver shall cause the permit application to be reviewed for a recommendation by the Planning and Zoning Commission and then taken to the Board of County Commissioners for a decision permitting or denying the waiver. Notice shall be provided pursuant to Chapter 5, Section 5. An approved waiver shall be recorded with the Albany County Clerk.
4. Noise. Small wind energy systems shall not produce noise exceeding fifty-five (55) dBA, as measured at the property lines. The level may be exceeded during

short-term events such as utility outages and/or severe wind storms. The Planning Office will investigate reasonable complaints about noise.

C. **Interconnected Generator:** Small wind energy systems shall not be installed until the electric utility company has been informed of the customer's intent to install an interconnected generator and has approved the installation. Documentation of the contact with the utility company shall be provided to the Planning Department. Off-grid systems shall be exempt from this requirement.

D. **New Technology:** The Planning Office may waive any of the provisions of this section if the applicant is using the new technology that alleviates the issues addressed by these regulations. The applicant must provide clear and convincing evidence that these issues have been addressed through the new technology. Documentation shall be provided with the application.

Section 12. Commercial Wind and Solar Energy Siting Regulations and Permitting.

A. General Provisions:

1. Title: These Regulations shall amend the Albany County Zoning Resolution, to be referred to as the Albany County Wind Energy and Solar Energy Siting Regulations.
2. Purpose: These regulations have been adopted for the following purposes:
 - a. To assure that any development and production of wind-generated and solar-generated electricity in Albany County is safe, effective, and that it will minimize impacts to wildlife;
 - b. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area;
 - c. To facilitate economic opportunities for local residents;
 - d. To promote the supply of wind energy and solar energy in support of Wyoming's goal of increasing energy production from renewable energy sources;
 - e. To be consistent with the Albany County Comprehensive Plan.
3. Authority: The Albany County Wind Energy and Solar Energy Siting Regulations are adopted under the authority granted by the following Wyoming Statutes:

Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission, W.S. §§18-5-201 to 18-5-207 and Article 5. Wind and Solar Energy Facilities W.S. §§18-5-501 to 18-5-513.

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

4. Severability. If any section or provision of the Albany County Wind and Solar Energy Siting Regulations is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations. These Regulations are declared to be severable.

B. Definitions:

1. **Applicant:** The entity or person who submits to the County Planning Office an application for the siting of any Wind Energy Conversion System (WECS), WECS Project, Substation, or Solar Energy Facility Permit.
2. **Enlarge or Enlargement:** “Enlarge” or “enlargement” means adding additional wind turbines which are or energy capacity that is not permitted as part of an original permitting process. “Enlarge” or “enlargement” shall not include an improvement made to a permitted wind turbine that maintains the same surface space occupied by the structure that was previously permitted, regardless of the cost of the improvement.
3. **Financial Assurance:** Reasonable assurance, at the discretion of the Board of County Commissioners, from a credit worthy party that the costs associated with but not limited to construction, maintenance, consequences from abandonment or a failure to properly execute closure, post-closure costs are recoverable from applicant(s) under these Regulations.
4. **Operator:** The entity responsible for the day-to-day operation and maintenance of any WECS, WECS Project, Substation, or solar energy facility including any third party subcontractors.
5. **Owner:** The entity or entities with an equity interest in the WECS or solar energy facility, including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS) or solar energy facility; or (ii) any person holding a security interest in the WECS or solar energy facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS or solar energy facility at the earliest practicable date.
6. **Primary Structure:** Structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structure excludes structures such as storage sheds and loafing sheds.
7. **Professional Engineer:** A qualified individual who is licensed as a professional engineer in the State of Wyoming.

8. **Solar Energy Facility:** “Solar energy facility” means a commercial facility with a rated power capacity of more than one-half (0.5) megawatt of electricity from solar power or the energy produced is not for personal use of the property owner that includes all lands where the owner or developer has rights to erect solar energy facilities, including lands for energy storage.
 9. **Substation:** The apparatus that connects the electrical collection system of the WECS or solar energy facility and increases the voltage for connection with a utility's transmission line(s).
 10. **Wind Energy Conversion System (WECS):** All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation and their support facilities, including transmission lines.
 11. **Wind Energy Facility:** Wind energy facility” means any wind powered electrical generation development consisting of an individual wind turbine or multiple wind turbines rated by the manufacturer to generate more than one-half (0.5) megawatt of electricity and includes all lands where the owner or developer has rights to erect wind turbines.
 12. **WECS Project:** The WECSs and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent met towers as specified in the siting approval application and including the project area as defined by the Owner.
 13. **WECS Tower:** The support structure to which the nacelle and rotor are attached.
 14. **WECS Tower Height:** The distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.
- C. Applicability:** These Regulations govern the siting of solar energy facilities and WECS, WECS Projects, and Substations that provide electricity to be sold to wholesale or retail markets, except that owners of WECS with an aggregate generating capacity of twenty-five (25) kW or less who locate the WECS on their own property are not subject to these Regulations. WECS Towers shall be permitted in agricultural or industrial zoned districts. Approval of any WECS Project Permit or a Solar Energy Facility Permit does not preclude the need to obtain approved Zoning Certificates for individual structures, additions, and changes.
- D. Prohibition:** It is unlawful to locate, erect, construct, or enlarge a solar energy facility or a wind energy facility without first obtaining a WECS project permit or a Solar Energy Facility Permit from the Board of County Commissioners, see §§18-5-502(a). WECS

projects shall be permitted by WECS project permits which allow each individual WECS to be moved within the project boundary as the variables of the individual project dictate.

E. Penalties:

1. Any person violating subsection D above is liable for a civil penalty of not more than ten thousand (10,000) dollars for each violation. Each day of a continuing violation constitutes a separate offence.
2. Any wind turbine tower or wind generator erected in violation of this section shall subject the owner of the wind turbine tower or wind generator to a penalty of seven hundred and fifty (750) dollars per day for every tower or generator so erected.

F. Siting Approval Application:

1. To obtain siting approval, the Applicant(s) must first submit a WECS Project Permit application, for a WECS Project, or a Solar Energy Facility Permit, for a solar energy facility, to the County Planning Office.
2. The WECS Project Permit application shall contain or be accompanied by the following information:
 - a. A Project Summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer, type of WECSs, number of WECS, and name plate generating capacity of each WECS; the maximum height of the WECS Towers and maximum diameter of the WECS rotor; the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 - b. The names, addresses, and phone numbers of the Applicants, Owners and Operators, and all property owners;
 - c. A site plan for the installation of a WECS Project showing the planned location of each WECS Tower, anchor bases (if any), Primary Structures, property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substations, electrical cabling from the WECS Tower to the Substations' ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 - d. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of these regulations.

- e. Letters of consent to construct from all surface property owners on which the WECS Project is located; and
 - f. Any other information required by the County Planning Office as part of its zoning regulations.
3. The Solar Energy Facility Permit application shall contain or be accompanied by the following information:
- a. A project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer, area of the entire project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 - b. The names, addresses, and phone numbers of the Applicants, Owners and Operators, and all property owners;
 - c. A site plan for the installation of a solar energy facility showing the solar arrays, Primary Structures, property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substations, electrical cabling from the solar array to the Substations' ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 - d. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of these regulations.
 - e. Letters of consent to construct from all surface property owners on which the solar energy facility is located; and
 - f. Any other information required by the County Planning Office as part of its zoning regulations.
4. Application and Approval Process.
- a. Application Submission. A completed application, signed by the owner(s) and applicant shall be submitted to the County Planning Office.
 - b. Certified list of adjacent property owners. A certified list of adjacent property owners shall be submitted to the Planning Office. Adjacent property owners are defined as within a five (5) mile radius of the WECS Project's exterior boundaries or within a one (1) mile radius of a proposed solar energy facility's exterior boundaries.
- This list shall be obtained from the real estate records filed with the Albany County Clerk's Office or the assessment records on file with the Albany County Assessor's Office or the appropriate governing body. Use

of any information which is not up-to-date shall not invalidate this notice requirement. A title insurance company, a Professional Engineer, a Professional Land Surveyor, or an attorney must certify the list.

c. Notice Requirements. The following notice requirements must be met. If all notice requirements are not timely given, a WECS project permit or a Solar Wind Energy Facility permit shall not be granted.

1) Mail: Applicant shall be responsible for mailing notice, by certified mail, to property owners identified on the certified list of property owners (see subsection b above), to Wyoming Department of Transportation and to incorporated municipalities within twenty (20) miles of the WECS Project or solar energy facility. If the applicant is not the property owner of the proposed development site, notice shall be sent in the described manner to the property owner(s). Notice of pending proposals for development shall be given at least fourteen (14) days prior to the Planning and Zoning Commission meeting and at least twenty (20) days prior to the Board of County Commissioners public hearing. Right-of-way and easements shall not be considered as dividing properties.

Applicant shall submit to the Planning Office both an affidavit of mailing of the certified mail notice and copies of the signed return by recipients of the notice. The affidavit and the receipt copies shall be submitted to the Planning Office at least five (5) days prior to the respective Planning and Zoning Commission and Board of County Commissioners meetings.

2) Publication: the Planning Department shall propose and place in the local newspaper a legal notice of the proposed development. The publication shall provide at least fourteen (14) days notice of a development proposal hearing before Planning and Zoning Commission and twenty (20) days notice prior to the hearing before the Board of County Commissioners.

3) Signage: The applicant shall obtain at the time of the application submission, at least one (1) sign to be placed along and clearly visible from each publicly used road abutting the property. The sign shall state the property is being proposed for development and shall give contact information for the Planning Department. The sign(s) shall be posted at least fourteen (14) days prior to consideration of a development proposal before the Planning and

Zoning Commission and the Board of County Commissioners. Applicant is responsible for return of the sign(s) in as good a condition as when obtained, except for reasonable wear and tear.

- 4) Fee: Applicant shall remit a fee in the amount of one hundred (100) dollars to cover notice expenses at the time of filing a development proposal. This fee shall be in addition to the application filing fee.
 - 5) Contents of Notice: All mailed and publication notices shall include a brief description of the solar energy facility or WECS Project including the name of the applicant, its location, the projected number and capacity of turbines (for WECS projects), and likely routes of ingress and egress and the likely location of electric transmission and other related facilities; contact information for the Planning Department; and invite the public to submit comments, identify the location, date, time and reviewing body for the public meeting or hearing.
 - 6) Notice to record owners and claimants of mineral rights: Before submitting the application, record owners of mineral rights located on and under lands where the wind energy facility or the solar energy facility will be constructed shall be notified. The notice shall consist of a statement of the applicant's intention to construct the project, features of the project, a legal description of the boundaries of the project, locations where the application may be examined, and persons to contact for additional information. Notice shall be provided by first class mail to all record owners of mineral rights whose identity and current addresses are readily obtainable from publicly available documents and notice shall be published twice in a newspaper of general circulation. Copies of the notice and any other pertinent documentation shall be provided to the Planning Office with the application and will be part of the record.
- d. Planning and Zoning Review and Recommendation. The Planning and Zoning Commission will review the application at a regular or special meeting and make findings and certify a recommendation to the Board of County Commissioners.
 - e. Board of County Commissioners Review and Decision.
 - 1) Review of Application for Completeness: Upon receipt of an application, the Board of County Commissioners shall conduct a

review of the application to determine completeness. If the application is determined to be incomplete by the Board, a list of deficiencies shall be provided to the applicant within thirty (30) days of receipt of the application by the Board. The applicant will then have thirty (30) days to correct the deficiencies. Once an application is deemed complete, the applicant will be notified of the date and time of the required public hearing before the Board.

- 2) **Public Hearing:** The Board of County Commissioners shall hold a public hearing prior to acting on the application. The required public hearing must be held no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted for not less than forty-five (45) days after determining that the application is complete.
- 3) **Final Decision:** In order to give final approval of the WECS Project Permit or the solar energy facility, the Board of County Commissioners must be able to make required findings of fact and conclusions of law, determining that each impact shall be mitigated, if deemed necessary, ensuring compatibility with adjacent uses. The Board of County Commissioners must make a decision to either approve or deny the application within forty-five (45) days of a public hearing. A copy of the decision shall be served upon the applicant.

f. **Findings Necessary for Approval.** The Board of County Commissioners must make the following findings:

- 1) That the Applicant has provided such site plans and/or survey maps as required.
- 2) That the proposed WECS Project or solar energy facility will not adversely affect the public health, safety, and welfare of the community.
- 3) That the proposed WECS Project or solar energy facility shall not adversely affect the public interest by overburdening County services.
- 4) That the applicant has adequately addressed the following impacts:
 - i. **Economic or Social Impacts:** Demonstrate that the applicant has addressed any complaints specified during the public comment period concerning any negative economic

or social impacts. In addition, other impacts identified by studies or reports for the project concerning economic or social impact shall be addressed.

- ii. Air Quality: Mitigate any air quality impact at or beyond the property line: fumes, smoke, odor, dust, heat, etc.
- iii. Water Quality: Mitigate any water quality impacts.
- iv. General Nuisances. Minimize light, glare, heat, noise, vibration, odors, fumes, smoke, or other nuisances generated by the WECS Project or solar energy facility that may affect off-site property owners.
- v. Soil Disturbance: Show that soil disturbance on the site will be minimized and that appropriate measures will be taken to restore disturbed areas to its former state.
- vi. Wildlife Impacts: Show that the WECS Project or the solar energy facility will not be a significantly negative impact on wildlife species in the area. For WECS Projects specifically, the applicant shall show that their project is consistent with the Wyoming Game and Fish Department's document entitled "Wildlife Protection Recommendations for Wind Energy Development in Wyoming" (November 17, 2010) and that it will follow recommendations made by the Wyoming Game and Fish Department. Solar energy facilities will follow recommendations of the Wyoming Game and Fish Department. Any reports prepared for the Wyoming Industrial Siting Council to address wildlife impacts shall be provided.
- vii. Cultural Resource Impacts. Show that appropriate measures will be taken to mitigate disturbance of any cultural resources on the site. Any reports prepared for the Wyoming Industrial Siting Council to address cultural resource impacts shall be provided.
- viii. If this project requires review by Industrial Siting Council, the applicant shall not be required to address vi) Wildlife Impacts or vii) Cultural Resource Impacts of this subsection.

5. The Applicant shall notify the County Planning Office of any changes to the application information that occur while the WECS project or the solar energy facility application is pending.
6. The WECS Project Permit or the Solar Energy Facility Permit expires within five (5) years of its date of approval by the Board of County Commissioners unless:
 - a. The Applicant has substantially commenced WECS Project or solar energy facility construction under an approved Albany County permit; or
 - b. The Applicant has submitted evidence acceptable to the Board of County Commissioners that the WECS Project or the solar energy facility is still viable and the delay in construction is caused by project management or coordination issues that are pending resolution in the near future.
7. The Board of County Commissioners may renew the permit for an additional five (5) year term. If the WECS Project or the solar energy facility is not completed once the additional term ends, the applicant must apply for a new WECS Project Permit or Solar Energy Facility Permit to proceed with the project.

G. Design and Installation:

1. Design Safety Certification for WECS Projects. Following the granting of WECS Project under these Regulations, a Professional Engineer shall certify, as part of the Zoning Certificate application, prior to construction that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
2. Color for WECS Projects. Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color as agreed to by the County Planner and the Applicant that will help the project blend with the natural visual character of the area.
3. Noise for WECS Projects. Noise associated with WECS operation shall not exceed fifty-five (55) dBA as measured at any point along the common property lines between a non-participating property and a participating property.
 - a. This level may be exceeded during short-term events such as utility outages, severe weather events, and construction or maintenance operations.
 - b. This standard shall not apply along any portion of the common property line where the participating property abuts state or federal property.
 - c. Noise levels may exceed the fifty-five (55) dBA limit along common property lines if written permission, as recorded with the Albany County Clerk, is granted by the affected adjacent non-participating property

owners.

- d. A noise study shall be provided that documents noise levels at the property lines will meet the standards above. The study must be completed by a professional engineer licensed in the State of Wyoming.
4. Signage for WECS Projects. There shall be no signage, logo, advertising or promotional lettering of any type allowed on the WECS Towers, Nacelles, or blades with the exception of reasonable manufacturer safety warning and emergency contact signs. Any other signage shall only be allowed as approved by the County.
 5. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 6. Climb Prevention for WECS Projects. All WECS Towers must be unclimbable by design or protected by anti-climbing devices.
 7. Setbacks for WECS Projects.
 - a. All WECS Towers shall be set back at least one-quarter (.25) mile or five and one half (5.5) times the tower height, whichever is greater, from a residential dwelling or occupied structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement. However, a WECS Tower shall not be located closer to a Primary Structure than one and one-tenth (1.10) times the WECS Tower Height.
 - b. All WECS Towers shall be set back a distance of at least one and one-tenth (1.10) times the WECS Tower Height from third party transmission lines and communication towers.
 - c. All WECS Towers shall be set back a distance of at least one and one-tenth (1.10) times the WECS Tower Height from adjacent property lines. This does not apply to property lines within WECS Projects.
 - d. All WECS Towers shall be set back a distance of one-half (.5) mile or five and one-half (5.5) times the tower height, whichever is greater, from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph; however, all WECS Project structures shall be set back a distance of at least one and one-tenth (1.10) times the WECS Tower Height from the adjacent property line.

- e. All WECS Towers shall be set back a distance of one (1) mile from any incorporated municipality.
 - f. All WECS Towers shall be set back a minimum of one-quarter (.25) mile from the right-of-way of Interstate 80, Highway 34, 130 and 230, and U.S. Highway 287/30.
 - g. All WECS Towers shall be set back a distance of at least one and one-tenth (1.10) times the WECS Tower Height from public roads and railroads. Setback shall be measured from the edge of the road or rail right-of-way.
 - h. All WECS Towers shall be set back from State Parks and wildlife refuges a minimum of one-quarter (.25) mile.
 - i. The applicant does not need to obtain a variance from the county upon waiver by either a municipality or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property. Copies of the signed waivers shall be furnished to the County Planning Office for inclusion in the application file.
 - j. Setback distances may be modified at the discretion of the Board of County Commissioners to minimize degradation, if any, of the visual, environmental, or acoustic character of the area, additional performance standards may be adopted by the Board of County Commissioners upon formal consideration, review, and public hearings.
8. Setbacks for Solar Energy Facilities.
- a. Solar energy facilities shall be setback three hundred (300) feet of an occupied structure or residence unless waived in writing by the owner of the structure or residence;
 - b. Solar energy facilities shall be setback one hundred (100) feet of any outer boundary of the facility; and
 - c. Solar energy facilities shall be setback two hundred (200) feet of any public road right-of-way.
 - d. The Board of County Commissioners may increase setbacks required from public road right-of-way beyond those required in this section to accommodate know big game animal migrations and frequent local wildlife movements and to reduce the risk of motor vehicle and big game collisions. The following may be consulted:

- 1) Wyoming Game and Fish Department for setbacks from public roads;
- 2) Wyoming Department of Transportation for setbacks from state highways;
- 3) Albany County Road and Bridge Department for setbacks from county roads.

9. Use of Roads.

- a. Applicants, Owners, or Operators proposing to use any county, improvement district, municipal, or state roads, for the purpose of transporting any solar energy facility equipment or materials, WECSs or Substation parts and/or equipment for construction, operation, or maintenance of the solar energy facility, WECSs, or Substations shall:
 - 1) Identify all such public roads. Detailed mapping of haul routes shall be submitted after the specific haul routes have been identified. No public roads shall be used for construction activities related to a WECS Project or solar energy facility until specific haul routes have been identified and maps have been submitted to the County Planning Office and appropriate approvals obtained.
 - 2) Obtain access permits and utility crossing permits from the county.
 - 3) The Applicants shall include a traffic study of any public roads leading to and away from the proposed WECS Project or solar energy facility, and at the discretion of the Board of County Commissioners, may be requested to provide additional studies and reports prepared by qualified professionals to determine if impacts to public roads will occur.

If impacts are determined, a mitigation plan and/or long-term road maintenance agreement between the Applicant and Albany County will be required at the discretion of the Board of County Commissioners. Wyoming Department of Transportation may also require a road maintenance agreement with the Applicant for use and maintenance of state highways. If required, the long-term road maintenance agreement shall be fully executed prior to any development within the project boundaries.
 - 4) If potential road impacts are determined to extend beyond County boundaries the Applicants will be responsible to contact all potentially impacted jurisdictions (other states or counties) and to provide written documentation of the contacts as well as written

statements from the jurisdictions that they are aware of the potential impact.

- b. The County Planning Office may require the Applicants, Owners, or Operators to do the following:
 - 1) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - 2) Secure Financial Assurance in a reasonable amount at the discretion of the Board of County Commissioners for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the WECS Project.

- 3) The use of public roads and other infrastructure shall be in compliance of federal, state, and county regulations governing such activities. If degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation, or maintenance of a WECS Project or a solar energy facility, these parties will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use for the project. If Albany County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project, including counties in other states as applicable, the Owner shall furnish proof of compliance with the requirements of any such county.

- c. Private Roads: The applicant shall describe how private roads within the WECS Project or the solar energy facility will be designated as private roads and acknowledge that the County is not required to accept the dedication for public use, repair, or maintain any private road.

- d. Access: The applicant must provide documentation that adequate legal access is available to the WECS Project or solar energy facility.

- 10. Sediment Control. Owners or Operators shall do the following to minimize soil erosion and damage to existing vegetation during construction and maintenance of a WECS Project or solar energy facility:

- a. Minimize disturbance and construction on erodible slopes.
- b. Minimize the number of new roads and construction staging areas.
- c. Minimize the grading width of roads. One-lane roadways with turn-outs are recommended.

- d. Owners or Operators shall reclaim areas disturbed by construction activities with native vegetation as areas of the WECS Project or solar energy facility complete construction.
11. Oversight of Project Construction. All phases of construction shall be routinely inspected by a professional licensed in the State of Wyoming. The inspector shall be contracted by the owner or operator of the project. The inspector shall inspect construction of the project and all standards required in the adopted WECS Permit. Monthly written reports shall be provided to the Albany County Planning Office. Laramie Rivers Conservation District must be consulted to ensure potential erosion impacts are mitigated and disturbed areas are revegetated with native grasses.

H. Operation.

- 1. Maintenance.
 - a. The owner of the WECS or solar energy facility must maintain and operate the WECS or solar energy facility in compliance with all state and federal occupational and environmental health and safety regulations. All WECS that remain inoperative for twelve (12) months or longer must be removed unless the owner provides a written plan and schedule acceptable to the County Planning Office for refurbishing and reactivating inoperative WECS. The owner of the WECS shall submit to the County Planning Office a statement on March 1st of each year that lists all WECS currently inoperative for longer than twelve (12) months.
 - b. The Owners or Operators of the WECS or solar energy facility shall control and eradicate noxious and invasive weed species as designated by County Weed and Pest within the disturbed areas of the project, during and for a minimum of five (5) years after the life of the operation. This shall be maintained to the satisfaction of County Weed and Pest. The Owners or Operators may choose to contract with the County or outside services to control weeds. Disturbed areas shall be preliminarily delineated at the time of application by the applicant and shall include, as a minimum, the proposed future easements for new roads, transmission lines, WECS, buildings, and any other property that may be disturbed or accessed by the Owner. If the delineated disturbed areas change, the Owner shall notify the County Weed and Pest District.
 - c. Periodic maintenance will include upkeep to all structures and grounds for aesthetics. Routine scheduled maintenance shall include the repainting of equipment and structures and ground work or landscaping as appropriate to the location.

2. Interference for WECS Projects.

- a. The Applicants shall provide the applicable microwave transmission providers and local emergency service providers (911 operators) copies of the project summary and site plan. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the WECS, the Applicants shall take reasonable measures to mitigate such anticipated interference. If these entities make subsequent changes to their equipment and systems such that an existing WECS Project interferes with their re-designed communications systems, the Board of County Commissioners shall not require the existing WECS Project to be moved or disassembled to remedy such interference.
- b. If, after construction of the WECS the Owners or Operators receive a written complaint related to interference with emergency services communications, local broadcast of residential television, or other communications venues, the Owners or Operators shall take steps to respond to the complaint as reasonably feasible. The Owners or Operators of the WECS will bear any costs incurred to mitigate interference.
- c. The Owners or Operators shall mitigate light impact on existing residences as reasonably feasible and still meet Federal Aviation Administration (FAA) requirements. The Board of County Commissioners shall require installation and maintenance of an aircraft detection lighting systems (ADLS) in order to mitigate light impacts to nearby residential areas, if approved by the FAA. If required, such FAA approved systems shall require the turbine tower warning lights to be off except when necessary to alert aircraft in the area. Lights shall remain off at night unless aircraft are detected within FAA proximity minimums in the area by the ADLS or if FAA requirements dictate otherwise. (Amended January 5, 2016)

3. Coordination with Local Emergency Response Agencies.

- a. The Applicants, Owners, or Operators shall submit to the local fire department and/or the Emergency Management Coordinator a copy of the site plan.
- b. The Applicant shall submit to the County Fire Warden, the Emergency Management Coordinator, and the County Sheriff an emergency management plan for review and comment prior to permit approval. If a WECS Project Permit or Solar Energy Facility Permit is granted, the plan shall be supplemental and revised following construction of the facility and prior to its operation if there are any variations in the facility's

construction which would materially impact the original emergency management plan.

4. WECS Project Mapping. The Owners or Operators shall provide the County Planning Office with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. This Map shall be updated every five (5) years or after the completion of any significant additional construction, whichever occurs first.
- I. Socio-Economic Impacts:** Any reports prepared for the Wyoming Industrial Siting Council that address economic and social impacts shall be provided for review and used to determine proper mitigations of these impacts is proposed in the application.
 - J. Wyoming Game and Fish Department (WGF):** The Applicants are advised to request, during initial site selection, information from WGF on critical habitat of protected species that may be present. The Applicant should obtain a letter from WGF verifying that the Applicant has coordinated with WGF about the project site selection and describing any annual monitoring of wildlife impacts and mortalities, as recommended by the WGF. The Applicant will need to ensure access to the wind development area for the purposes of annual wildlife monitoring activities, if required. The Applicant need not complete duplicative studies, but shall provide the County Planning Office with wildlife studies contained in existing environmental assessments and/or formal NEPA studies such as the Environmental Impact Statements that cover the project area. The County Planning Office will also route the application to WGF for comment and review of pertinent reports. WGF will have thirty (30) days from the date it receives the application to provide the County Planning Office with its comments concerning the application. If no comments are received within thirty (30) days, the County Planning Office will assume the application is in order with the WGF and proceed with the permitting process.
 - K. Archeological and Historical Resources:** The Applicants are advised to seek comments and approval from appropriate agencies for matters concerning archaeology studies, historical importance, and any other relevant Federal, State and Local issues and to include relevant reports in the application process. The Applicant need not complete duplicative studies, but shall provide the County Planning Office with relevant historical or archeological studies contained in reports required by other jurisdictions. The County Planning Office will also route the application to the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment and review. These agencies shall have thirty (30) days from the date they receive the application to provide the County Planning Office with its comments concerning the application. If no comments are received within thirty (30) days, the County Planning Office will assume the application is in order and will proceed with the permitting process.

L. Liability Insurance: The Owners or Operators of the WECS Project or solar energy facility shall maintain a current commercial general liability policy covering bodily injury and property damage with limits of at least one (1) million dollars per occurrence and five (5) million dollars in the aggregate. The Applicants shall provide a certificate of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application, which certificate shall give no less than thirty (3) days' notice if the policy is cancelled or coverage is materially changed. If the application is approved, the Owners or Operators of the WECS or the solar energy facility shall provide a certificate of insurance to the Board of County Commissioners annually throughout the life of the WECS Project. Notice of cancellation or material change, if not remedied prior to loss of such insurance, shall constitute prima facie evidence requiring revocation of the WECS Permit.

M. Waste Management Plan: A waste management plan that includes an inventory of estimated solid wastes and proposed disposal program for the construction, operation, and eventual decommissioning of the proposed WECS Project or solar energy facility. On-site disposal of construction waste shall not be permitted.

N. Decommissioning and Reclamation:

1. Provide a site and facility reclamation and decommissioning plan which indicates the planned life of the wind energy facility or the solar energy facility and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life and which certifies that any property owner within the wind energy facility and its site who is not the applicant has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the industrial siting council under §§35-12-105 (d). If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete.
2. All applications for a WECS Permit or a Solar Energy Facility Permit shall meet the requirements adopted pursuant to §§35-12-105 (d) and (e) regardless of whether the facility is referred to the industrial siting council pursuant to §§18-5-509 or is otherwise subject to the industrial siting act.
3. Albany County will request that the Wyoming Industrial Siting Council include Albany County as an entity that can access the financial assurance provided for decommissioning and reclamation of the project to ensure proper decommissioning and reclamation occurs at the end of the project's life.

O. Remedies:

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

P. Revocation or Suspension of a WECS Permit or Solar Energy Facility Permit:

1. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall cause a WECS Permit or Solar Energy Facility Permit to be revoked or suspended under these Regulations.
2. Any material false statement in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted the refusal to grant a permit shall justify the revocation or suspension of a WECS Permit or Solar Energy Facility Permit.
3. Failure of a permitted WECS Project or solar energy facility to transmit electricity created by wind energy or solar energy for a period of at least two (2) consecutive years or the failure to maintain land rights necessary to operate the WECS Project or solar energy facility shall justify the revocation or suspension of a WECS Permit or Solar Energy Facility Permit.
4. Prior to implementation of the existing County procedures for the revocation or suspension of a WECS Project Permit or Solar Energy Facility Permit, the appropriate County body shall first provide written notice to the Owners and Operators, setting forth the alleged reasoning for the revocation or suspension of the WECS Project Permit or Solar Energy Facility Permit. Such written notice shall provide the Owners and Operators a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the issues that have led to the possible suspension or revocation of the WECS Project Permit or Solar Energy Facility Permit.
5. If the Board of County Commissioners determines in its discretion, that the parties cannot resolve the issues leading to the possible suspension or revocation of the WECS Project Permit or Solar Energy Facility Permit within the good faith negotiation period, the existing County regulation provisions addressing the resolution of such default shall govern.
6. Enforcement. The provisions of these Regulations are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Q. Referrals: The Board of County Commissioners may refer a WECS Project or solar energy facility to the industrial siting council, if not already required to be permitted by the council, for additional permitting in accordance with §§18-5-509 and §§15-5-510. A referral shall be made only when the Board of County Commissioners finds there are potentially significant adverse environmental, social, or economic issues. A referral shall be made no longer than thirty (30) days after the application is deemed complete.

Section 13. Home Business Permit. Home business shall meet the following standards:

A. Agricultural Zone and Land Use Classification:

1. The use shall be conducted by the inhabitants of a dwelling unit on the property.
2. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
3. Generation or use of hazardous materials/wastes regulated by the Wyoming Department of Environmental Quality is prohibited.

B. Residential Zones and Land Use Classification:

1. The use shall be conducted by the inhabitants of a dwelling unit on the property.
2. The architecture of the accessory structure constructed or used in the home business shall be consistent with that normally found in the zone and be visually harmonious with surrounding structures, and such accessory structures shall not number more than one (1) or contain more than fifty percent (50%) of the square footage of the primary residence.
3. Home business activities conducted outside of structures shall take place only during normal daylight business hours.
4. Traffic and parking associated with the home business shall be minimal and restricted to normal daylight business hours.
5. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
6. Generation or use of hazardous materials/wastes regulated by the Wyoming Department of Environmental Quality is prohibited.

Section 14. Variances.

A. General Provisions: A variance is an authorization for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land, which is prohibited by a zoning resolution. A variance is a determination that the use allowed is not offensive to the zoning resolution with regard to the particular circumstances. The language of a variance will be construed against the party seeking it, except in matters of triviality, such as a matter of inches constituting noncompliance.

A variance is granted to render justice in unique and individual cases of practical difficulties or unnecessary hardship resulting from literal application of the zoning resolution. It is designed to correct maladjustments and inequities in the operation of general regulations.

B. Filing Requirements: An application for variance shall be filed with the Planning Office, shall be accompanied by the required fee, and shall include materials setting forth the following information:

1. The name and address of the owner or applicant;
2. A legal description or other information necessary to identify the site;
3. A site plan showing all existing and proposed structures or improvements on the site and on adjacent lands that may be affected by the variance, and all natural conditions relevant to the application;
4. A statement of the precise nature of the variance request, the development standard or standards involved, and the non self-inflicted practical difficulty or unnecessary physical hardship that would result from the strict or literal enforcement of the development standard or standards.

C. Planning Office Action: The Planning Director shall review the application and determine if the application is complete. If the application is not complete, the Planning Director shall notify the applicant of the deficiencies. When a completed application has been reviewed, the Planning Director shall present the application to the Planning and Zoning Commission within forty-five (45) days after the completed application is reviewed by the Planning Director.

D. Planning and Zoning Commission Action: The Planning and Zoning Commission shall review the application at a regular or special meeting within forty-five (45) days from its receipt of the completed application. Within forty-five (45) days after its review, the Planning and Zoning Commission shall make findings and certify a recommendation to the Board of County Commissioners that the Board grant the variance, grant the variance subject to conditions or modifications, or deny the variance. In making its recommendations the Planning and Zoning Commission shall consider the various standards set forth in this chapter. See Chapter 5, Section 5 for Notice Requirements.

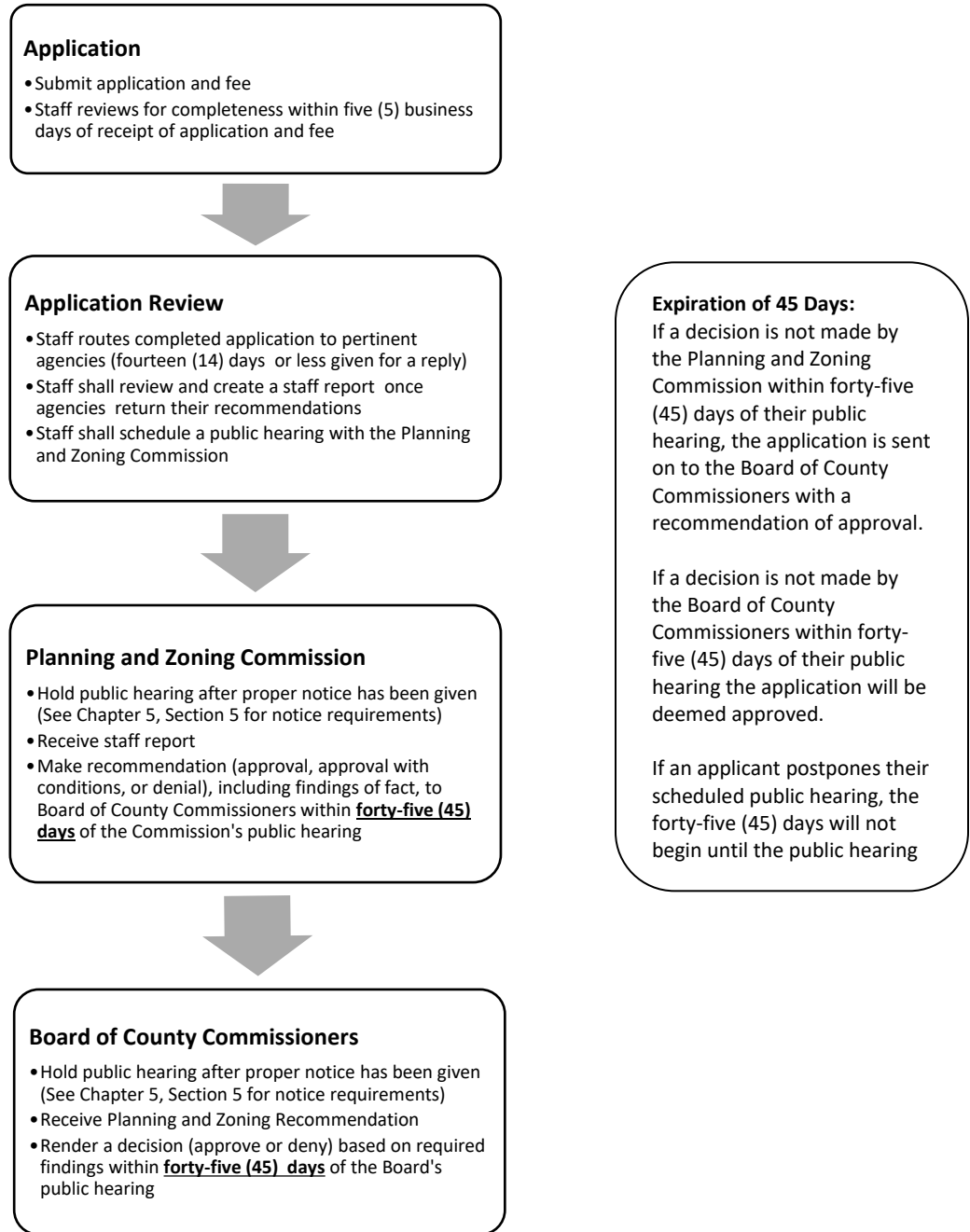
E. Board of County Commissioners' Action: The Board of County Commissioners shall consider the application at a regularly scheduled meeting of the Board within forty-five (45) days after the findings and recommendations of the Planning and Zoning Commission have been received. The Board of County Commissioners may grant the variance subject to conditions or modifications or deny the variance. The Board of County Commissioners shall consider the variance standards set forth in this chapter in making its decision.

F. Variance Standards: The following standards shall apply to all variance applications:

1. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other properties in the vicinity;
2. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on use of other properties in the district;
3. The hardship which is the basis for the variance application was not self-inflicted by the applicant;
4. The granting of the variance is justified for one or more of the following reasons:
 - a. Strict interpretation or enforcement of the development standards would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution;
 - b. Exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same district;
 - c. Strict interpretation or enforcement of the development standards would deprive the applicant of privileges enjoyed by other property owners in the same district, or the variance will bring the applicant into substantial parity with other property owners in the same district.

Chart 5.1

Approval Process for Zoning Change, Conditional Use Permits, Variances, and Tower Permits



Note: This chart contains the minimum standards for the public process. Please see the individual chapters and sections in this zoning resolution for all County requirements pertaining to these permits.

Chapter 6. Development Standards

Section 1. Landscape Requirements.

A. Purpose: The purposes of these regulations are to provide for the enhancement of the County image, buffer between incompatible land uses by reducing excessive noise, air, water, and visual pollution; preserve the integrity of residential neighborhoods; and to provide for the general health, safety, and welfare of the public by means of landscaping during community development.

B. Relationship to Other Regulations and Laws: If other municipal, county, state and federal laws and regulations or subsequent Albany County Resolutions place more restrictive standards pursuant to landscaping, the most restrictive standards under the appropriate jurisdiction will apply.

C. Affected Land Uses:

1. This section shall apply to all unincorporated areas within Albany County which are zoned Industrial or Commercial.
2. The requirements shall not apply to any completed applications filed with the Albany County Planning Office prior to the effective date of this resolution.
3. Existing Commercial and Industrial zoned properties shall not be subject to compliance with these regulations, unless the gross floor space of structures upon the property is increased by twenty-five percent (25%) or more within a period of five years (5) or less or the property size (land area) is expanded.
4. In the event that these regulations create an unnecessary hardship due to water or soil quality, exceptions to these regulations may be made on a case by case basis under the direction of the Planning and Zoning Commission.

D. Definition of Terms:

1. **Berm:** An earthen mound designed to screen undesirable views and/or decrease noise levels.
2. **Buffer:** Natural or man-made physical elements, such as plants, trees, fences or walls, which separate and screen land uses from one another.
3. **Caliper:** A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.
4. **Coniferous:** A plant with foliage that persists and remains green throughout the year.
5. **Deciduous:** A plant with foliage that is shed annually.

6. **Gross Floor Space:** The sum of all-floor areas of a building used for human habitation or for business operations.
7. **Landscaping:** The use of organic and inorganic materials and man-made structures that present an expansion of natural and buffering scenery.
8. **Organic Landscape Materials:** Living vegetative material.
9. **Shrub:** A woody plant that usually remains low, produces shoots or stems from the base and is not usually tree like or single-stemmed.

E. Process: Before final issuance of a zoning certificate or conditional use permit for affected properties, show the location, landscaping components, and method of irrigation or watering of the landscape, which plan shall be submitted to the Albany County Planning Office for review and approval.

F. Landscape Standards:

1. These landscape standards will be the minimum requirements for compliance. However, it is encouraged that homeowners and developers seek to exceed these standards whenever reasonable and financially viable.
2. The following provisions shall be the minimum standards for the composition and positioning of landscape elements when buffering between specified land uses:
 - a. Buffering of residential areas from commercial or industrial uses is required. Buffering may include a fence, wall, trees, shrubs, vegetated berm, or a combination which provide reasonable screening to a level of six (6) feet high. If a fence or wall is constructed, it shall be consistent with the surrounding area and property owners are encouraged to include organic landscaping materials as well. This requirement may be modified by the Planning Director, who will consult with Wyoming Department of Transportation and the Albany County Road and Bridge Department, if drifting of snow will significantly affect access to neighboring properties.
 - b. Adjacent to public road right-of-ways, the owner shall place one (1) coniferous tree for every fifty (50) linear feet along the property's road frontage within twenty (20) feet of the road right-of-way. Additionally, there shall be placed four (4) tall shrubs, which shall reach a height of at least four (4) feet at maturity for every fifty (50) linear feet along the parcel's road frontage.
 - c. Two (2) deciduous trees may be substituted for any required coniferous tree. The minimum caliper of deciduous trees shall be at least one and one-half (1½) inches and a size of eight (8) feet in height. The minimum

height for coniferous trees shall be five (5) feet. The minimum size for shrubs shall be a five-gallon (5) container.

- d. Alternate landscaping plans, which may include clustering of organic landscaping components or substituting more and smaller components, may be submitted to the Planning Office for consideration as an alternative plan.
3. A mixture of organic materials is encouraged. It is also encouraged that landscaping material and design shall be produced with consideration for efficient and effective water use under conditions of low water levels or drought.
4. Landscaping shall be placed so as not to have an adverse effect on access to utilities, underground or overhead, or interference with vision at roadway intersections.
5. Installation and maintenance responsibility of the landscaping shall lie with the owner or the land-owner's designee. Dead trees or shrubs shall be replaced by July 1 of every year with plant material, equivalent to type and size when planted.
6. Landscape features shall be kept reasonably free of refuse, noxious weeds, clippings, and miscellaneous trash. Such weeds, refuse, clippings and miscellaneous trash shall be disposed of in an appropriate and safe manner. Noxious weeds are described in Section 11-12-104 of the Wyoming Statutes.
7. Landscaping plans may be referred to other appropriate agencies for their review and comment. Agencies, for possible referrals, include the U.S. Natural Resources Conservation Service, Laramie Rivers Conservation District, State Forestry Office, Wyoming Department of Transportation, Albany County Road and Bridge, and the Albany County Extension Office.

Section 2. Outdoor Lighting.

A. Definitions:

1. **Glare:** The sensation produced by light that is sufficiently greater than the light to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.
2. **Light bulb:** The component of the light fixture that produces the actual light. A bulb includes, without limitation, a lamp or tube.
3. **Light fixture:** The complete lighting unit.
4. **Light pollution:** Light that is emitted into the atmosphere that alters the appearance of the night sky or interferes with astronomical observation.

5. **Light trespass:** Light projected onto a property or roadway from a light source located on a different property.

B. Purpose: The purposes of the outdoor lighting standards are to:

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

C. Scope: Compliance with these requirements shall be required for all new development and replacement of light fixtures for existing development. The Planning Office shall encourage the public to utilize light fixtures and shielding consistent with the purposes of these standards, shall provide educational materials, and engage in other public education efforts.

D. Prohibitions:

1. Laser source lights or similar high intensity light used for outdoor advertising or entertainment.
2. Searchlights used for advertising or entertainment.

E. Outdoor Light Sources: Light sources shall be concealed or shielded to the maximum extent feasible to minimize glare, light pollution, and light trespass on adjacent property and away from the vision of passing motorists. All lights shall be shielded to direct light downward.

Light levels measured twenty (20) feet beyond the property line of the parcel where the light fixture is located shall not exceed one-tenth (1/10) foot-candle as a direct result of the adjacent property's lighting. This restriction shall only apply if the property upon which the measurement is taken is used for residential purposes or a public right-of-way.

F. University Observatory Areas: Outdoor light fixtures shall utilize low pressure sodium lights within three (3) miles radius of the University of Wyoming Observatories at Red Buttes and Jelm Mountain. Existing non-conforming light fixtures may be continued until the light fixture is replaced or until September 2, 2010.

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

1. Ornamental Lighting: ornamental landscape lighting fixtures;

2. Government Required Lighting. 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 as long as the light source is shielded and not visible from any adjacent property; and
5. Customary agricultural practices, such as calving operations.

H. Variances & Temporary Exemptions:

1. Variance. The Planning Director may grant a variance from these provisions if the Planning Director finds:
 - a. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the variance is sought, which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures and do not apply generally to the land, buildings, or outdoor light fixtures in the neighborhood; or
 - b. Upon a finding by the Planning Director that outdoor lighting in specific areas of the community is not adequate and additional lighting is necessary to improve safety or security for the property; and
 - c. The granting of the variance will generally be consistent with the purpose of this section and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - d. The variance is the minimum variance that provides the relief required.
2. Temporary Lighting Exemption. The Planning Director may grant an exemption from the requirements for temporary outdoor activities that include without limitation fairs, carnivals, sporting events, concerts, and promotional activities, if the Planning Director finds the following:
 - a. The length of time that the temporary lighting is to be used is no longer than thirty (30) days;
 - b. The proposed lighting is designed in such a manner as to minimize light pollution, light trespass, and glare as much as feasible.

Section 3. Adult Entertainment Standards.

- A. Setback:** Adult Entertainment Uses shall not be located closer than one (1) mile from the property boundary of a residential property, school, or daycare.
- B. Access:** Adult Entertainment Uses shall be located with direct access to a public (federal, state, or county) road.

Section 4. Fireworks Stand Standards. Fireworks Stands shall not be located closer than one (1) mile from the property lines of any residential property.

- A. Access:** Fireworks Stands shall be located with direct access to a public (federal, state, or county) road.
- B. Fire Suppression:** Fireworks Stands shall provide fifteen hundred (1,500) gallons of on-site water identified and available year-round for fire suppression purposes.
- C. Manufacturing:** Manufacturing or remanufacturing of fireworks is prohibited.
- D. Building Code:** Structures used for sale and storage of fireworks shall be constructed in accordance with the requirements of the International Building Code.
- E. Storage:** Storage of fireworks shall be in accordance with the requirements of the International Building Code.
- F. Open Flames:** Open flames or the detonation of fireworks on the Fireworks Stand site is prohibited.

Section 5. Non-mineral Mining Standards.

- A.** Non-mineral mining activity shall not be located closer than one quarter (.25) mile from the property lines of any residential property.
- B.** Non-mineral mining activity shall not be located closer than one thousand (1,000) feet from any permitted water well existing at the time of application.
- C.** The setback requirements in Section 5, A or B may be lessened with written consent of the affected property owner.

Section 6. Parking.

- A. Development Standards:** Development shall conform to the minimum parking standards set forth below according to the type of development.
 1. Offices and financial institutions: one (1) space per three hundred (300) square feet of floor area; adequate loading area.
 2. Churches and funeral homes: one (1) space for every three (3) seats in the main assembly room.
 3. Hotels, motels, or bed and breakfast: one (1) space per living/sleeping unit plus one (1) space per employee; adequate loading area.
 4. Industrial: one (1) space per employee plus one (1) stall for each company-owned vehicle and visitor; adequate loading area.
 5. Retail stores: one (1) space for each four hundred (400) square feet of floor area; adequate loading area.

6. Service shop: one (1) space for each two hundred fifty (250) square feet of floor area.
7. Residential (parking in mobile home parks shall be determined by mobile home park regulations adopted by the County): two (2) spaces per dwelling unit.
8. Restaurants/Bars: One (1) space per three (3) seats; adequate loading area.
9. Mixed uses: The sum of the parking requirements for the individual uses. If individual uses are more than three hundred (300) feet apart, uses cannot share joint parking.

B. Parking Identification: Parking areas shall be clearly identified, have safe access to public streets or alleys, and be designed with adequate maneuvering room. Each parking space shall be a minimum of ten (10) feet by twenty (20) feet.

C. Loading/Unloading Zones: 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/Unloading Identification: Loading areas shall be clearly marked to exclude parking, have safe access to public streets or alleys, and be designed with adequate maneuvering room to accommodate their anticipated use.

E. Joint Parking: 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 Patterns: Parking spaces accommodating ten (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 one (1) percent and a maximum of five (5) percent); and have a safe access to a public street and be adequately lighted if intended for night use.

G. Disabled Parking: Proper disabled parking shall be provided per state and federal standards (Title III, 28 CFR, Part 36).

Section 7: Portable Storage Structures.

- A. Portable Storage Structures placed on any property for six (6) months or less shall be considered temporary and will not require any permitting.
- B. Portable Storage Structures placed on any property for more than six (6) months shall be considered permanent and will be treated as an accessory building requiring a permit,

except when these structures are intended to be rented for use off-site by a properly permitted business. In this case, these structures will be considered inventory of the business.

- C. Portable Storage Structures placed on property zoned Commercial or Industrial with the intent of using for permanent storage on-site for either their business or to be rented for on-site storage by customers. These structures will be considered accessory buildings and will require a permit.
- D. At the time of application, proposed portable storage structures to be placed permanently on Commercial or Industrial zoned property shall be allowed up to ten (10) structures per application and fee.
- E. Portable Storage Structures shall not be used as a dwelling unless plans and application for this use is approved by the County.

Chapter 7. Administrative Matters

Section 1. Rural Addressing. A rural address shall be assigned by the Planning Office for all new developments which comply with the Albany County Zoning Resolution and in some cases may be changed to ensure consistent addressing throughout the county. Addressing will be assigned under one of the following procedures:

- A. In conjunction with the approval of a zoning certificate for a principal building or any other addressable structure.
- B. The County Addressing Coordinator may change the assigned address of a previously addressed structure in order to bring the address into compliance with the County's addressing system.

Section 2. Road Naming and Re-Naming. At the point in time when a second structure or other development requiring a rural address uses an established/existing driveway for access, the applicant shall file a Road Name Petition with the Planning Office. The Road Name Petition must be signed by the applicant and the owner of the property using the existing driveway. The road name requested within the Road Name Petition shall be substantially different from any other established public or private road name as determined by the Planning Office.

Upon review and approval of a Road Name Petition by the Addressing Coordinator and the Addressing Oversight Committee, a rural address shall be assigned to the petition applicant and the existing addressed development using the former driveway shall be re-addressed to reflect the naming of the driveway as a private roadway. Denial of a Road Name Petition by the Planning Office may be appealed to the Planning and Zoning Commission and the Board of County Commissioners.

Section 3. Process for Road Name and Address Changes. If it is determined by the Addressing Coordinator and the Addressing Oversight Committee that it is necessary to change a road name and/or re-address a property in order to be brought into conformance with the County's addressing/road naming system, the following steps shall be taken:

- A. Property owners affected by an address change and/or a road name change shall be notified in writing by the Addressing Coordinator within seven (7) business days of any proposed road name/address change. The effective date of such changes shall be no less than sixty (60) days following notification provided to the affected property owners.

Any affected property owners shall have the right of appeal to the Planning and Zoning Commission and subsequently to the Board of County Commissioners. Any appeal shall cause the proposed changes to road names and/or addresses to be held in abeyance until such appeals are heard and the results determined.

- B. The County Addressing Coordinator shall notify, in writing, the County Assessor's Office, the County Sheriff's Office, Laramie/Albany County Records and Communications, Laramie Fire Department, the Albany County Fire Warden/Albany County Fire District #1, and any other relevant entities two (2) weeks prior to the effective date of a road name or address change. Re-naming a road and/or re-addressing a property may be postponed until any issues have been resolved. Periodic reports of updates made to addressing or road names will be provided to agencies requesting them.

Section 4. Water & Sewage Disposal System Requirements. A water supply method and also an approved sewage disposal system are required for every residential, commercial, and industrial development. Appropriation of groundwater is permitted through the Wyoming State Engineer's Office. Individual septic systems for less than two thousand (2,000) gallons per day of domestic effluent are permitted through the Albany County Planning Office under a delegation agreement from the Wyoming Department of Environmental Quality (DEQ). Larger systems or systems connected to more than one (1) structure are permitted through DEQ.

Section 5. On-site Inspections. Filing of an application for a zoning certificate or any other permit in this chapter constitutes permission for County Staff, the Planning and Zoning Commission and the Board of County Commissioners to conduct inspections of the proposed development site.

Section 6. Nuisance

A. Intent: These regulations shall promote the health and safety of the county. Protection of property from negative effects of nuisances and promoting the general welfare of the county is a priority. These provisions shall not apply to any industrial facility and they shall not infringe upon the rights afforded farm and ranch operations by the Wyoming Right to Farm and Ranch Act.

B. Wyoming State Statute References: The state statutes support efforts by counties to address nuisance situations. Those statutes include, but are not limited to, the following sections W.S. §18-2-101, §18-2-115, §18-5-201, §31-13-105, §33-19-102, §35-10-101 and §35-10-104.

C. Definitions:

Abandoned or Junked vehicles: Any motor vehicle which cannot be moved under its own power and cannot be operated lawfully on a public street or highway due to the lack of an engine, transmission, wheels, tires, or other necessary parts and is not currently registered and displaying current license or permits, or when such vehicle is totally or partially suspended above the ground by jack, block or any other device. This section also includes any travel trailers, motor homes, motorcycles, boats, buses, all terrain vehicles, and snow machines.

Junk: Dismantled or wrecked vehicles or parts thereof; old or scrap copper, brass, iron, steel, and other ferrous materials; rope, rags, batteries, paper, trash, tires, rubber, in-door furniture, appliances, scrap concrete, pallets, wire, shingles, wood, sheetrock, glass, plastic, and other debris and waste materials.

Nuisance: Any use or non-use of property, real or personal, which causes material injury to others or which presents a threat to the health or safety of Albany County citizens or which is otherwise defined by common law, Wyoming State Statute, or herein.

Screening: The method by which the view from one property to another property is substantially shielded, concealed or hidden. Screening techniques include solid fences, walls, hedges, berms, or other features approved by County staff. Covering with a tarp or like material is not considered adequate screening. Screening shall be maintained so as to provide the intended purpose, e.g. replacing broken fence boards, plastic slats in chain link fencing, etc.

Farm or Ranch Operation: The science and art of production of plants and animals useful to man except those listed under W.S. §23-1-101, including but not limited to, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, silviculture, dairy, livestock, poultry, bees, and any and all forms of farm and ranch products and farm and ranch production (W.S. §11-44-102).

D. General:

1. A site, property, tract, lot, building grounds, area, or other property may be declared a nuisance by the Board of Albany County Commissioners in conformance with W.S. §18-2-115, if a nuisance exists on the site, property, tract, lot, building grounds, area, or other property.
2. The following are declared by the Board of Albany County Commissioners to be nuisances and are subject to enforcement proceedings:
 - a. failure to keep junk, or abandoned or junked vehicles, in an enclosed building, in a closed container designed for such purposes, or screened;
 - b. the outside storage, keeping or maintenance of any inoperable and unregistered vehicles within Albany County excepting those that are in conformance with the regulations of a permitted business.
 - c. the unscreened and or unlicensed accumulation of debris, garbage, waste recyclables, or other scrap or junk;
 - d. allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;

- e. causing or allowing the effluent from any cesspool, septic tank, drain field, or sewage disposal system to discharge upon the surface of the ground;
 - f. causing or allowing the contamination of any well, cistern, stream, lake, groundwater, or other body of water by sewage, waste or other materials or substances;
 - g. accumulations of manure from domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard;
 - h. burning garbage, weeds, and other debris in a manner that is dangerous to the health and safety of the public;
 - i. accumulations of decayed animals, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, or any substance in which flies, mosquitoes, disease carrying insects, rats, or other vermin can breed, live, nest or seek shelter; (dead animals shall be dealt with in the manner prescribed in W.S. § 35-10-104).
 - j. any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that creates a public health hazard;
 - k. 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;
 - l. failure to comply with any law or rule regarding sanitation and health including but not limited to:
 - a. water supplies, including wells and surface waters,
 - b. waste disposal,
 - c. storage of chemical pesticides or herbicides,
3. Violations of the foregoing provisions may be enforced through any method authorized for enforcement of the Albany County Zoning Resolution, through the provisions of W.S. § 18-2-115 through injunction, mandamus, or other form of judicial action and any other applicable method under law including but not limited to criminal citations. The selection of one remedy for enforcement shall not prohibit the implementation of any other remedies available under law. All remedies available may be used individually or cumulatively.
4. This Section shall apply to all unincorporated properties in Albany County other than on State and Federal lands.

E. Exemptions:

1. This regulation shall not be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act. A farm or ranch operation shall not be found to be a public or private nuisance by reason of that operation if that farm or ranch operation:
 - a. Conforms to generally accepted agricultural management practices; and
 - b. Existed before a change in the land use adjacent to the farm or ranch land and the farm or ranch operation would not have been a nuisance before the change in land use or occupancy occurred, as per W.S. §11-44-101 to W.S. §11-44-103.
2. 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 materials are kept in such a manner that would not constitute a threat to public health and safety.
3. Buildings upon farm or ranch land that have historical or ancestral significance to the owner of said farm or ranch land.
4. Buildings, sheds, and other enclosures upon farm or ranch land that are utilized for agricultural operations.
5. Firewood that has been stored upon property.
6. Antique or historic motor vehicles as defined by W.S. §31-1-101(a) (xv) (A).
7. Compost piles.
8. Antique farm and ranch implements used as decoration in landscaping.