

"EXHIBIT 3 - CARBON COUNTY ZONING RESOLUTION"

**CARBON COUNTY**  
**ZONING RESOLUTION**  
**OF 2015**

Adopted: October 6, 2015

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# **CARBON COUNTY ZONING RESOLUTION OF 2015**

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**RESOLUTIONS AND PUBLIC LEGAL NOTICES ARE AVAILABLE UPON REQUEST.**



**ZONING RESOLUTION FOR THE UNINCORPORATED AREAS OF  
CARBON COUNTY, WYOMING**

BE IT ORDAINED by the County Commissioners, Carbon County, Wyoming pursuant to the authority conferred by the provisions of Wyoming Statutes (W.S.) Chapter 5, Sections 18-5-201 through 18-5-208 and 18-5-501 through 18-5-513.

**CHAPTER 1**

**TITLE AND PURPOSE**

**Section 1.1 TITLE**

A resolution establishing specified land use districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of and the extent of the uses of land, in the unincorporated area of Carbon County, Wyoming, hereinafter referred to as the County, and providing for the administration and enforcement of the provisions herein contained and fixing penalties for the violations thereof, and specifically amending the "Carbon County, Wyoming, Zoning Resolution of 2003."

**Section 1.2 SHORT TITLE**

This Resolution shall be known and may be cited as: "The Carbon County Zoning Resolution of 2015."

**Section 1.3 AUTHORITY AND PURPOSE**

This Resolution is adopted pursuant to the authority conferred under Wyoming Statutes §. 18-5-201 through 18-5-208 W.S. 1977 and 18-5-501 through 18-5-513 for the purpose of promoting the health, safety, and general welfare of the people of Carbon County.

**Section 1.4 NON-LIABILITY FOR DAMAGES**

This Resolution may not be construed to hold Carbon County or its officers, agents or employees responsible for any damage to persons, property or business interests resulting from any inspection or any failure to inspect, from the issuance, denials, suspension or revocation of any permit or from the institution of any enforcement action.

**Section 1.5 DECLARATION AND OBJECTIVES**

This Zoning Resolution is adopted to promote the public health, safety and the general welfare of the people of Carbon County, and to further the following related and more specific objectives:

- A. to guide and regulate the orderly growth, development and redevelopment of the County in accordance with the comprehensive plan of long-term goals, strategies, actions, objectives, principals, and standards deemed beneficial to the interests and welfare of the people;
- B. to protect the established character and the social and economic well-being of both private and public property;

- C. to promote, in the public interest, the use of land for the purposes for which it is most appropriate;
- D. to secure safety from fire, flooding, panic, and other dangers, and to provide adequate light and air;
- E. to prevent overcrowding of land or buildings, and to avoid development sprawl in the rural portions of the county;
- F. to protect residential, agricultural, business, industrial and recreational uses alike from harmful or detrimental encroachment by incompatible uses, and to insure that land allocated to a zoning district shall not be usurped by other inappropriate uses; and
- G. to foster the State's agriculture, mineral, recreational and other industries;
- H. to reduce, and where possible, prevent traffic congestion on public streets and highways;
- I. to conserve the value of buildings and to enhance the value of land throughout the county.

#### **Section 1.6 AGRICULTURAL ACTIVITIES**

A. Policies.

It is declared the policy of the County to conserve, protect and encourage agricultural production. It is the purpose and intent of this Section to reduce the loss to the County of its agricultural resources by minimizing the circumstances under which agricultural operations may be considered a nuisance.

B. Findings, Purpose.

The Board of County Commissioners finds that it is in the public's interest to preserve and protect agricultural land and operations within the county and to specifically protect these lands for agricultural, timber, and mineral use.

C. Precedence Clause.

The provisions of this Section shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith and the same are hereby repealed to the extent of such conflict, and no further. Nothing in this Section shall be construed as in any way modifying or abridging State law.

## CHAPTER 2

### APPLICATION OF REGULATIONS

#### **Section 2.1 NONCONFORMING USES, BUILDINGS AND STRUCTURES**

**A. Purpose and Intent.**

It is recognized that there may exist, within the zone districts established by this Resolution, uses, buildings and structures which were lawfully established ("grandfathered") before this Zoning Resolution was adopted or amended that now do not conform to the standards of this Zoning Resolution. It is the intent of this Resolution to permit those nonconforming uses, buildings and structures to continue in accordance with the following provisions:

**B. Repairs and Maintenance.**

Normal maintenance and repairs of a building or other structure containing a nonconforming use is permitted, provided it does not extend the floor area occupied by the nonconforming use.

**C. Alteration or Addition.**

The alteration or addition to any existing building or structure for the purpose of effecting any change in use shall be in conformity with the provisions of this resolution.

**D. Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of a nonconforming lot, structure or use provided there is not a change in the nature or character of said non-conformity.

**E. Relocation.**

A nonconforming structure or a structure housing a nonconforming use shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it shall thereafter conform to the provisions of the Zone District in which it is moved.

**F. Termination.**

1. If a nonconforming use is discontinued any future use of such land, building or structure shall be in conformity with the provisions of this resolution. A nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated:
  - a. When it has been discontinued for a period of twelve (12) consecutive months.
  - b. Intent to resume a nonconforming use shall not be considered continuance of the nonconforming use.
2. **Damage to Structures.** If a nonconforming structure is damaged or destroyed in any manner from any cause, and the cost of repairing such damage exceeds sixty percent (60%) of the value of improvements or replacement cost of such structure on the date of such damage, it shall not be repaired or restored except in conformance with this Zoning Resolution.
  - a. In determining the value of improvements or replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself shall not be included.
  - b. Value of Improvements or replacement cost shall be calculated by using the most recent County Assessor's-Notice of Assessment.

## **Section 2.2 NONCONFORMING LOTS**

### **A. Definition.**

A lawful nonconforming ("grandfathered") lot is a platted lot in a county approved subdivision or lot of record which existed prior to July 1, 2001, and does not comply with the lot size requirements for the District in which the lot is located. For purposes of this Section, the definition of Lot shall include the term Parcel.

### **B. Lot of Record.**

In any district 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 vacant single lot of record after the effective date of this Resolution. 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.

### **C. Merger.**

If separately created, contiguous lots are merged by a recorded instrument, combining two or more lots into a single legal description, the new combined lot shall be regarded as a single lot.

### **D. Rezone of Nonconforming Parcel.**

The Planning Director may waive the application fee when the record owner is requesting a Zone Change or Conditional Use Permit, which would bring the nonconforming lot, structure or use into conformance.

## **Section 2.3 EXTRACTION OR PRODUCTION OF MINERAL RESOURCES**

A. In accordance with State Statutes (W.S. §18-5-201), this Resolution shall not prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. However, prior to actual extraction of the mineral, the area shall be properly zoned and all other applicable requirements of this Zoning Resolution shall be met.

B. The prohibition against preventing any use or occupancy reasonably necessary for the extraction or production of the mineral resources does not apply to sand, gravel, rock and limestone.

## **Section 2.4 ZONE DISTRICTS**

For the purposes of this Resolution, the County is divided into nine (9) classes of zoning districts as follows:

Section 4.4 RAM Zone	Ranching, Agriculture, Mining (Formally Open Range (OR))
Section 4.5 FPSR Zone	Forestry Production and Seasonal Recreation (Formally Forest Production & Recreation (FPR))
Section 4.6 RRA Zone	Rural Residential Agriculture
Section 4.7 RD Zone	Residential
Section 4.8 C-1 Zone	Neighborhood Commercial
Section 4.9 C-2 Zone	Highway Commercial
Section 4.10 IL Zone	Limited Industrial
Section 4.11 IH Zone	Heavy Industrial (Formally Industrial)
Section 4.12 PUD Zone	Planned Unit Development

**Section 2.5 DISTRICT BOUNDARIES**

- A. The boundaries of each zone district are established as shown on the Carbon County Zoning Map and in the official records of the Zoning Officer.
- B. The District boundary lines are intended generally to follow the centerline of streets and similar right-of-way or lot lines, or straight line projections of such lines, or County boundary lines, Township or Section lines all as shown in the records of the Zoning Officer by a specific dimension expressing its distance in feet from a street line or another boundary line as indicated.
- C. In case of uncertainty as to the true location of a District boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Commission and the Board, as provided in Chapter 6.

**Section 2.6 RELATION OF ZONING RESOLUTION TO OTHER PROVISION OF LAW, COVENANTS AND AGREEMENTS**

- A. Nothing contained in this Resolution shall be taken to repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future. Nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties.
- B. Where this Resolution imposes a greater restriction upon the use of buildings, structure, premises, lots or land, or upon the height of buildings or structures or requires larger lots, yards, courts, or other open spaces than imposed or required by such other provisions of law, ordinance, or regulation, or by such easement, covenants or agreement, the provisions of this Resolution shall control.
- C. No provisions contained in this Resolution shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down or officially mapped.
- D. Specifically, in regards to the Subdivision Regulations of Carbon County of 1980, as amended, creation of an improper subdivision is cause to deny a zone change.
- E. Public Lands: The government of the United States and the State of Wyoming and their agencies, departments and political subdivisions are exempt from the requirements of these regulations when undertaking governmental development activities on their lands, except when compliance with these regulations is required by the same government, agencies and departments.

**Section 2.7 VALIDITY**

If any article, section, subsection, paragraph, clause, phrase or provision of this Resolution of the location of any District boundary shown in the records of the Zoning Officer that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution or records of the Zoning Officer as a whole or any part of provisions hereof other than the part so adjudged to be invalid or unconstitutional.

## CHAPTER 3

### DEFINITIONS

#### CONSTRUCTION

Unless the context otherwise requires, the definitions set out in this chapter shall be used in the interpretation and construction of these regulations. Words used in the present tense shall include the future tense and the future tense shall include the present tense; the singular number shall include the plural number, and the plural number shall include the singular.

The word "SHALL" is mandatory and not directory; and the word "MAY" is permissive.

#### DEFINITIONS

##### **ADJACENT OR ABUTTING**

Land having a common property line or separated only by an alley, easement, or public or private road.

##### **ACCESS DRIVE**

A private drive connecting a street or alley with a parking or loading area or space and of sufficient width to permit safely the passage of all vehicles, equipment, machinery, trailers, mobile homes and pedestrians which may normally or reasonably be expected to seek access to the parking or loading area or space. Whenever the size, location or use of loading areas reasonably necessitates the use of such drive by emergency vehicles the drive shall be of adequate width and design to permit the passage of such emergency vehicles to be considered as an access drive within the meaning of these regulations.

##### **ACREAGE**

Land which is customarily measured in terms of acres rather than front feet or square feet.

##### **ADMINISTRATIVE OFFICIAL – SEE ZONING OFFICER**

##### **AGRICULTURE, COMMERCIAL**

Agricultural enterprises that are designed to produce a profit for the operator(s) and incur substantial financial liability to that end in addition to the cost of land(s); and encompasses property, either through deed, lease or permit, that is of sufficient size to allow the viability of the enterprise.

##### **AGRICULTURE, GENERAL**

Farming, dairying, pasturage, grazing and penning, tree farming, nursery, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feedlots, slaughter houses, hog farms, fur farms, frog farms, fertilizer works, plants for the reduction of animal matter.

##### **AGRICULTURE, INDUSTRIAL**

Agricultural enterprises of an intensive scope and corporate nature that are designed to produce and distribute farm products on a large scale and may produce significant levels of waste. Industrial agricultural uses may include feedlots, animal feeding operations, slaughterhouses, hog farms, fur farms, poultry farms, frog farms, fertilizer works, plants for the reduction of animal matter, commercial greenhouses, and stockyards.

**AGRICULTURE, NON-COMMERCIAL**

Agricultural activities that may supplement other sources of income but not necessarily designed to be economically sustaining.

**ALLEY OR LANE**

A public or private way not more than thirty feet (30') wide affording only secondary means of access to abutting property and not intended for general traffic circulation.

**ANIMAL HOSPITAL**

A building where animals are given medical or surgical treatment for compensation and where the boarding of animals is incidental to such treatment. The designation "small animal hospital" shall indicate that such treatment shall be limited to dogs, cats, rabbits, birds and similar small animals.

**ANIMAL CREMATORIUM**

A place used for cremation; a building or furnace where animals are incinerated.

**ANIMAL PRODUCTS PROCESSING PLANTS**

Buildings and premises for the preparation for wholesale distribution of animals or animal products, including but not limited to, slaughterhouses, fat rendering, tallow works, fertilizer plants, tanneries, packing and canning, and distillation of bones.

**ANTENNA**

Means any transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

**ANTENNA ARRAY**

Groups of antennas designed to send and/or receive transmissions. Microwave antennas associated with the transmission of cellular signals are considered by definition to be part of the same antenna array as the cellular antennas.

**AUTOMOBILE REPAIR**

- a. Major. General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair; over-all painting or paint shop.
- b. Minor. Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, but not including any operation under "automobile repair, major."

**AUTOMOBILE SERVICE, GAS OR FILLING STATION**

A place which provides for the servicing, washing and fueling of operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto.

**AUTOMOTIVE SALES**

The sale from the premises of motor vehicles, accessory parts and supplies, and the provision of services generally required in the operation and maintenance of motor vehicles including the major repair or painting of motor vehicles, body work and installation of major accessories, as well as the washing and polishing of motor vehicles.

**AUTO REDUCTION YARD**

An area or business used for dismantling, wrecking, dumping or storage of inoperative vehicles including the buying, selling or dealing in such vehicles or parts of vehicles. This shall include inoperative vehicles and vehicle parts, which are part of an auto repair or body shop operation if left for more than 90 days.

**AUTO WRECKER SERVICE**

The towing of wrecked, damaged, inoperable, repossessed or stolen vehicles and vehicles held for impoundment or investigation from one location to another. Said service shall not include the storage of vehicles over 90 days or reduction of the towed vehicles. An auto wrecker service may be an accessory use to an auto repair station, auto reduction yard or auto service station.

**BED & BREAKFAST FACILITY**

A private home that is used to provide temporary accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty (30) day period in which no more than two (2) family style meals are provided per twenty four (24) hour period.

**BENEFICIATION**

The dressing or processing of ores for the purpose of regulating the size of a desired product; removing unwanted constituents; and improving the quality, purity or assay grade of a desired product.

**BOARD OF COUNTY COMMISSIONERS – “Board”**

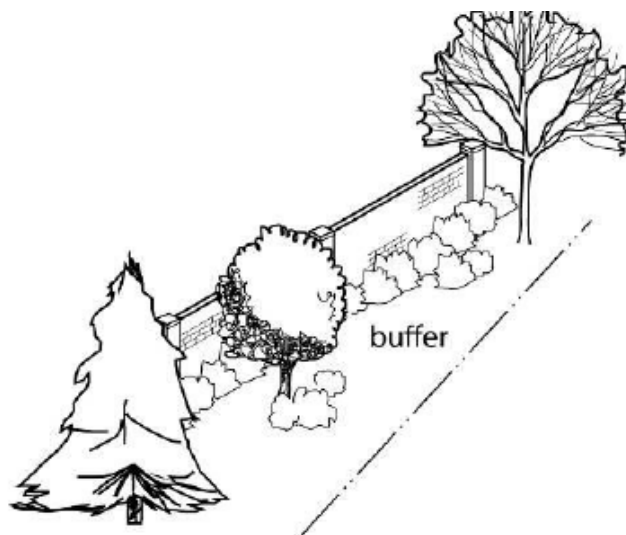
Board of County Commissioners of Carbon County, State of Wyoming.

**BOARDING HOUSE**

A dwelling or part thereof where meals or meals and lodging are provided for compensation for three (3) or more persons, not transient.

**BUFFER**

Means a combination of physical space and vertical elements, such as plants, berms, fences and /or walls, the purpose of which is to separate and screen land uses from each other or reduce the visual impact of large structures or parking areas along high traffic streets.





**BUILDING**

Any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building, except as regards minimum size yard requirements.

**BUILDING**

- a. Accessory. A detached subordinate building located on the same building site as the main building and designated and intended for a use which is subordinate to the use of the main building or principal use of the property.
- b. Main. A building in which is conducted the principal use of the building site on which it is situated.
- c. Site. See Lot or Parcel.

**BUILDING HEIGHT**

The vertical distance measured from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure as listed in Chapter 5, General Regulations Applying to all Districts and Uses, Section 5.1 - Supplementary Regulations.

**BUILDING PERMIT**

A Permit issued by the Department of Planning and Development authorizing construction of a structure.

**CAMPGROUND**

An outdoor recreation facility providing visitor accommodations in the form of recreational vehicle or tents sites, and has no permanent facilities other than management offices and sanitary facilities.

**CAMPING**

The temporary occupation of a portion of land by any of the following: tent, tent trailer, pick-up and camper, travel trailer, motor home or recreational vehicle.

**CARBON COUNTY BOARD OF COUNTY COMMISSIONERS – “Board”**

Board of County Commissioners of Carbon County, State of Wyoming.

**CEMETERY**

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbarium's, crematories, mausoleums, mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery, and any activity or business designed for the benefit, service, convenience, education or spiritual uplift of record owners or persons visiting the cemetery when operated in conjunction with and within the boundary of the cemetery and which is compatible with the purpose of the cemetery and is incidental thereto.

**CISTERN**

A cistern means a water storage tank used for potable water when an individual well or public water supply are not available.

**CLEAR VISION AREA**

The triangular area adjacent to the intersection of any road, street or driveway within which no obstruction may be placed that blocks the sight lines for vehicular traffic. Also known as corner clearance or sight triangle.

**COMMERCIAL STORAGE YARD**

Means a parcel of land, or portion thereof, used for the purpose of storing materials, equipment, vehicles or machinery, that are not, or will not be used on said parcel by that business at that location.

**COMMISSION, PLANNING AND ZONING – “Commission”**

The Planning and Zoning Commission of Carbon County, State of Wyoming.

**COMMERCIAL SOLID WASTE MANAGEMENT FACILITY**

Means any facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse for management or disposal.

**COMMUNICATION EQUIPMENT BUILDING**

Buildings housing electrical and mechanical equipment necessary for the conduct of a public utility or private communications business with or without personnel.

**COMMUNITY CARE FACILITY**

Community Care Facility includes all the use types defined in State law as Community Care Facility and refers to any facility, place or building which is maintained and operated to provide non-medical residential care, day care, or home-finding agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons and abused or neglected adults and children. Community Care Facilities providing these services for six (6) or fewer individuals shall be considered a residential use of the property for the purpose of zoning. (See also "Family Day Care Homes" and "Family Day Care Centers".)

**CONSTRUCTION/DEMOLITION LANDFILL**

Means a solid waste management facility that accepts only inert construction waste, demolition waste, street sweepings, brush or other material specifically approved by the Wyoming Department of Environmental Quality.

**COTTAGE INDUSTRY**

Cottage industry refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involve only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of typical low intensity uses include ceramic studios, custom jewelry or small furniture and cabinet manufacturers. Additional uses may be considered where specifically identified in the Comprehensive Land Use Plan.

**COUNTY**

The unincorporated area of Carbon County, Wyoming.

**COURT**

An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

**CREMATORIUM**

A place used for cremation; a building or furnace where corpses are incinerated.

**CREMATORIUM, ANIMAL**

A place used for cremation; a building or furnace where animals are incinerated.

**DENSITY**

- a. Density. A means of describing the distribution of population or dwelling units over an area of land. Typically expressed as a number of dwelling units per a given acreage.
- b. Accessory Dwelling Unit. An “ADU” is an additional single family dwelling unit that is separate and independent of the principal or primary dwelling unit.
- c. Density, Planned. The density anticipated to be achievable and appropriate for a given area; Planned density is expressed as a minimum or maximum parcel size, or range of parcel-sizes.
- d. Density, Minimum Parcel Size. The smallest parcel size recommended by the Plan or permitted within the zone.
- e. Density, Maximum Parcel Size. The largest parcel size recommended by the Plan or permitted within the zone.

**DENSITY ZONING**

Averaging residential density over an entire parcel without restriction to lot sizes.

**DISTANCE BETWEEN STRUCTURES**

The shortest horizontal distance measured between the vertical walls of structures.

**DUMP**

A plot of land or part thereof used primarily for disposal by abandonment, dumping, burial, burning, incineration, or any other means for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING**

- a. Dwelling. Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, boat, travel trailer, labor camp, hotel or motel.
- b. Single-Family Dwelling. A building containing exclusively one (1) dwelling unit.
- c. Two Family or Duplex Dwelling. A detached building under one roof designed for or occupied exclusively by two (2) families living independently of each other.
- d. Multi-Family Dwelling. A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding rooming and boarding houses, lodging houses, motels, mobile home parks, hotels, fraternity or sorority houses and private residence clubs.
- e. Seasonal or Recreational Dwelling. A dwelling unit that is not used as a principal residence that may be occupied weekends and for brief periods during the year.

- f. **Employee Dwelling.** Accessory residential structures that house people employed by the residents of the principal building or owners of the property and that is not used for rental purposes.

**EMPLOYEE**

A person who performs any service on a full-time, part-time or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent or otherwise and regardless of whether said person is paid a salary, wage or other compensation by the operator of said business.

**EMERGENCY VEHICLE**

Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, policing, medical services, sanitation, sewage, drainage, flood control, and public utility maintenance and service.

**EROSION AND SEDIMENT CONTROL PLAN**

A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities. Erosion and sediment control plans include wind erosion and dust control.

**FAMILY**

A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. See Household.

**FAMILY DAY CARE CENTER**

Family Day Care Center refers to any facility which provides, to more than twelve (12) persons, non-medical care, or personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four (24) hour basis. Such Day Care Centers are a residential use of the property and a conditional use permit shall be required for the establishment of such a center. (See also "Community Care Facilities" and "Family Day Care Homes".)

**FAMILY DAY CARE HOME**

Family Day Care Home refers to any facility which provides, to twelve (12) or fewer children (including children who reside at the home), non-medical care, or personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four (24) hour basis. (See also "Community Care Facility" and "Family Day Care Center".)

**FEEDLOT**

Means a lot, yard, corral or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

**FLOODPLAIN – See Appendix B - Carbon County Flood Damage Prevention Resolution, 1983-11, as amended by Resolution 1989.10.**

**FLOOR AREA**

Gross: The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Net: Floor Area = Gross Floor Area – 15 percent (%).

Note: The 15% accounts for stairwells, elevator shafts, equipment/utility rooms and similar enclosed space.

**FRONTAGE or LOT FRONTAGE – See Chapter 5 – General Regulations Applying to all Districts and Uses**

**FRONTAGE ROAD**

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

**FUNERAL HOME**

A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**FUR FARM**

A place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.

**GARAGE**

- a. Private, Residential. A structure that is accessory to a residential building, including covered parking space(s) or carport and that is used for the parking and storage of vehicles, camping trailers or boats and is not a commercial enterprise. .
- b. Public. Any building or portion thereof used primarily for the parking and storage of vehicles, camping trailers or boats and available to the general public, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.
- c. Repair. Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing repair or painting of vehicles is conducted or rendered.
- d. Storage. Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.

**GRADE**

The average of the finished ground level at the center of all walls of a building.

**GRADE, FINISHED**

The finished surface of the ground after grading for development.

**GRADE, NATURAL**

The surface of the ground prior to grading for development.

**GRAVEL MINE**

Any site on which a pit or excavation is located from which gravel or aggregate is extracted.

**GUEST RANCH**

A working ranch that provides guest accommodations and recreational activities for guests.

**HEARING OFFICER**

A member of the Planning and Zoning Commission or its designated representative.

**HIGH WATER MARK**

Means the visible line on the edge of a river, stream, lake, pond, spring or seep up to which the presence and action of water are so usual and long conditioned (with a recurrence interval of ten (10) years or less) so as to create a distinct character with respect to vegetation and nature of the soil.

**HIGHWAY CONSTRUCTION FACILITIES**

Any location utilized for the storage, maintenance or preparation of materials and equipment used in highway and street construction; and, any other structures or uses needed for the purpose of constructing highways and/or streets. Highway Construction Facilities include concrete and asphalt plants but do not include Temporary Living Facilities.

**HOG FARM**

Any premises used for the raising or keeping of ten (10) or more sows when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site.

**HOME OCCUPATION**

Any use or activity, as determined by the Planning Commission, carried out for financial gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit and which:

- a. Is confined completely within the dwelling and occupies not more than twenty-five percent (25%) of the gross area of one floor thereof; and
- b. Involves no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; and
- c. Is carried on by the members of the family occupying the dwelling, with no other person employed; and
- d. Produces no evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and
- e. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located; and
- f. Meets the requirements of the County Fire Warden and fire district of jurisdiction; and
- g. Requires no addition or extensions to, or structural, electrical or plumbing alterations in the dwelling; and

- h. Involves no equipment other than that customarily used in dwellings, except that the Planning Commission may, in particular cases, modify the provisions above for locations in outlying communities; and
- i. The following shall not be deemed to be home occupations; hospitals, sanitariums, antique shops, eating establishments, bakeries, barber shops, beauty shops and animal hospitals.

**HOTEL**

A facility offering transient lodging accommodation to the general public which may provide additional services such as restaurant, meeting rooms, entertainment and recreational facilities.

**HOUSEHOLD**

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. See Family Definition.

**INSTRUCTION, COMMERCIAL**

Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including but not limited to, instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering.

**JUNKYARD**

Any aggregate area of more than 200 square feet within any parcel lot or contiguous lots and located within 1,000 feet of any public street or highway which is used as a place where imported waste, inoperable household appliances, inoperable machinery, inoperable motor vehicles, portions of inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. This includes, but is not limited to; auto and trailer wrecking yards, scrap metal yards, wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. This does not include the above activities when conducted entirely within a completely enclosed building, nor does it include pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, nor the sale or storage of used cars, farm machinery, trailers or boats in working condition, nor the salvage of materials incidental to manufacturing or farm operations, provided such salvage takes place where the manufacturing or farming is done.

**KENNEL**

Any premises, except those accessory to an agriculture use, where small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes.

**KITCHEN OR KITCHENETTE**

Any space used or designated to be used for cooking and preparing food, whether the cooking unit is permanent or temporary and portable.

**LABOR CAMP, INCLUDING AGRICULTURAL OR FARM LABOR CAMP**

Any living quarters, dwelling, boarding house, tent, bunk house, mobile home or other housing accommodation that is regularly maintained in connection with any work or place where work is being performed, and the premises upon which they are situated, or the areas set aside and provided for camping of five (5) or more employees by a labor contractor. Labor camps shall also mean a labor supply camp, which is any place, area or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees.

**LANDSCAPING**

The modification of a site for an aesthetic or functional purpose, including any combination of living plants, natural and structural features.

- a. Landscape Setback. The minimum required landscaping area on property which is adjacent to a property line common to a street right-of-way.
- b. Internal Landscaping. The landscaped area that lies within the property lines.
- c. Xeriscape. A landscape design that uses limited turf area, mulches, efficient irrigation such as a drip or subsurface and native, adaptive or drought tolerant plant materials to achieve water conservation.

**LANDSCAPE PLAN**

A component of a development plan or site plan that depicts existing and planned plant and other material in relation to buildings, walkways, driveways and other relevant site information.

**LANDFILL**

A disposal site in which refuse (including construction debris) and earth, or other suitable cover material are deposited and compacted in alternate layers of specified depth in accordance with an approved plan. Also referred to as Sanitary Landfill.

**LICENSED PREMISES**

Premises licensed by the State of Wyoming and the Board of County Commissioners for the sale, manufacture and consumption on the premises of alcoholic beverages.

**LIVESTOCK**

One or more domesticated animals, including but not limited to cattle, swine, horses, llamas, alpacas, sheep and poultry raised in an agricultural setting to produce commodities such as food, fiber and animal labor.

**LOT**

A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose whether immediate or future, of transfer of ownership or possession, or for building development. See Lot Layout Diagram, Chapter 5 – General Regulations Applying to all Districts and Uses.

- a. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.
- b. Lot, Interior. A lot other than a corner lot.



- c. Lot, Double Frontage or Through Lot. A lot with both the front and rear lot lines abutting a road right of way.
- d. Lot, Flag. A lot that does not meet the minimum frontage requirements and where access to the public street or road is by a narrow, private right-of-way or driveway.

**LOT, SUBSTANDARD**

A "substandard lot" means a lot which has been lawfully separated from adjoining property by plat or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

**LOT AREA**

The total area of a lot. For lots less than one (1) acre in size, lot size shall be the total area of a lot, exclusive of any street measured horizontally between bordering lot lines.

**LOT COVERAGE**

The percentage of lot size covered by the vertical projection of any structure excluding any structure not extending above the grade.

**LOT DEPTH**

The average horizontal distance of the side lot lines between the front and rear lot lines measured in the direction of the side lot lines.

**LOT LINE(S) – See Lot Layout Diagram, Chapter 5 – General Regulations Applying to all Districts and Uses.**

**LOT WIDTH**

The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard -setback line.

**LOW HAZARD-LOW VOLUME TREATMENT, PROCESSING, STORAGE AND TRANSFER FACILITY**

A solid waste transfer, treatment, storage and processing facility receiving 50 cubic yards or less of solid waste per day and occupying no more than five (5) acres, including a twenty foot buffer zone within a fenced facility boundary, which individually or in combination manage no more than the specified types and quantities of waste as described and permitted by the WDEQ.

**MAN-CAMPS – SEE TEMPORARY LIVING FACILITIES OR LABOR CAMPS**

**MANUFACTURED HOME or HOUSING**

Factory-built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

**MANUFACTURED HOME PARK**

Means a parcel or contiguous parcels of land which has been designed and improved to contain two (2) or more manufactured home lots available for rent and the placement thereon of manufacture homes for residential occupancy.

**METEOROLOGICAL TOWER or MET TOWER**

A structure, including all guy wires and accessory facilities, on which a meteorological instrument is mounted for the purpose of documenting wind and weather conditions.

**MILL**

A reducing plant where ore is concentrated and/or metals recovered.

**MILLING**

The grinding or crushing of ore. The term may include the operation of removing valueless or harmful constituents and preparation for market.

**MINE**

An opening or excavation in the earth for the purpose of extracting minerals.

**MINERAL EXPLORATION**

The search for coal, oil, gas, minerals or ore by geological surveys, geophysical prospecting, boreholes and trial pits, surface or underground headings, drifts or tunnels.

**MINING**

The process of obtaining minerals from the Earth's crust, including both underground excavations and surface workings including oil and gas.

**MOBILE HOME**

A structure, transportable in one or more sections, designed for use as a single family residential dwelling unit, built on a permanent chassis, that cannot provide certification of compliance with the National Manufactured Housing Construction and Safety Standards Act. Such a structure shall be considered to be a mobile home, whether or not the wheels originally mounted have been removed, and whether or not the structure has been placed upon a permanent foundation.

**MODULAR HOME**

A structure, transportable in one or more sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from the place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and when assembled, meets all of the provisions of the Uniformed Building Code or International Building Code for residential dwelling units.

**MOTEL**

An establishment providing sleeping accommodations with a majority of rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**MOTOR VEHICLES**

A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

**MUNICIPAL SOLID WASTE**

Means solid waste resulting from or incidental to residential, community, trade or business activities, including garbage, rubbish, abandoned automobiles, and all other solid waste other than construction and demolition, industrial, or hazardous waste.

**MUNICIPAL SOLID WASTE LANDFILL (MSWLF)**

Means a solid waste management facility for the land burial of municipal solid waste that utilizes an engineered method of controls to avoid creating a hazard to the public health, the environment, plants or animals.

**NET METERING**

Measuring the difference between the electricity supplied by an electric utility and the electricity generated by a Non-Commercial WECS Project or customer generator that is fed back to the electric utility.

**NON-COMMERCIAL WIND ENERGY COLLECTION SYSTEMS (WECS)**

Is a WECS Project with an aggregate generating capacity of one half (0.5) megawatt or less, consisting of ten (10) towers or less, located on property owned or leased by the Applicant(s) to generate electricity for the Applicant's personal use, is operated solely by the Applicant(s).

**NONCONFORMING BUILDING OR USE**

A "nonconforming use" means the lawful use of lands or a building lawfully existing on the effective date of these regulations or prior ordinances to the subject property although such building or use does not conform with the current regulations of this division.

**NURSERIES AND GREENHOUSES**

Buildings and premises for the propagation and display for retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.

**OCCUPIED DWELLING UNIT OR HOUSE**

Means a permanent building or fixed mobile home that is currently being used on a permanent or temporary basis for human habitation.

**OFFICE**

- a. Office, Business. An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments, and the keeping of records and accounts pertaining to the particular business.
- b. Office, Professional. An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer architect, accountant or similar professional person may offer services, and including medical or dental laboratories.

**OILFIELD WASTEWATER DISPOSAL FACILITIES (OWDF)**

Any facility that accepts oilfield exploration and production (E&P) wastes from more than one producer or from multiple production sites.

**ON-SITE, ACCESSORY SOLAR ENERGY FACILITY**

Means any device or combination of devices which collects sunlight primarily for generating energy for use on-site. See also, Solar Rights and Permitting.

**OPEN SPACE**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. Storm water detention and/or retention basins or ponds shall not be considered open space.

**OVERLAY ZONE DISTRICT**

A zoning district that encompasses one or more underlying zone and that imposes additional requirements above that required by the underlying zone. The underlying zoning of a property where an overlay district is established does not change.

**PARCEL**

Means a contiguous piece of property lawfully created or conveyed of record as a single piece of property.

**PERMITTED USE**

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON**

"Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.

**PLANNING AND DEVELOPMENT DEPARTMENT – “Department”**

The Planning and Development Department means the administrative staff working under the direction of the Planning Director/Zoning Officer. Sometimes referred to as the Planning and Zoning Department.

**PLANNING AND ZONING COMMISSION – “Commission”**

The Planning and Zoning Commission of Carbon County, State of Wyoming.

**PLAN OR LAND USE PLAN**

Means or refers to the most recently adopted Carbon County Comprehensive Land Use Plan, as amended.

**PUD GUIDE**

A PUD Guide is a formal document that establishes the permitted land uses and zoning restrictions within the Planned Unit Development (PUD).

**PROCESSING PLANT**

Means a solid waste management facility used or designed to transfer, shred, grind, bale, compost, salvage, separate, reclaim, or provide other treatment of solid waste.

**PRIVATE INSTITUTION**

The rooming or boarding of any aged or convalescent person, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Private institution shall include sanitarium, rest home and convalescent home.

**PUBLIC USE AND CIVIC USE(S)**

A use operated exclusively by a governmental agency or public agency which has the purpose of serving the public health, safety, convenience or general welfare, and including but not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities. Public and civic uses may also include the operation of a nonprofit or religious uses or land used for public purpose and inherently beneficial uses; uses that clearly promote the public good. Public and civic uses may also include shelter care homes licensed by the County, State or authorized by any court.

**RANCH RECREATION FACILITY**

A ranch/farm facility containing or having under agreement one hundred sixty (160) acres or more that may for a charge to the public provide activities for not more than a daily average of eight (8) persons in any given thirty (30) day period or may include sleeping facilities in not more than four (4) sleeping units along with accompanying meals. Meals and lodging shall be considered an adjunct to the activities that take place on the ranch and are not available to non-registered guests. The facility shall possess a valid State of Wyoming permit for operation.

**RECORD OWNER**

The owner of record of certain real property, as evidenced by a deed, contract or other document which transfers legal title and is recorded in the Office of the Carbon County Clerk. A purchaser under a contract for deed, contract purchase agreement or other instrument shall not be recognized as the record owner of the real property, until legal title to the real property has been transferred and said transfer is evidenced by an instrument recorded in the Office of the Carbon County Clerk which conveys title to the property in accordance with Wyoming law.

**RECREATION**

- a. Recreation, Commercial. Recreation facilities open to the general public for a fee, or, if restrictive to members when operated for profit as a business. Including clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such non-profit organization and their guests.

**RECREATION LODGE**

Accommodations used to support a commercial transient and tourist related operation, including but not limited to hunting and fishing guides, guiding/skills camp, dude ranch, and ranch recreation.

**RECREATIONAL VEHICLE**

A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK**

Any lot or parcel of land upon which three (3) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECYCLING**

The process by which waste products are reduced to raw materials and transformed into new and often different products. The broader meaning refers to all activities related to recycling, including the collection, separation and storage of materials.

**RECYCLING CENTER**

A lot or parcel of land, with or without buildings upon which used materials are separated and processed for shipment for eventual reuse.

**RECYCLING COLLECTION POINT**

An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

**RECYCLING PLANT**

A facility in which recyclables such as newspapers and other paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be re-used in new products.

**RESORT**

A facility for transient guests where the primary attraction is generally recreational features services or activities.

**REPLACEMENT COST – SEE VALUE OF IMPROVEMENTS**

**ROADSIDE STAND**

A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located or produced upon other sites under the same ownership as that of the premises on which the stand is located.

**SCENIC BY-WAYS AND BACKWAYS**

Wyoming Department of Transportation designated roadways that meet at least one of the following intrinsic qualities; cultural, scenic, historic, recreational or slower paced travel. Scenic by-ways and backways in Carbon County include, but are not necessarily limited to, Seminoe\Alcova Scenic Byway and the Snowy Range Scenic Byway and Battle Mountain Road-Highway 70.

**SELF-SERVICE STORAGE FACILITY**

Means a building or group of buildings or structures containing separate, individual and private storage spaces of varying sizes that are leased or rented for the storage of customers' goods or wares. Self-Service Storage Facilities are often referred to as mini warehouse. If leased or rented for storage, shipping containers are considered to be a Self-Service Storage Facility.

**SETBACK**

A required specified distance between buildings or structures and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

**SIGN**

Any object or devise or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination or projected images. Signs do not include the following:

- a. Flags of nations, states, cities, fraternal, religious and civic organizations.
- b. Time and temperature devises, not related to a product.

- c. National, state, or any political subdivision thereof, religious, fraternal, professional and civic displays, symbols, or crests, or works of art which in no way identify a product or a device.
- d. Temporary signs promoting candidates or issues located on private property from 60 days before to ten (10) days after an election.

#### **SITE PLAN**

The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot; including but not necessarily limited to, existing and proposed structures and buildings, means of ingress and egress, utility service and easements, wells and sewage disposal/septic systems, topography, significant vegetation, drainage, floodplains, wetlands and waterways; signs and lighting and any other information that may be required in order that an informed decision can be made by the approving authority.

#### **SOLID WASTE**

Means garbage, and other discarded solid material, material including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids and dissolved materials in sewerage and other wastewater and sludges.

#### **SPECIAL FLOOD HAZARD AREA (SFHA) – See Appendix B - Carbon County Flood Damage Prevention Resolution, 1983-11, as amended by Resolution 1989-10.**

#### **STABLE**

- a. Private. A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests.
- b. Public. A stable other than a private stable where horses are available for hire, or are sheltered, and fed for compensation.

#### **STREAM**

Means a watercourse having a natural source and terminus, banks and channel through which waters flow at least periodically. Stream includes creeks and other flowing waters that are tributary to a river. Man-made irrigation ditches are excluded from this definition.

#### **STREET**

A public or private right of way which provides a primary means of access to abutting property.

#### **STREET LINE**

The boundary between a street right of way and abutting property.

#### **STRUCTURE**

Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs, but excluding decks and platforms 30 inches or less in height, signs 3 feet or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, fences six feet or less in height, and for zoning setback purposes, retaining walls six feet or less in height. Trailers used for human occupancy are considered structures. Decks and platforms 30 inches or less in height must conform to setback standards of this Resolution.

**STRUCTURE, ACESSORY**

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

**STRUCTURE, TEMPORARY**

A structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**STRUCTURAL ALTERATIONS**

Any change in the structural members of a building such as bearing walls, columns, beams or girders.

**TANK**

Propane tanks, water tanks and similar tanks used for residential and agricultural use.

**TELECOMMUNICATION TOWERS**

Any tower that is commercial usage, or is over 80 feet (80') high mounted on the ground, or is over 25 feet (25') tall mounted on an existing building or structure.

**TEMPORARY LIVING FACILITIES – (commonly referred to as man-camps, construction camps, worker camps and similar temporary living accommodations)**

An area of land occupied by five (5) or more mobile homes, travel trailers, truck campers, tent trailers or any other structure(s) or service and support buildings occupied by or serving as semi-permanent housing for the personnel of an industrial or commercial construction project.

**TIMBERLAND**

"Timberland" means land other than land owned by the federal government which is available for and capable of growing a crop of trees or upon which there are trees of any commercial species used to produce lumber and other forest products.

**TIMBER PRODUCTION**

Means the cutting or removal or both of timber and solid wood forest products from timberlands for commercial purposes, together with all the work incidental thereto including but not limited to construction and maintenance of roads, fuelbreaks, firebreaks, stream crossings, landings, skid trails, beds for the felling of trees, and fire hazard abatement.

Timber production **does not include** cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit and removal of diseased and/or dangerous trees which have no commercial value. Removal or harvest of incidental vegetation from timberlands such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water or soil resources, does not constitute timber production.

**TIMBER PRODUCTS PROCESSING PLANTS**

Timber products processing plants are buildings and premises for the commercial processing of wood and wood products, including but not limited to commercial sawmills, lumber mills and plywood mills. Pulp mills shall be classified as heavy industrial uses and shall be permitted in the zones designed to accommodate such uses with a use permit.



### **TIMBER PRODUCTS, NON-COMMERCIAL**

Timber and wood products processing, that may supplement other sources of income but not necessarily designed to be economically sustaining, such as seasonal and non-commercial sawmills intended to utilize timber from smaller tracts, to maintain private lands and wildfire mitigation.

### **TRAILER**

"Trailer" means any vehicle without motor power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or occupation or use as a selling or advertising device, or used for storage or convenience of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term trailer includes the terms "camp trailer," trailer coach," "travel trailer, automobile trailer" and "house trailer," except when the latter falls within the definition of mobile home. Trailers are considered structures for the purposes of this Resolution when they are parked in mobile home parks or trailer camps or placed pursuant to the temporary residence provisions of this Resolution, and are used on such sites for human habitation, offices, wash houses, storage or similar auxiliary services for human habitation of the court or camp. Trailers are distinguished from mobile homes in that trailers may be moved upon a public highway without a special permit or chauffeur's license or both.

### **TRAILER CAMP – SEE RECREATION VEHICLE PARK**

#### **TRAILER PARK**

A trailer park means any area or tract of land or a separate designated section within a mobile home park where one or more lots are rented or leased or held out for rent or lease to users of trailers or recreational vehicles for travel or recreational purposes.

### **TRANSFER STATION**

A facility where solid waste from smaller vehicles such as garbage trucks is consolidated and placed on larger vehicles, such as semi trailers or trains. An intermediate destination for solid waste. Transfer stations may include separation of different types of waste for recycling shipment and aggregation of smaller loads for compacting and shipment. May also be referred to as a Solid Waste Management Facility or a Transfer, Treatment and Storage Facility.

### **TRANSIENT**

When used in conjunction with boarding or lodging, it means services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months.

### **USE**

- a. Use. The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- b. Use, Accessory. A use legally permitted in the zone, which use is incidental to and subordinate to the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use.
- c. Use, Conditional. A principal or accessory use of land or of structures thereon, which use may be essential or desirable to the public convenience or welfare in one or more zones but which use may also impair the integrity and character of the zone or adjoining zone or be detrimental to the public health morals or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall become a "principal permitted use" or "accessory permitted use" when all specific

additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use will remain conditional so long as the restrictions are complied with, but shall become an illegal use whenever and so long as the restrictions are not complied with.

- d. Use, Principal Permitted. The primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to conduct such principal permitted use without securing special permission therefore, subject only to such general limitations as off-street parking and site plan approval which are generally applied to all uses in that zone.
- e. Use, Temporary. A use established for a limited duration with the intent to discontinue such use upon the expiration of the approved time period.

**VALUE OF IMPROVEMENTS OR REPLACEMENT COST**

The cost including material and labor that will be incurred in constructing the improvements. Includes hired or contract labor but does not include owner/builder labor.

**WELL SITE**

Means an area where production equipment is installed to store or prepare oil or gas for transportation off the well site. Production equipment includes, but is not limited to, wellheads, valves, tanks, dehydrators, heater-treaters, separators, flow lines, meters, flares, vapor recovery units and emission equipment. Except as provided in this paragraph, production equipment for purposes of defining a well site shall not include compressors, off well site gathering lines and processing facilities.

**WIND ENERGY FACILITIES**

See Chapter 5, Section 5.9, Wind Energy Facilities-Overlay District

**YARD – See Lot Layout Diagram, Chapter 5 – General Regulations Applying to all Districts and Uses**

**ZONE**

A portion of the territory of the County of Carbon within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Resolution. The word "zone" shall include the word "district."

**ZONING OFFICER**

The Carbon County Planning and Development Director appointed by the Board of County Commissioners and any person designated by him/her to administer and enforce this Zoning Resolution.

## **CHAPTER 4 ZONE DISTRICT REGULATIONS**

### **Section 4.1 APPLICABILITY**

In addition to the regulations specified in this chapter for each of the zone districts, the general regulations set forth in this Resolution shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this chapter and the general regulations of this Resolution, the more restrictive regulations shall apply. In doubtful cases, the Carbon County Planning and Zoning Commission (Commission) shall determine which of the conflicting regulations shall be applicable. The development standards and criteria contained herein are adopted to protect the health, safety and general welfare of the citizens and to insure orderly development in general conformance with the currently adopted Carbon County Comprehensive Land Use Plan.

### **Section 4.2 EXEMPTION FOR CONSERVATION EASEMENTS**

For zoning purposes, land subject to a conservation easement created prior to or in accordance with the Uniform Conservation Easement Act, W.S. § 34-1-201, et. seq. and any amendments thereto, even though the effect of the easement creation may result in a lot or parcel to be considered non-conforming in size for that zone district. This exemption in lot or parcel size for zoning purposes is effective as of January 6, 2004, the date of adoption of the first exemption for conservation easements under this zoning resolution, provided that the conservation easement has been created in accordance with the law, otherwise complies the terms of this zoning resolution in effect at the time of its creation and is properly recorded in the office of the Carbon County Clerk's office.

### **Section 4.3 USES NOT LISTED**

Uses that are not listed as a Principally Permitted Use or a Conditional Use shall be considered to be uses that are not allowed, unless one of the following occurs:

A. Zoning Resolution Amendment.

An amendment to these regulations is adopted pursuant to Chapter 7, Administration and Enforcement. The Zoning Resolution Amendment shall list the use in the zone district regulations and indicate in which zone district or districts the use will be a Principally Permitted Use or as a Conditional Use.

B. Determination of Similar Use.

The Director of Planning and Development may determine that the proposed use is sufficiently similar to a use listed. A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it was determined to be similar. Appeal of the Director's determination may be initiation in accordance with Chapter 7, Administration and Enforcement.

**Section 4.4 RANCHING, AGRICULTURE AND MINING ZONE (RAM)**

The purpose of this District is to preserve historic uses and open space areas of the County while at the same time permit ranching, agriculture, animal husbandry, forestry, and mining in a manner that attains this purpose. All of the unincorporated area of the County not otherwise zoned is designated as the Ranching, Agriculture and Mining Zone.

Residential uses accessory to a preexisting Commercial or General Agricultural operation are permitted in this zone. If residential uses not covered above are desired, a conditional use permit or a zone change should be sought. The Carbon County Land Use Plan contains land use policies which encourage the development of new residential development and commercial sites in close proximity to municipalities and developed areas. The purpose of this policy is to ensure that future land development is fiscally responsible, to strengthen existing communities and to make maximum use of the services already established for police and fire protection, trash collection, snow removal and other public services. A criterion used in deciding whether or not to grant a zone change or a conditional use permit for residential uses will be considerations as to whether the establishment of a new zoning district is unavoidable because of the remote location of new employment.

**A. Principally Permitted Uses:**

1. Commercial or General Agriculture including ranching and farming, their related uses and facilities and animal husbandry relative to above activities.
2. Residential uses that are accessory to a preexisting Commercial or General Agricultural operation, as defined in Chapter III including accessory dwelling unit, bed & breakfast facility, home occupation, and cottage industries.
3. Public parks and playgrounds, including public rest rooms.
4. Cemeteries.
5. Ore beneficiation, milling and quarrying with proof of state permit. Said operations if above ground are not permitted within 1,000 feet of a residential district. Ore processing is principally permitted only if directly associated with an adjacent extraction operation.
6. Extraction or production of mineral resources.
7. Timberland and Timber Production, but not including wood pulp mills or paper processing.
8. Timber Products, Non-Commercial.
9. Highway Construction Facilities.
10. Gravel mines and accessory facilities.
11. Habitat management.
12. Kennels on parcels 35 acres or greater.
13. Animal Crematorium-when located on-site and accessory to an agricultural operation.
14. Meteorological (MET) Tower with tower height being less than 300 feet.
15. Non-commercial nurseries and greenhouses.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. Residential uses if accessory to a commercial or general agricultural operation if the operation is not preexisting.
2. Public Uses and Civic Use(s).
3. Public facilities and utilities limited to above ground structures including sewage treatment and water supply facilities, municipal solid waste landfill, all conforming to Wyoming Department of Environmental Quality requirements.

4. Compressor, regulator, distribution stations and gas processing plants.
5. Oilfield Wastewater Disposal Facilities (OWDF).
6. Commercial Storage Yards.
7. Industrial Uses, processing plants and related uses.
8. Agriculture Industrial Uses.
9. Guest Ranch or Resort.
10. Commercial recreation areas and facilities, including campgrounds.
11. Boarding house and recreation lodge.
12. Recreational Vehicle Park and Trailer Camp.
13. Churches and Sunday schools.
14. Labor camps including agricultural or farm labor camps.
15. Temporary Living Facilities.
16. Recycling Center and Recycling Plant.
17. Kennels on parcels less than 35 acres.
18. Roadside Stand.
19. Commercial Nurseries and Greenhouses.
20. Pulp and paper processing, related facilities and accessory uses.
21. Timber Products Processing Plants.
22. Radio transmitting stations.
23. Crematorium. See Chapter 5.
24. Animal Crematorium-when not located on-site of an agricultural operation and not accessory to an agricultural operation. See Chapter 5.
25. Telecommunication Towers and Facilities. See Chapter 5.
26. Electrical Substations and Transmission Lines. See Chapter 5.
27. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
28. Commercial Scale Energy Facilities. See Chapter 6.
29. Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility. See Chapter 5.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Building Setbacks:**

See Chapter 5-General Regulations Applying to all Districts and Uses.

**E. Minimum Lot Area:**

1. Minimum Lot Area is 35 Acres – See Chapter 5-General Regulations Applying to all Districts and Uses.

**F. Other Regulations:**

1. Lot of Record\Pre-Existing Parcels. Any Lot of Record, less than 35 acres in size, created by any legal means prior to July 01, 2001, may continue to be used in accordance with Chapter 2, Application of Regulations, Non-conforming uses, building and structures. See Section 2.1.
2. Exemptions from Minimum Parcel Size:
  - A. The division of land into smaller than 35 acres parcels in accordance with W.S. §18-5-303 Exemption From Provisions and the exemption provisions contained within the Carbon County Subdivision Regulations may not require a zone change when the division is not the beginning of a subdivision or it is

not the beginning of the general conversion of the use of the subject lands. The purpose of the minimum parcel size exception is to retain ranching and agriculture as the preferred land use in rural area of the county and as further provided for in W.S. §18-5-303 and the Carbon County Subdivision Regulations.

The above exemptions do not apply when the intent of the creation of smaller parcel(s) is to evade the purpose of this Section.

**Section 4.5 FORESTRY PRODUCTION AND SEASONAL RECREATION ZONE (FPSR)**

The Forestry Production and Seasonal Recreation or FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. The intent of this zone is to preserve the county's forestlands for present and future uses related to historic timber operations and ensure the continued viability of this community's forest products industry. It is the additional goal of this zone to allow the recreational and residential use of the county's seasonally accessible recreation lands when those uses do not conflict with timber harvesting or seasonally accessible recreation value of these lands. Uses not compatible for the preservation of timberlands for forestry and recreational purposes within this zone are prohibited. The following uses are deemed to be compatible with the growing and harvesting of timber and recreational uses provided they do not significantly detract from the seasonally accessible recreation use of the property for, or inhibit, growing and harvesting of timber.

**A. Principal Permitted Uses:**

1. One (1) single family seasonal or recreational dwelling and one (1) accessory dwelling unit.
2. General agriculture including livestock and other associated uses as compatible with timber and seasonal recreation lands.
3. Timberland and Timber Production.
4. Timber Products, Non-Commercial.
5. Mining, ore extraction, oil and gas development and their associated uses excluding milling and processing of raw materials.
6. Habitat management.
7. Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.
8. Home occupations.

**B. Conditionally Permitted Uses:**

Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. Two-family or duplex dwellings and multi-family dwellings.
2. Ranch Recreational Facility, Guest Ranch, Resort, Boarding Houses, Recreation Lodges, public stable, and similar recreational uses.
3. Commercial Recreation.
4. Recreational Vehicle Park and Campground.
5. Bed & Breakfast Facilities.
6. Hotels and motels.
7. Restaurants and convenience stores.
8. Automobile service, gas or filling station.
9. Cemeteries.
10. Timber Products Processing Plants.
11. Public facilities and utilities limited to above ground structures including sewage treatment and water supply facilities, municipal solid waste landfill, all conforming to Wyoming Department of Environmental Quality requirements.
12. Compressor, regulator, distribution stations and gas processing plants.
13. Telecommunication Towers and Facilities. See Chapter 5.
14. Electrical Substations and Transmission Lines. See Chapter 5.
15. Non-Commercial Wind Energy Collection Systems. See Chapter 5
16. Commercial Scale Energy Facilities. See Chapter 6.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is Five (5) acres – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. It is the intent of this Resolution that new parcels created in the FPSR Zone be 5 acres or larger.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Density: In order to avoid potential illegal subdivision creation, the zoning designation shall specify a density (i.e., FPSR-10) meaning one principally permitted dwelling unit per 10 acres.



**Section 4.6 RURAL RESIDENTIAL AGRICULTURE ZONE (RRA)**

The Rural Residential Agriculture or RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled. In all cases, agricultural uses shall have supremacy over residential uses.

**A. Principally Permitted Uses:**

1. General Agricultural activities.
2. Single-family dwellings and their accessory uses.
3. One (1) employee dwelling and/or one (1) accessory dwelling unit.
4. Timber Products, Non-Commercial.
5. Home occupations and home offices.
6. Cottage industries.
7. Extraction or production of mineral resources.
8. Roadside Stand.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. More than one (1) employee dwelling and/or more than one (1) accessory dwelling unit.
2. Businesses that will not substantially distract from the agricultural or residential character of the area.
3. Public Use and Civic Use(s).
4. Private institutions.
5. Commercial Recreation including golf courses.
6. Bed and breakfast establishments and boarding house.
7. Recreation lodges and campgrounds.
8. Kennels and Animal Hospitals.
9. Timber Production.
10. Public utilities limited to above ground structures including sewage treatment and water supply facilities all conforming to Wyoming Department of Environmental Quality requirements.
11. Mobile Home Parks. See Chapter 5.
12. Telecommunication Towers and Facilities. See Chapter 5.
13. Electrical Substations and Transmission Lines. See Chapter 5.
14. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
15. Commercial Scale Energy Facilities. See Chapter 6.

**C. Accessory Uses:**

1. Crop, garden and 4-H type non-commercial livestock uses.
2. Customary accessory structures and uses.
3. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
4. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Size:**

1. Minimum Lot Area is Five (5) acres – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. It is the intent of this Resolution that new parcels created in the RRA Zone be 5 acres or larger.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Density: In order to avoid potential illegal subdivision creation, the zoning designation shall specify a density (i.e., RRA-10) meaning one principally permitted dwelling unit per 10 acres.

**Section 4.7 RESIDENTIAL SINGLE FAMILY ZONE (RD)**

The purpose of this district is to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single family zones are intended to be located in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

**A. Principally Permitted Uses:**

1. Single family and two family dwelling units.
2. Churches and Sunday schools.
3. Home occupations.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. Multi-family dwelling units.
2. Accessory dwelling unit and boarding house.
3. Bed and breakfast facilities and recreation lodges.
4. Family Day Care Home.
5. Family Day Care Center.
6. Community Care Facility (see limitations in definition-Chapter 3).
7. Nursing, rest and convalescent homes.
8. Cemeteries.
9. Public Use and Civic Use(s).
10. Public utilities limited to above ground structures including sewage treatment and water supply facilities all conforming to Wyoming Department of Environmental Quality requirements.
11. Membership clubs.
12. Extraction or production of mineral resources.
13. Mobile Home Parks. See Chapter 5.
14. Telecommunication Towers and Facilities. See Chapter 5.
15. Electrical Substations and Transmission Lines. See Chapter 5.
16. Non-Commercial Wind Energy Collection Systems. See Chapter 5.

**C. Accessory Uses:**

1. Crop, garden and 4-H type non-commercial livestock uses.
2. Customary accessory structures and uses.
3. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
4. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is One (1) acre – See Chapter 5-General Regulations Applying to all Districts and Uses.

**E. Other Regulations:**

1. Minimum Lot Width: 70 feet.
2. Multi-family development shall be reviewed as part of the Conditional Use Permit review process.
3. Minimum lot area: 7,500 square feet per dwelling unit.
4. Open Space (private): Not less than 25 percent (25%) of the site shall be reserved and improved as open space for use of the occupants. Open space does not include parking areas.

5. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
6. Density: In order to avoid potential illegal subdivision creation, the zoning designation shall specify a density (i.e., RD-1) meaning one principally permitted dwelling unit per 1 acre.

**Section 4.8 NEIGHBORHOOD COMMERCIAL ZONE (C-1)**

The purpose of this zone district is to provide for appropriately designed shopping, professional or personal service facilities convenient to existing or expanding residential areas.

**A. Principally Permitted Uses:**

1. Office-Business and Professional.
2. Retail store or shop; business center development (outdoor sales or enclosed storage must be associated with a retail store/shop and business development).
3. Barbershop, beauty shop, self-service laundry or dry cleaning establishment or pick-up agency, tailor or dressmaking shop, or other personal service shop.
4. General appliance servicing and appliance repair shop.
5. Restaurant, cafe, tavern or other place serving food and beverage.
6. Membership club, theater.
7. Family day care centers, nursing, rest and convalescent homes.
8. Commercial Nurseries and Greenhouses.
9. Small Animal Hospitals.
10. Recycling Collection Point.
11. Extraction or production of mineral resources.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. A dwelling only when used by the owner or manager or employee on the same site.
2. Automobile Service, Gas or filling station, car washing facilities.
3. Automobile Repair-Minor.
4. Automotive Sales.
5. Bus passenger station.
6. Public Use and Civic Use(s).
7. Public utility building, structure or facility.
8. Hotels, motels.
9. Funeral Home.
10. Recycling Center.
11. Animal Hospitals.
12. Kennels.
13. Self-Service Storage Facility.
14. Any use, building or structure proposed on a parcel with a property line adjacent to an area classified as a scenic by-way or backway.
15. Telecommunication Towers and Facilities. See Chapter 5.
16. Electrical Substations and Transmission Lines. See Chapter 5.
17. Non-Commercial Wind Energy Collection Systems. See Chapter 5.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is one half (1/2) acre – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Lots shall be designed and maintained at three times the total building floor area to provide for parking, loading, circulation and pedestrian walks.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Landscaping:
  - a. Front and Corner Lots. A minimum of 10 feet (10') shall be landscaped and maintained except there shall be no obstruction in the corner clearance or clear vision area. Landscape requirements may be waived by the Commission for good cause shown.
3. Screening Standards: All manufacturing and fabricating areas shall be enclosed in buildings, and all outside equipment and material storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6').

**Section 4.9 HIGHWAY COMMERCIAL ZONE (C-2)**

The purpose of this zone is to provide for highway oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience.

**A. Principally Permitted Uses:**

1. Office-Business and Professional.
2. Retail store or shop; business center development (outdoor sales or storage must be associated with a retail store/shop and business development).
3. Retail and wholesale businesses and services such as lamps, telephones, computers, household effects such as furniture, rugs, clothing, and fabrics.
4. Barbershop, beauty shop, self-service laundry or dry cleaning establishment, tailor or dressmaking shop, or other personal service shop.
5. General appliance servicing and appliance repair shop.
6. Plumbing and Electrical services.
7. Restaurant, cafe, tavern or other place serving food and beverage.
8. Hotels, motels and lodges; recreation lodges.
9. Membership club, theater.
10. Family day care centers, nursing, rest and convalescent homes.
11. Commercial Nurseries and Greenhouses.
12. Small Animal Hospitals.
13. Printing and publishing establishments.
14. Recycling Collection Point.
15. Extraction or production of mineral resources.
16. Automotive Repair-Minor.
17. Car and truck washing facilities.
18. Automobile Service, Gas or Filling Station.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. A dwelling only when used by the owner or manager or employee on the same site.
2. Recreational Vehicle Park; mobile home or trailer park.
3. Public Use and Civic Use(s).
4. Public utility building, structure or facility.
5. Stores, agencies and services such as carpentry and cabinet-making shops, metal-working shops; clothing manufacture, dry cleaning and laundry plants, printing and lithographing.
6. Automotive Sales.
7. Automobile Repair-Major.
8. Auto Wrecker Service.
9. Bus passenger station.
10. Commercial storage yard.
11. Self-Service Storage Facility.
12. Warehouse, Distribution center, terminal, lumber yard.
13. Drive-in theaters.
14. Animal Hospitals.
15. Funeral Home.
16. Radio and Television broadcasting stations.
17. Sexually Oriented Businesses.
18. Recycling Center.
19. Recycling Plant.

20. Any use, building or structure proposed on a parcel with a property line adjacent to an area classified as a scenic by-way or backway pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses.
21. Telecommunication Towers and Facilities. See Chapter 5.
22. Electrical Substations and Transmission Lines. See Chapter 5.
23. Low Hazard-Low Volume, Treatment, Processing, Storage and Transfer Facility. See Chapter 5.
24. Non-Commercial Wind Energy Collection Systems. See Chapter 5.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is one half (1/2) acre – See Chapter 5-General Regulations Applying to all Districts and Uses.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Lots shall be designed and maintained at three times the building floor area to provide for parking, loading, circulation and pedestrian walks.
3. Landscaping:
  - a. Front and Corner Lots: A minimum of 10 feet (10') shall be landscaped and maintained except there shall be no obstruction in the corner clearance or clear vision area. Landscape requirements may be waived by the Commission for good cause shown.
4. Screening Standards: All manufacturing and fabricating areas shall be enclosed in buildings, and all outside equipment and material storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6').



**Section 4.10 LIMITED INDUSTRIAL ZONE (IL)**

The Limited Industrial Zone is intended for areas in which manufacturing and commercial uses are the desirable and predominant land uses. Limited Industrial provides for a mix of manufacturing, storage, warehousing, and office space with limited retail and service uses. The intent is to provide appropriate setbacks and screening to minimize potential nuisance conditions and assure compatibility with adjoining uses.

**A. Principally Permitted Uses:**

1. Office-Business and Professional.
2. Restaurant, café, tavern or other place serving food or beverage.
3. General appliance servicing and appliance repair shop.
4. Plumbing and Electrical services.
5. Printing and publishing establishments and lithographing.
6. Retail sales of products assembled or manufactured on site.
7. Wholesale businesses, such as lamps, telephones, computers, household effects such as furniture, rugs, clothing, and fabrics.
8. Research and development laboratories.
9. Extraction or production of mineral resources.
10. Commercial Nurseries and Greenhouses.
11. Animal Hospitals and small animal hospitals.
12. Automobile Service, Gas or Filling Station.
13. Automotive Repair-Major and Minor.
14. Automotive Sales.
15. Car and truck washing facilities.
16. Commercial storage yard.
17. Self-Service Storage Facility.
18. Warehouse, distribution center, terminal, lumber yard.
19. Recycling Collection Point.
20. Recycling Center.
21. Crematorium.
22. Timber Products, Non-Commercial.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. A dwelling only when used by the owner or manager or employee on the same site.
2. Temporary Living Facility.
3. Manufacturing of electrical and electronic equipment such as lamps, telephones, and computers.
4. Manufacturing of household effects such as rugs, clothing, fabrics, and handi-crafts.
5. Manufacturing of furniture, woodshops, carpentry, cabinet-making shops, and metal-working shops.
6. Timber Products Processing Plants, finished paper and paper products.
7. Dry cleaning and laundry plants.
8. Drive-in theaters.
9. Public Use and Civic Use(s).
10. Public utility building, structure or facility.
11. Recycling Plants.
12. Auto Wrecker Service.
13. Industrial Agriculture.
14. Compressor, regulator, distribution stations and gas processing plants.
15. Animal feed and sales yards.
16. Kennels.

17. Sexually Oriented Businesses.
18. Any use, building or structure proposed on a parcel with a property line adjacent to an area classified as a scenic by-way and backway pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
19. Telecommunication Towers and Facilities. See Chapter 5.
20. Electrical Substations and Transmission Lines. See Chapter 5.
21. Low Hazard-Low Volume, Treatment, Processing, Storage and Transfer Facility. See Chapter 5.
22. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
23. Commercial Scale Energy Facilities. See Chapter 6.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is One (1) acre – See Chapter 5-General Regulations Applying to all Districts and Uses.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Landscaping:
  - a. Front and Corner Lots: A minimum of 10 feet (10') shall be landscaped and maintained except there shall be no obstruction in the corner clearance or clear vision area. Landscape requirements may be waived by the Commission for good cause shown.
3. Screening Standards: All manufacturing and fabricating areas shall be enclosed in buildings, and all outside equipment and material storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6').

**Section 4.11 HEAVY INDUSTRIAL ZONE (IH)**

The Heavy Industrial Zone is intended for areas in which heavy and concentrated fabrication, manufacturing and industrial uses that are suitable based upon adjacent land uses and access to transportation and public services. It is the intent of this district to provide an environment for industries where there is minimal opportunity for conflict with nearby residential and non-compatible commercial development.

**A. Principally Permitted Uses:**

1. Office-Business and Professional.
2. Restaurant, café, tavern or other place serving food or beverage.
3. General appliance servicing and appliance repair shop.
4. Plumbing and Electrical services.
5. Printing and publishing establishments and lithographing.
6. Retail sales of products assembled or manufactured on site.
7. Wholesale businesses such as lamps, telephones, computers, household effects such as furniture, rugs, clothing, and fabrics.
8. Research and development laboratories.
9. Extraction or production of mineral resources.
10. Commercial Nurseries and Greenhouses.
11. Animal Hospitals.
12. Kennels.
13. Automobile Service, Gas or Filling Station.
14. Automotive Repair-Major and Minor.
15. Automotive Sales.
16. Car and truck washing facilities.
17. Commercial storage yard.
18. Self-Service Storage Facility.
19. Warehouse, distribution center, terminal, lumber yard.
20. Recycling Collection Point.
21. Recycling Center.
22. Crematorium.
23. Timber Products, Non-Commercial.

**B. Conditionally Permitted Uses:**

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. A dwelling only when used by the owner or manager or employee on the same site.
2. Manufacturing of electrical and electronic equipment such as lamps, telephones, and computers.
3. Manufacturing of household effects such as rugs, clothing, fabrics, and handi-crafts.
4. Manufacturing of furniture, woodshops, carpentry, cabinet-making shops, and metal-working shops.
5. Timber Products Processing Plants, finished paper and paper products.
6. Dry cleaning and laundry plants.
7. Recycling or Recycling Plants.
8. Commercial airports.
9. Industrial Agriculture.
10. Compressor, regulator, distribution stations and gas processing plants.
11. Oilfield Wastewater Disposal Facilities (OWDF).
12. Waste treatment facilities.
13. Ore and mineral products processing, refining, storage, distribution and other related activities if not directly associated with or adjacent to a mineral extraction operation.

14. Public facilities and utilities limited to above ground structures including sewage treatment and water supply facilities, municipal solid waste landfill all conforming to Wyoming Department of Environmental Quality requirements.
15. Railroad Yard and/or Facility.
16. Auto Reduction Yard and Junkyards.
17. Auto Wrecker Service.
18. Sexually Oriented Businesses.
19. Any use, building or structure proposed on a parcel with a property line adjacent to an area classified as a scenic by-way and backway pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
20. Telecommunication Towers and Facilities. See Chapter 5.
21. Electrical Substations and Transmission Lines. See Chapter 5.
22. Low Hazard-Low Volume, Treatment, Processing, Storage and Transfer Facility. See Chapter 5.
23. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
24. Commercial Scale Energy Facilities. See Chapter 6.

**C. Accessory Uses:**

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

**D. Minimum Lot Area:**

1. Minimum Lot Area is One (1) acre – See Chapter 5-General Regulations Applying to all Districts and Uses.

**E. Other Regulations:**

1. Minimum Yard Setbacks and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.
2. Landscaping:
  - a. Front and Corner Lots: A minimum of 10 feet (10') shall be landscaped and maintained except there shall be no obstruction in the corner clearance or clear vision area. Landscape requirements may be waived by the Commission for good cause shown.
3. Screening Standards: All manufacturing and fabricating areas shall be enclosed in buildings, and all outside equipment and material storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6').

### **Section 4.12 PLANNED UNIT DEVELOPMENT ZONE (PUD)**

The purpose of the Planned Unit Development (PUD) procedure is to provide design flexibility in the planning and construction of development projects. A PUD permits mixed use development in accordance with an approved plan that should contribute to the Goals, Strategies and Actions described in the Carbon County Comprehensive Land Use Plan. The PUD procedure allows variations from the standards of the other zone districts and subdivision standards in order to permit flexibility for land owners to creatively plan for the overall development of their land.

The goal is to make more efficient use of land that lowers development and maintenance cost of infrastructure and achieves a more desirable development than would be possible through the strict application of the Zoning and Subdivision Regulations. The PUD process can accommodate well-designed residential or mixed use business park development that is typically composed of commercial and light industrial uses, research and development facilities, offices and business services, developed in a campus or park-like environment.

#### **A. Application Procedure:**

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

Prior to submittal of any application for Planned Unit Development, all applicants will schedule a pre-application meeting with the Zoning Officer or his/her designee. The purpose of the pre-application meeting is to:

- A. afford an opportunity to determine if a Planned Unit Development is appropriate;
- B. help facilitate timely processing and submittal of a complete application;
- C. discuss any other issues relevant to an application.

##### **2. Sketch Plan:**

The applicant may submit a Sketch Plan for review and comment by the Planning & Development staff and the Commission. Public notice is not required; however, the PUD Sketch Plan will be placed on the agenda of a regular meeting of the Commission and the Commission may consider public comment.

The purpose of the Sketch Plan review is for the applicant and the Commission to evaluate and discuss the basic concepts for development. It should include a discussion of the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems. It is also the opportunity to reach general agreement on such issues as the appropriate range of dwelling unit density, type of dwelling units and if commercial or industrial use is proposed.

The outcome of Sketch Plan review should be an identification of issues and concerns the applicant must address as part of the PUD Zone Change application. If subdivision is requested the applicant will be required to submit a Subdivision application in accordance with the Carbon County Subdivision Regulations.

##### **A. The Sketch Plan shall be submitted in writing and include the following information:**

- 1. A concept or site plan, including total acreage and a vicinity map.

2. A project description, including a statement addressing the following:
    - a. Summary of proposed land use, residential density and type, commercial, industrial or other.
    - b. Access roads and/or streets.
    - c. Utilities, including solid waste.
  3. Any other information necessary for the applicant to describe the development concept.
  4. Upon conclusion of the review of the PUD Sketch Plan by the Commission, the applicant may proceed with a PUD Zone Change application and the applicable Subdivision application. If a PUD Zone Change application is not submitted within one (1) year from the date of the Commission meeting, a new Sketch Plan must be resubmitted.
  5. The Sketch Plan will only be reviewed by the Board upon request of the Applicant, the Commission or the Zoning Officer.
3. Planned Unit Development Application:
- A. An application for a Planned Unit Development must be submitted on an application form provided by the Department, signed by the record owner and applicant, if different from the owner.
  - B. The application packet must include:
    1. A Zone Change application in accordance with specific procedure for a zone change.
    2. A Subdivision application, in accordance with the Subdivision Regulations, if subdivision is proposed as part of the PUD.
    3. Application fee.
    4. No application will be scheduled until it is accepted as complete by the Zoning Officer.
  - C. In addition to the above submission requirements, a PUD application must address the following:
    1. A development program or PUD Guide describing the uses and activities to be permitted within each development area, including the following:
      - a. A description of existing conditions, including a plan, photo or map.
      - b. A site plan showing the layout of roads, including right-of-way widths and status of ownership, easements, lots, proposed location of buildings, and development immediately adjacent.
      - c. The overall density for the Planned Unit Development, as well as the proposed density for each land use, excluding rights-of-way and easements.

- d. A description of the land to be left in a natural condition as open space or agricultural use and the proposed method for long-term ownership and management.
- e. A description and location of land to be dedicated for public purposes, such as parks, schools and fire stations.
- 2. Conceptual architectural plans or a description of the architectural theme:
  - a. Including a description or elevation drawings of the residential building type(s), single family and multi-family and/or other types of dwelling units.
  - b. Including a description or elevation drawings of the commercial and industrial structures.
- 3. Survey and engineering drawings:
  - a. A written statement by a professional engineer licensed in the Wyoming, which shall describe the following:
    - 1. The proposed method and arrangement for a domestic water supply and fire protection, including projected demand.
    - 2. The proposed method and arrangement for a sewer system.
    - 3. The soil, geological, and ground water conditions of the site; and the manner in which storm drainage will be handled.
- 4. If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage.
- 5. Any other information determined to be necessary to make a comprehensive evaluation by the staff, Commission and Board.

**B. Supplementary PUD Standards and Criteria:**

- 1. Certifications granted by the Commission and approvals granted by the Board shall be based on a review of the following standards and criteria and a specific PUD Plan which may include a PUD zone change or a subdivision application, or both.
  - a. The development area shall be not less than 10 acres; unless waived by the Commission for good cause shown.
  - b. Signs, pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses – unless specifically approved in the PUD.
  - c. Parking, pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses – unless specifically approved in the PUD.
  - d. Landscaping is required and must be maintained along all front lot lines. For corner lots, there shall be no site obstructions in the corner clearance or clear vision area. Landscape requirements may be waived by the Commission for good cause shown.

- e. Screening Standards: All manufacturing and fabricating areas shall be enclosed in buildings, and all outside equipment and material storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6'); unless alternative standards are specifically approved in the PUD.
2. For PUD's containing residential development of more than twelve (12) lots or twelve (12) units, 5% of the total project area shall be dedicated as open space or parks. When required, open space or parks shall be dedicated by plat or appropriate covenants and managed by a property owner's association or similar legally constituted arrangement to construct and maintain the mutually owned property unless waived by the Commission for good cause shown.
3. If the PUD is silent concerning a particular standard or restriction, the Carbon County Zoning Resolution and the Subdivision Regulations shall control.
4. Approval: Approval of a PUD Zone Change shall constitute an amendment to the official Zone District Map.
5. Length of Approval: If no action is taken toward project development or platting of lots, the PUD Zone Change shall expire after two (2) years.
6. Extension: The Applicant(s) may request an extension of the PUD for a period not to exceed twelve (12) months upon a showing of good cause. The Applicant(s) shall apply to the County in writing for the extension no later than ninety (90) days prior to expiration. The Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Such information may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, such as the Wyoming Department of Environmental Quality (WDEQ), delay in construction due to weather conditions, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Board shall promptly consider the request for the extension and either allow it or deny it. No PUD shall expire during the time the decision on the extension is being considered.
7. Expiration: Upon expiration, the Board shall amend the official Zone District Map, by Resolution, to the zone district classification that was in effect prior to the PUD zoning.
8. PUD Amendment: Any significant change or alteration to the approved PUD or completion dates will require the owner to submit an amended PUD in compliance with the current rules and regulations adopted by the County.
9. Minor deviations from an approved PUD may be approved by the Planning Director. Minor deviations that can be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and were not reasonably anticipated during the approval process.
10. The approved PUD Guide must be recorded with the County Clerk and will run with the land unless otherwise conditioned or restricted to the current owner.



**C. Public Notice and Hearing Requirements:**

1. The Commission shall hold a public hearing and certify its recommendations to the Board. (See Chapter 7-Administration and Enforcement, Section 7.3.)
2. Public Notice and Hearing Requirements:  
See Chapter 7-Administration and Enforcement, Section 7.3.

**CHAPTER 5  
GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES**

**Section 5.1 SUPPLEMENTARY REGULATIONS**

**A. Placement of Uses and Structures.**

The placement of buildings, structures or uses, shall be subject to the following requirements:

1. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Resolution.
2. No private garage or other accessory building shall be located within a required front yard nor within a required side yard.
3. Any access driveway may be located within a required side yard or required front yard provided that the access driveway does not at any point have a grade in excess of 10 percent (10%).
4. Required accessory buildings and uses shall be on the same lot with the main building or buildings or on an adjacent or abutting lot in the same ownership.

**B. Yard(s) and Setbacks.**

An open space, other than a court, that lies between the principal building or buildings and structures and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically allowed in this Zoning Resolution.

Yards are further defined as follows:

1. Yard, Front: Means a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closet point to the front lot line.
2. Yard, Rear: Means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closet point to the rear lot line.
3. Yard, Side: Means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closet point of the principal building.
4. Every part of a required yard shall be open to the sky except for the following:
  - a. Retaining walls and at grade terrace's or patio's;
  - b. Projections of sills, belt courses and ornamental features projecting no more than six inches (6");
  - c. Pilasters and roof overhangs/eaves may project no more than thirty inches (30");
  - d. Chimneys and open or lattice enclosed fire escapes or stairways that are required by law may extend into a required yard/setback no more than four feet (4');

- e. The front yard shall be open and unobstructed except for an unroofed balcony projecting no more than eight feet (8') or steps providing access to a porch or first floor entry door.

C. Minimum Lot Areas and Setbacks.

MINIMUM LOT AREA									
Zone District	RAM	FPSR	RRA	RD	C-1	C-2	IL	IH	PUD Site Specific
Acres	35	5	5	1	1/2	1/2	1	1	
			1	10,000 sq.ft.					
NOTES									
RRA	Five (5) acres if individual or shared well and small wastewater\ septic system is to be installed; OR One (1) acre if a State approved sewage treatment system other than a small wastewater system and a public water supply are available.								
RD	One (1) acre per dwelling unit (RD-1), if individual or shared well and small wastewater\ septic system is to be installed; OR Ten Thousand (10,000) square feet per dwelling unit, with a public water supply and State approved sewage treatment system.								
<b>Public Water Supply</b> as defined by WDEQ-Water Quality Division. This type of public water system includes centralized and community water systems managed by municipalities, water districts, joint powers boards and homeowners and property owners associations.									
<b>Sewage Treatment System</b> -other than small wastewater systems-all pipelines, conduits, pumping stations, force mains and other construction use for collecting or conducting domestic waste to a treatment plant or disposal system that are managed by municipalities, water districts, joint powers boards and homeowners and property owners associations.									
<b>Small Wastewater System</b> means any sewer system, disposal system or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than four families or which treats and disposes of 2,000 gallons or less of domestic sewage per day.									
<b>Shared Water Well</b> means a water well permitted through the State Engineer's Office that provides water to up to 3 parcels or dwelling units. A shared well is not considered a centralized or community water system.									

MINIMUM SETBACKS									
Setbacks are the distance between a building or structure and any lot line. The setback lines define the building area and establish the required yards.									
Zone District	RAM	FPSR (1)	RRA (1)	RD (1)	C-1 (2)(3)	C-2 (2)(3)	IL (4)	IH (4)	PUD Site Specific
Front (5)	40'	20'	20'	20'	25'	25'	50'	50'	
Rear(6)(7)	40'	20'	20'	20'	25'	25'	25'	25'	
Side	40'	10'	10'	10'	25'	25'	25'	25'	
NOTES									
Through or Double Frontage Lot			See Lot Layout Diagram						
Corner Lot			See Lot Layout Diagram						
Irregular shaped lots			Setbacks shall be determined by the Zoning Officer, subject to review by the Planning & Zoning Commission (Commission).						
Scenic By-Way or Back Way			One hundred feet (100') from the edge of the right-of-way of a scenic by-way or back way.						
Stream Setback For the purpose of protecting water resources Does not apply to agricultural related activities			A thirty (30') foot strip of land measured horizontally from the identifiable high water mark on each side of any stream shall be protected in its natural state. Certain improvements may be located within the stream setback as long as site disturbance is minimized to the greatest extent possible, including but not limited to the following: improvements pursuant to a floodplain development permit, footpaths and trails intended for non-motorized use, bridges, fences, all irrigation related construction and structures, hydroelectric facilities, including piping and ditches, flood control and bank stabilization devices.  Utilities may be located within the stream setback if designed by a professional engineer licensed in Wyoming and approved as part of the county review process.						

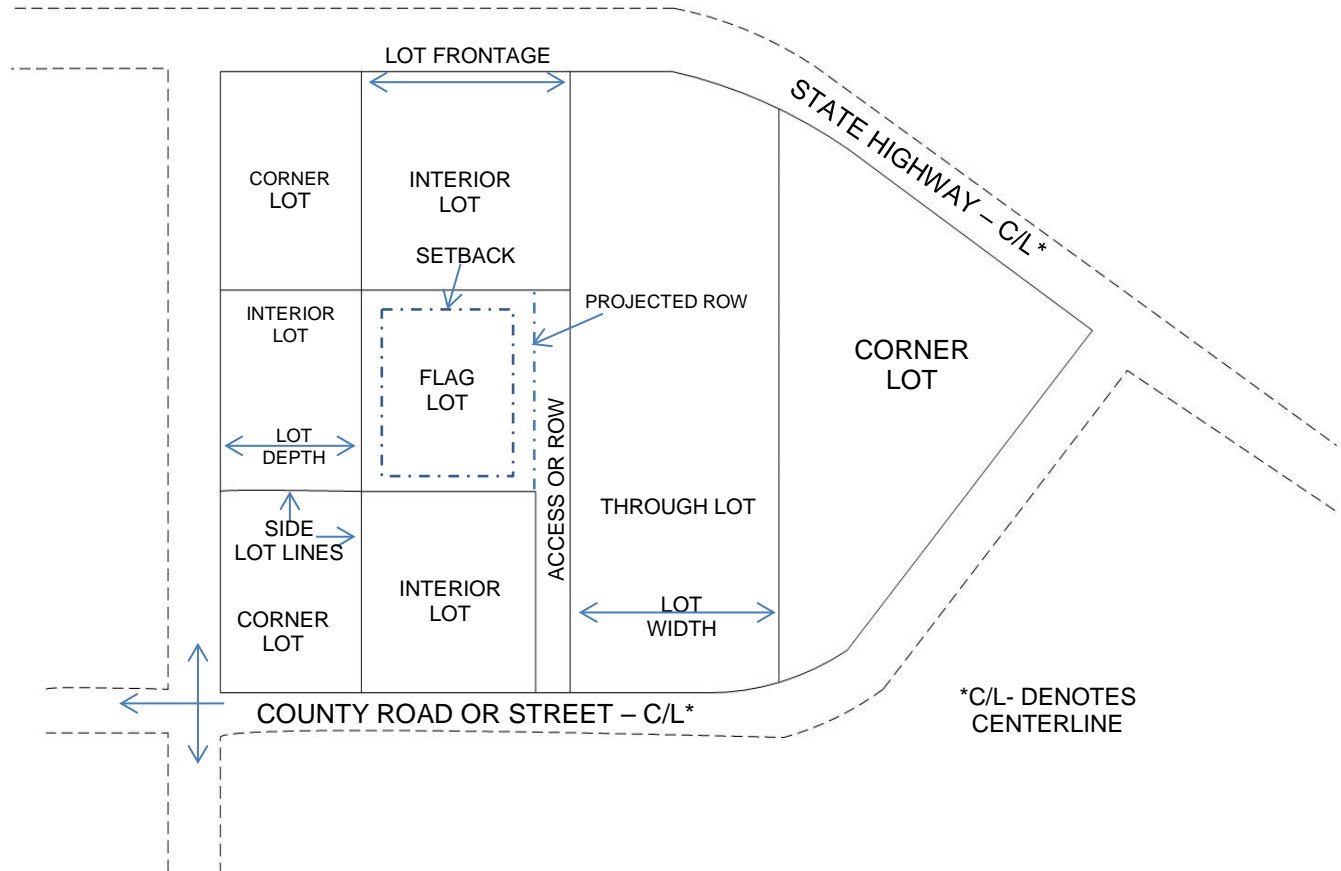
Skyline Acres Industrial Subdivision Minimum Setbacks				
	Setbacks IL and IH Zones (4)	Setbacks Block 4	Original Protective Covenants*	Comments See Chapter 5 for additional standards
Front	25'	20'	25'	
Rear	25'	10'	30'	
Side	25'	10'	10'	
*Protective Covenants Expired on 02-04-07				
(4) Fifty (50) feet Rear and Side setbacks if adjacent to a Residential Zone – Not Applicable to platted lots within the Skyline Acres Industrial Subdivision.				
Skyline Acres Industrial Subdivision Maximum Building Height – 60 Feet (60') for IL and IH Zones				

NOTES/EXPLANATIONS	
(1) Accessory buildings and structures in the FPSR, RRA, and RD Zone Districts: A) No accessory building or structure shall be located closer than twenty-five feet (25') from the front lot line. B) If a building is intended to house livestock, the side and rear setback shall be increased to twenty five (25').	
(2) C-1, C-2	(50') Fifty feet Front setback if adjacent to a State Highway or Interstate.
(3) C-1, C-2	(50') Fifty feet Front, Rear and Side setback if adjacent to a Residential Zone.
(4) IL and IH	(50) Fifty feet Rear and Side setback if adjacent to a Residential Zone.
(5) Front Setbacks	When a lot or building site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front lot line shall be the lot line that is nearest to the public street.
(6) Rear Setbacks	Accessory buildings or structures may be located within the rear yard, but no closer than five (5') feet of the rear lot line.
(7) Rear Setbacks	In the case of an interior triangular or wedge-shaped lot, rear setback shall be a straight line 10 feet in length which (a) is approximate parallel to the front lot line and (b) intersects the two (2) other points at points most distant from the front lot line.

D. Height.

MAXIMUM HEIGHT									
The vertical distance measured from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, except as listed herein.									
Zone District	RAM	FPSR	RRA	RD	C-1	C-2	IL	IH	PUD
Max. Height	n/a	35'	35'	35'	50'	60'	75'	n/a	Site Specific
<p>1) Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock or met tower, telecommunication towers, transmission line, flagpole, chimney flue, water tank, elevator or star bulkhead, stage tower, scenery loft, or similar structure.</p> <p>2) No such structure referred to #1 shall:</p> <p>(a) have a lot coverage at the base in excess of 10 percent (10%) of the lot area;</p> <p>(b) be used for residence or tenancy purposes;</p> <p>(c) have any advertising sign or device inscribed upon or attached to such structure.</p> <p>3) Airport Influence Area Height Limitations. Height Limitations within the Airport Influence Area are subject to the limitations of the district within which the project is located and subject to limitations of the Airport Board and other appropriate referral agencies.</p> <p>(a) Submission of a Notice of Proposed Construction and Alteration (current form) and subsequent approval from the Federal Aviation Administration Administrator (FAA) shall be required for the construction or alteration of any structure penetrating a 100:1 foot plane located within twenty thousand feet (20,000') of any runway. Receipt of a FAA Form Determination of No Hazard (current form) for any structure is required before issuing a building permit.</p>									

## E. Lot Layout

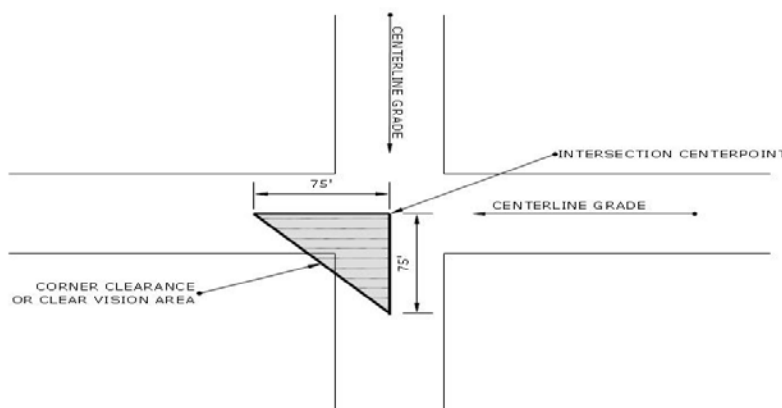


1. Through Lot or Double Frontage Lots: The lot line fronting the road or street from which primary access is obtained shall be considered the front lot line for the purpose of determining setbacks. The rear lot line shall be opposite the front lot line.
2. Corner Lot: Front setbacks shall be maintained along all State and County roads, streets or highways. Side yard setbacks shall be maintained along all other corner lot boundary lines.
3. Flag Lot: Front yard setback measured from the projected access driveway or right of way. See Lot Layout Diagram.
4. LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or road. Lot lines are further defined as follows:
  - a. Lot Line, Front: means the boundary of a lot separating it from the adjacent road or street.
  - b. Lot Line, Rear: means the lot line opposite and most distant from the front lot line.
  - c. Lot Line, Side: Any lot line that is not a front or rear lot line.

5. When a State or County road, street, or highway does not have a right of way of record, either by deed or plat, the lot line shall be thirty feet (30') from the center line of the traveled way.

F. Corner Clearance or Clear Vision Area.

The Corner Clearance or Clear Vision Area shall be that area extending back 75 feet from the intersection center point, as illustrated on the sketch below. At all road intersections, Corner Clearance or the Clear Vision Area shall be maintained free of all visual obstructions. A Clear Vision Area shall contain no shrubs, fence, wall, structure; temporary or permanent visual obstruction exceeding two feet (2') in height, measured from the centerline grade. Existing trees shall have lower branches trimmed to provide clear vision eight feet (8') above the centerline of said roads. The following exceptions may be placed in the Clear Vision Area: wire fences, utility poles and boxes as long as they do not create a visual obstruction for vehicular traffic.



## **Section 5.2 PARKING AND TRUCK LOADING SPACE REQUIREMENTS**

*NOTE: Americans with Disability Act (ADA) parking standards may apply and govern.*

- A. Required parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.
- B. No required parking area for off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.
- C. Off-street Parking. Off-street parking spaces shall be provided pursuant to this section.
  1. Individual Parking Spaces. Parking areas shall be marked off with parking spaces, each with a minimum width of 10 feet (10') and a minimum length of 20 feet (20'), exclusive of driveways and turning areas.

<b>BUILDING TYPE or LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>	<b>FOR EACH</b>
Boarding or Lodging House, Tourist Home	1	Guest bedroom and resident family
Single and Two Family Residential Dwelling	2	Dwelling Unit
Mobile Home	2	Dwelling Unit
Multi-Family Dwelling	2	Dwelling Unit
Hotel, Motel	1	guest bedroom plus 1 space for each 3 employees
Membership Club	1	4 Members
Professional Office in a Residential Building	1	100 sq. ft. of floor area
Auditorium, theater, stadium, convention hall or similar place of public use	1	4 seats (NOTE: bench capacity computed at 1 seat for each 20 inches)
Bowling Lane	3	Lane
Drive-in Restaurant or Stand	2	100 sq. ft. of floor area
Hospital	1	3 Beds
Industrial, Wholesale, Distribution	1	2 Employees
Medical Office Building	1	150 sq. ft. of gross floor space
Offices and Office Building	1	200 sq. ft. of gross floor space
Public Library, Gallery, Museum	1	200 sq. ft. of gross floor space
Research Institute or Laboratory	1	2 Employees
Business Development, Retail Store, Shop, Bank	1	200 sq. ft. of gross floor space
Elementary and Middle School	1	Classroom (in addition to parking space required for auditorium)
Senior High School	7	Classroom (in addition to parking space required for auditorium)
Restaurants, Bar, Café	1	3 Seats



2. Other Uses Not Specifically Listed. The same requirements as for the most similar use listed in Chapter 4- Zone District Regulations.
3. Mixed Uses. Total Requirements shall be the sum of the requirements of the component uses computed separately.
4. Fractional Space. In all Districts when the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction shall be construed as requiring a full space.

D. Required Off-street Truck Loading Spaces.

1. Buildings or structures that are designed to receive and distribute materials and merchandise by truck, or that are substantially altered so as to receive and distribute materials and merchandise by truck, shall provide and maintain off-street loading berths or loading spaces in sufficient number to meet their own needs.
2. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles the following standards shall be used in establishing the minimum number of off-street loading berths required:

<b>SQ. FT. OF AGGREGATE FLOOR AREA DEVOTED TO SUCH USE</b>	<b>REQUIRED NO. OF OFF- STREET TRUCK LOADING SPACES</b>
UP to 10,000 sq.ft.	1
10,001 to 25,000 sq.ft.	2
25,001 to 100,000 sq.ft.	3
Each additional 60,000 sq. ft.	1 additional

3. Size of Individual Truck Loading Space. An off-street truck loading space shall have a minimum width of 10 feet (10'), a minimum length of 25 feet (25'), and a minimum clear height of 14 feet (14') including its access from the street.
4. No required parking area for off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.

E. Access Driveways.

1. Access driveways into required off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site.
2. Minimum Width. The minimum width of the access driveway shall be twelve feet (12') for a one (1) way drive and twenty-four feet (24') for a two (2) way drive for commercial and industrial access.
3. Minimum Width. For residential access the minimum width of the access driveway shall be ten feet (10') for a one (1) way drive and twenty feet (20') for a two (2) way drive.
4. Where a lot does not abut on a public or private alley or easement access, and access driveway not less than 10 feet (10') in width shall be provided for a private garage.

F. Non-Applicability to Existing Buildings and Uses.

The provision of section 5.2(D) through 5.2(E) shall not apply to any building, structure or use lawfully in existence at the effective date of this Resolution, whether continued as a permitted or a nonconforming use, or thereafter converted or changed without enlargement to a different lawful use.

**Section 5.3 SIGNS**

See definition of Signs in Chapter 3.

A. No sign shall be erected, hung, attached or displayed until a written application and payment has been made to the Zoning Officer and a permit has been issued.

B. A professional or announcement sign that is less than 3 sq.ft. shall not require a sign permit.

In all Districts, maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:				
Zoning Districts	Professional or Announcement Sign	Identification Business or Industrial Building or Use	Real Estate For Sale or For Rent Sign, or Construction Sign	Advertising Signs
RD-Residential RRA-Rural Residential Agriculture FPSR-Forestry Production and Seasonal Recreation	3 sq. ft.	4 sq. ft.	6 sq. ft.	Prohibited
RAM-Ranching, Agriculture and Mining	3 sq. ft.	6 sq. ft.	32 sq. ft.	Prohibited
C-1-Neighborhood Commercial	6 sq.ft.	For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq. ft. on any one facade	6 sq. ft.	Prohibited

<b>In all Districts, maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:</b>				
<b>Zoning Districts</b>	<b>Professional or Announcement Sign</b>	<b>Identification Business or Industrial Building or Use</b>	<b>Real Estate For Sale or For Rent Sign, or Construction Sign</b>	<b>Advertising Signs</b>
C-2-Highway Commercial	6 sq.ft.	For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq. ft. on any one facade	6 sq. ft.	750 sq. ft.
IL-Limited Industrial IH-Heavy Industrial BP-Business Park	6 sq.ft.	For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq. ft. on any one facade	6 sq. ft.	750 sq. ft.
PUD-Planned Unit Development	The same as allowed in the underlying or original zone district or as approved as part of the PUD.			Follow PUD Guidelines/ Requirements

**C. Supplemental Sign Regulations.**

1. A professional or announcement sign of a home professional office or home occupation on a residence building shall be affixed flat on the main wall of such buildings, and shall not project more than six inches (6"), or may be erected in the front yard, but not within 10 feet (10') of a street line. Such sign may be interior lighted.
2. A name or announcement sign or signs, not over six (6) square feet in area, fixed to the main wall of a church, parish house, club, school, or public or semi-public building shall be permitted, or may be erected in the front yard, but not within 10 feet (10') of a street line. Such sign may be interior lighted. Not more than two (2) such signs shall be permitted on a lot.

3. A real estate FOR SALE or FOR RENT sign, or a construction sign, shall apply only to the property upon which it is placed. It shall not be erected within a minimum required front yard. Not more than two (2) such signs shall be permitted on any one property or premise.
4. Projection.  
No sign shall project more than 14 inches (14") from the building facade to which it is attached, and no private sign shall project over public property.
5. Height.  
No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. No sign structure that is not part of or supported by a building shall be more than 18 feet (18') in height above the average ground level at the base of such sign unless waived by the Commission.
6. Clearance.  
No sign structure erected directly upon the ground shall have less than eight feet (8') of clear space between such sign and the ground, provided that necessary supports may extend through such open space. Construction closer to the ground or on the ground may occur if approved by the Commission. The Commission should refuse the request if lack of visibility or other circumstances could create a hazard. Corner Clearance or Clear Vision Area requirements shall apply.
7. Length.  
No sign structure erected directly upon the ground shall have an unbroken length of more than 50 feet (50').
8. Spacing.  
No sign structure erected directly upon the ground shall be within 450 feet (450') of any other sign structure.
9. Relationship to Street Intersection.  
No sign shall be erected, attached, or displayed within 75 feet (75') of the point of intersection of the street lines at a street corner, and shall otherwise conform to the Corner Clearance or Clear Vision Area requirements.
10. Illumination.  
Signs may be interior lighted with non-glaring lights, or may be illuminated by shielded floodlights. No lights of intermittent or flashing type shall be permitted.
11. Setbacks.  
Setback from property lines may be required to maintain site distance and safety considerations.

**Section 5.4 DESIGN AND DEVELOPMENT STANDARDS**

Certain design standards are requisite to insure good development and to avoid the need of expensive corrective measures by the land owner or the County. It is, therefore, the intent of this section is to provide minimum Design Standards relating to drainage, sanitation, water supply and roads to be applied as development occurs.

**A. Accessory Dwelling Unit (ADU) Standards.**

1. The ADU and the lot or parcel must conform to all applicable building permit and zoning standards.
2. The ADU may be contained within or detached from the principally permitted dwelling unit.
3. The ADU shall not exceed 1,800 square feet and must be at least 20% smaller than the principally permitted dwelling unit-gross floor area.
  - a. The ADU proposed to be larger than this standard must be reviewed and approved through the Conditional Use Permit review process.
4. The ADU shall not exceed the height of the principally permitted dwelling unit.
5. The ADU shall be built on permanent foundation.
6. Travel trailers, motor homes and recreational vehicles shall not be considered an ADU.
  - a. Camping and/or temporary occupancy shall not be considered an ADU.
7. The ADU shall not be subdivided or sold separately from the principally permitted dwelling unit unless the proposed subdivision is approved in accordance with the Carbon County Subdivision Regulations, as amended.

**B. Lighting Standards.**

1. The purpose of this section is to maintain dark skies while allowing necessary and reasonable lighting of public and private property for the safety, security and convenience of occupants and the general public while eliminating or reducing the nuisance and hazards of light pollution.
2. All exterior lighting, unless exempted below, shall comply with the standards set forth in this section.
  - a. Exempt Lighting.
    1. Lighting in the public right of way.
    2. Open flame gas lamps.
    3. Flagpole lighting that is shielded and directed downward from the top of the flagpole.
    4. Underwater lighting in swimming pools and other water features.
    5. Lighting this is used by emergency response personnel.
    6. Lighting that is used primarily for agricultural purposes.
    7. Warning or notice lights that are associated with public works facilities.
    8. Lighting or beacons required by Federal Aviation Administration (FAA) for towers such as airport, wind, and telecommunication towers.
  - b. Lighting as approved through a through a Conditional Use Permit or other County approval process.

3. Standards.
  - a. Downcast Lighting: Exterior lighting shall be designed so that light is directed inward, towards the interior of the subdivision or site.
  - b. Shielded Light Fixtures: Fixtures shall be mounted such that no light is emitted above the horizontal plane of the fixture. Light fixtures that project light above the horizontal plan of the fixture may be used where the architecture of the building restricts the light above the horizontal plane.
  - c. Light Trespass: All lighting fixtures shall limit horizontal light levels such that no light falls onto the adjacent property.
4. Prohibited Lighting.
  - a. No blinking, flickering or flashing lights shall be permitted except as permitted by issuance of a sign permit.
  - b. No searchlights, laser lights, aerial lasers or holograms are permitted.
  - c. The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused or construed as traffic control devices.
5. Height Limitations.
  - a. Light sources which exceed 40 feet in height shall not be permitted except for temporary holiday displays or as required by local, State or Federal regulations.
6. Complex Uses.
  - a. Complex uses such as stadiums, athletic fields, outdoor rinks, ski areas, fairground & rodeo grounds, special events, construction sites, parking structures, theme and amusement parks, lighting of bridges, public monuments, statuary and public buildings, correctional facilities, drilling rigs and industrial sites all have unique requirements for nighttime visibility and often limited hours of operation. These and similar complex uses shall be exempted from the standards of this section when reviewed and approved through a Conditional Use Permit or other County approval process.

C. Telecommunication Towers.

Communication towers are only allowed by conditional use permits in all zones. Building permits are required for construction, modification, reconstruction, or addition of equipment.

1. Co-location is encouraged. Towers must be designed to accommodate at least three (3) antenna arrays oriented in vertical succession and associated equipment.
  - a. Additional users and associated equipment shall not add to the permitted tower height, nor shall it cause the tower to exceed design wind load rating.
  - b. All plans for towers shall be stamped by an engineer and include the wind load rating.
  - c. Commercial wireless telecommunication service providers must not unreasonably exclude other providers from co-locating on the same tower when co-location is structurally, technically or otherwise possible.
2. Clear Zone. An area with a radius equal to 110% of the tower height is to be maintained by both the permit holder and land owner as a clear zone.
  - a. Habitable structures unrelated to the operation of the approved tower shall not be located within the clear zone.
  - b. Towers should be sited so that public right-of-ways are outside of the clear zone.
3. Height variance is not required for Telecommunication Towers; however, the proposed maximum height must be included in the Conditional Use Permit (CUP) application and justified to the Commission as part of the CUP review process.

D. Electrical Substations and Transmission Lines.

1. Underground utility lines and facilities and overhead electrical transmission lines of 115,000 volts or less are principally permitted uses in all zone districts.
2. Electrical substations and underground and overhead transmission lines of over 115,000 volts, together with accessory structures including but not limited to switching stations and communications facilities are only allowed by conditional use permits in all zones. Building permits are required prior to construction.
3. Setbacks and Height Requirements. There are no Minimum Setbacks and no Maximum Height Limitations for new Electrical Substations and Transmission Towers; however, the proposed setbacks and maximum height proposed must be included in the Conditional Use Permit (CUP) application and justified to the Commission as part of the CUP review process.

E. Crematoriums, including animal crematoriums, are only allowed by a Conditional Use Permit except as provided in Chapter 4.

F. Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility.

P=Permitted by right C=Conditional Use Permit required	Zone Districts				
Proposed Use	Ranching, Agriculture and Mining (RAM)	Neighborhood Commercial (C-1)	Highway Commercial (C-2)	Limited Industrial (IL)	Heavy Industrial (IH)
Low Hazard-Low Volume treatment, processing, storage and transfer facility (1)	C(2)	Not Permitted	C	C	C
<p><u>Standards:</u> Exceptions may be granted to (1) and (2) upon receiving a recommendation from the Commission and consideration at a public hearing.</p> <p>(1) LH-LV treatment, processing, storage and transfer facilities are permitted only if the Municipal Solid Waste (MSW) taken to the transfer station is deposited, stored and transferred entirely within a building with four walls and a roof.</p> <p>(2) Facility must be located within two (2) miles of a town or city limits.</p>					
<p><u>Exemption:</u> Farming &amp; Ranching Operations, which means lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his or her farming or ranching operation.</p>					

In addition, when considering an application to locate a Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility, the Commission and the Board shall consider the following:

1. The referral comments submitted by the City or Town within 2 miles of the proposed site.
2. The proposed use shall be adequately served by facilities and services; including but not necessarily limited to, legal and physical access and circulation, water and wastewater facilities, emergency response and fire protection.
3. The applicant has identified and proposed mitigation for the following potential impacts:
  - a. Odor, Traffic, Noise, Dust and Mud, Litter, Vectors, Fire, Hazardous Wastes, Wash Down Water.
4. The exterior boundary of land permitted as a Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility shall be located at least 500 feet (500') from the nearest occupied dwelling unit or house.
  - a. Unless waived in writing by the person owning the occupied dwelling unit or house.



G. Mobile Home Parks.

A Mobile Home Park, in any District where permitted, shall be subject to the following additional provisions:

1. A mobile home park shall not be developed at a residential density greater than eight (8) mobile home spaces per acre.
2. Each mobile home space shall be connected to a water system and sewage treatment system that meets the State of Wyoming standards.
3. All roads shall have a minimum surface of 25 feet (25').
4. Each mobile home park that includes 8 or more spaces shall provide a playground or recreational and open areas, exclusive of mobile home spaces, amounting to no less than 10 percent (10%) of the total park site.
5. Mobile home park plans shall include measures to control dust such as placement of gravel, planting of grass, or other ground cover.

**Section 5.5 SOLAR RIGHTS AND PERMITS**

The purpose of this section is to protect the health, safety and general welfare to the community by encouraging the use of solar energy systems. The overall objective of these regulations is to provide adequate protection from interference by structures, trees or topography. It is the intent of this section to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owner and to establish solar collectors as a principally permitted accessory use in all zone districts.

Authorization for these regulations is contained in W.S. 34-22-101 through 34-22-106. This section does not apply to Commercial Scale Solar Energy Facilities, See Chapter 6.

A. Definitions.

1. SOLAR COLLECTOR is one (1) of the following that is capable of collecting, storing or transmitting at least 25,000 British Thermal Unit (BTUs) on a clear winter solstice day:
  - a. A wall, clerestory or skylight window designed to transit solar energy into a structure for heating purposes;
  - b. A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure in which it is attached;
  - c. A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;
  - d. A photovoltaic collector designed to convert solar energy into electric energy.
  - e. A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or other applications;
  - f. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
  - g. Other devices or combination of devices that rely upon sunshine as an energy source.
2. SOLAR RIGHT is a property right to an unobstructed line-of-site path from a solar collector to the sun that permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day that is put to a beneficial use or otherwise limited by these regulations.

3. WINTER SOLSTICE DAY is the solstice on or about December 21 that marks the beginning of winter in the Northern Hemisphere and is the time when the sun reaches its southernmost point.
  4. BRITISH THERMAL UNIT (BTU) is a standard energy measurement. It is the amount of energy needed to heat one pound of water one degree Fahrenheit. BTUs measure energy for both electricity and transportation fuels.
- B. Use Regulations – Shading of Collectors Unlawful.
1. Except as otherwise provided by these regulations, it is unlawful for any person to erect a building or other structure, or to allow a tree, shrub, or other vegetation to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical 10 foot (10') high wall located along the property lines, between the hours of 9:00 a.m. and 3:00 p.m., MST, on the winter solstice day.
  2. Solar collectors shall be located on the solar user's property so as to not to unreasonably or unnecessarily restrict the uses of neighboring property.
- C. Prior Non-Continuing Uses.
- Structures or vegetation that existed prior to the time of installation of the solar energy collection system or 1989, the initial adoption of Solar Zoning Regulations shall not be subject to the requirements of this section.
- D. Solar Access Permit Required.
1. A solar permit shall be granted before a solar right may be established.
  2. A solar permit shall be granted for any proposed or existing solar collector that complies with the requirements of these regulations.
  3. The solar right vests on the date the solar permit is granted. The solar collector shall be put to beneficial use within two (2) years except additional time may be granted for good cause. The Zoning Officer shall certify the right and its beneficial use within two (2) years of it vesting.
  4. A solar right which is not applied to a beneficial use for a period of five (5) years or more shall be deemed abandoned and without priority.
- E. Application for Permit.
1. The record owner who desires to obtain a solar right shall first make application to the Zoning Officer for a solar access permit.
  2. The permit application along with the required fee shall be filed with the Department. Information adequate to determine compliance with these regulations shall accompany the application.
  3. After the application has been filed with the Zoning Officer and the fee has been paid, a notice will be sent to each of the adjacent property owners informing them of the application. The notice will state that the adjacent property owners have thirty (30) days to respond to the Zoning Officer with any comments. If no response is received, it will be assumed that there are no objections to the application.

4. The Zoning Officer after review of the application may grant a solar access permit for any proposed or existing solar collector that complies with these regulations.
  5. In the event the Zoning Officer declines to grant the permit, the record owner may request a hearing before the Commission. Further appeal will be in accordance with Chapter 7. Such appeal shall be taken within ten (10) days from the date of the action appealed from by filing a notice of appeal with the Commission specifying the grounds thereof. The Zoning Officer shall provide a form for such appeal.
- F. Recording of Solar Rights and Permits.  
The person receiving the solar permit shall record a copy of the solar permit with the County Clerk. The solar permit shall include a description of the collector surface, or that portion of the collector surface to which the permit is granted. The description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level, the location of the collector on the solar user's property and the date the solar permit was granted.

### **Section 5.6 NON-COMMERCIAL WIND ENERGY COLLECTION SYSTEMS**

Non-Commercial Wind Energy Collection Systems (WECS) Conditional Use Permit applications will be administered in accordance with the provisions for Non-Commercial WECS.

The purpose of this section is to encourage the use of non-commercial wind energy collection systems and provide a means of permitting non-commercial wind energy collection systems without causing undue hardships on the rights of adjacent property owners.

All Applicants for this type of permit must schedule a pre-application meeting with the Planning and Development Director or his/her designee.

- A. Non-Commercial WECS may be permitted as a conditional accessory structure to an existing or proposed permitted use in all zone districts as provided in this section. Non-Commercial WECS shall be processed and permitted in accordance with the Conditional Use Permit Application Procedure set forth in Chapter 7 except that the conditional use application shall be considered and approved by the Commission after a public hearing which is advertised at least fourteen (14) days prior to the hearing and no hearing or approval on the application shall be made by the Board except as otherwise provided in this paragraph. The Conditional Use Permit application fee shall be submitted with the application and in the amount listed in the then current Department's Fee Schedule.
- B. At the public hearing, the Commission will take comments concerning the proposal and hear any objections to the proposed Non-Commercial WECS. After hearing and considering all comments from the Applicant(s), staff and concerned parties, the Commission will then make the required determinations and shall approve, conditionally approve or deny the application. Any decision by the Commission may be appealed to the Board. The party wishing to appeal must notify the Department in writing within five (5) business days of the decision of the Commission, otherwise the decision will become final and no appeal will be allowed. Upon appeal to the Board, no public hearing shall be held but it shall take comments from the Applicant(s), staff and concerned parties at a regular meeting and will then make a determination to approve, conditionally approve or deny the application.

Application is subject to the standard application requirements and the following Non-Commercial WECS standards and requirements:

1. Minimum Parcel Size: The minimum parcel size upon which a Non-Commercial WECS may be constructed is **one (1) acre**.
2. Maximum Tower Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels between five and thirty-five (5-35) acres in size shall have a maximum tower height of one hundred feet (100'). Parcels of thirty-five (35) acres and larger shall have a maximum tower height of one hundred forty feet (140').
3. Noise: Sound emitted by a WECS shall not exceed 50 dbA, as measured at the closest residential dwelling or occupied structure. Manufacturer data must be submitted to demonstrate compliance with this requirement. This level may be exceeded during short-term events such as utility outages and/or severe winds storms.
4. Setbacks: No WECS shall be constructed on any property a distance of less than one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines.
5. Clear Zone: The WECS shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines. The clear zone requirement may be waived if the anchoring system for the structure is certified by a Wyoming Licensed Engineer.
6. Tower Security: All WECS Towers must be unclimbable by design or protected by external anti-climbing devices.
7. Lighting: WECS shall not be artificially lighted with accent lighting. Wind energy systems may be lighted in accordance with of the Federal Aviation Administration (FAA) regulations and guidelines or appropriate aviation authorities.
8. Signs/Advertising: No tower shall have any sign, writing or picture that may be construed as advertising.
9. Colors: All towers shall be white, gray or other neutral color and be non-reflective.
10. Multiple WECS: Multiple WECS can be permitted on a single parcel as long as the Owner(s)/Operator(s) complies with all Non-Commercial WECS Regulations contained herein. Units shall be installed in compliance with minimum setbacks and clear zone requirements and the minimum distance between wind energy systems shall be equivalent to one hundred and ten percent (110%) of the combined height of the tower plus the blade length. The minimum distance between towers may be waived if the anchoring system for the structure is certified by a Wyoming Licensed Engineer.

11. Approved Wind Turbines: At the time of application, the Applicant(s) must present a certification from the manufacturer that the system's turbine and other components are equal or exceed the standards of one of the following national certification programs such as the: the Institute of Electrical and Electronics Engineers ("IEEE"), National Electric Code (NEC), National Electric Safety Code, (NESC), American National Standards Institute (ANSI) or other small wind certification program recognized by the American Wind Energy Association.
12. On-site Electrical Use: The Applicant(s) must certify on the applications that the proposed system will be used primarily for on-site consumption of electricity.
13. The Owner(s) shall mitigate light impact on existing residences as reasonably feasible and still meet FAA requirements. Examples of light mitigation include but are not limited to; downward directed lighting, use of shielded light fixtures and eliminating lighting that cast light onto adjacent property.
14. Utility Notification: Permit applications for Non-Commercial WECS shall be accompanied by evidence that the utility company serving the property of Applicant(s) has been informed of the customer's intent to install an interconnected customer owned generator.
15. Removal of Defective or Abandoned WECS: Any WECS found to be unsafe by an authorized County official, or designated authority, shall be repaired by the Owner(s) to meet federal, state and local safety standards, or removed within six (6) months. If any WECS is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide thirty (30) days for a response. In such a response, the landowner shall set forth reasons for operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice.
16. Maintaining compliance: All applicable Federal, State and County laws and regulations shall be met and continually maintained for all Non-Commercial WECS.

## CHAPTER 6 COMMERCIAL SCALE ENERGY FACILITIES

### **Section 6.1 COMMERCIAL SCALE ENERGY FACILITIES-OVERLAY DISTRICT**

#### **A. Overview.**

This Chapter provides the regulatory framework for Commercial Scale Energy Facilities and is intended to provide for public safety and to prevent hazards from the construction of Commercial Scale Energy Facilities in Carbon County. The regulations within this Chapter are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all areas of Carbon County. Unless otherwise provided, the requirements of this chapter are in addition to the zone district requirements set forth in this Zoning Resolution. This is an overlay district which allows for the review and permitting of Commercial Scale Energy Facilities with a Conditional Use Permit.

#### **B. Purpose and Intent.**

The purpose of this Chapter is to ensure that Commercial Scale Energy Facilities are placed in appropriate locations and mitigate potential negative impacts; to provide minimum design and development standards and to provide consistent standards to insure quality development. As natural land and native wildlife habitat are developed for human use, the need to minimize the negative impacts on natural habitat increases. Through the County review process, important wildlife habitat can be identified and appropriate avoidance, minimization and/or impact mitigation techniques may be required.

1. To permit and encourage carefully planned and compatible Commercial Scale Energy Facilities throughout the County;
2. To assure that any development and production of energy in Carbon County is safe and consistent with the goals and strategies in the Comprehensive Land Use Plan;
  - a. To achieve a sustainable balance between energy development, agriculture, and the environment so that Commercial Scale Energy Facilities can occur with limited environmental impact on traditional land uses, humans, and wildlife.
  - b. Limit development in wildlife migration corridors, winter ranges, and parturition\birthing areas, and sage grouse core areas.
3. 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;
4. To facilitate economic opportunities for local residents;
5. To develop standards for wind energy and other alternative energy development so they can occur with limited environmental impact on traditional land uses, humans and wildlife. (Derived from the Carbon County Comprehensive Land Use Plan Goal 1, Strategies and Actions.)

C. Siting and Location Standards.

No Commercial Scale Energy System shall be located within the Greater Sage-Grouse Core Area Protection zones as defined by the State of Wyoming Executive Order 2015-4 or as amended, or the Sage Grouse Priority Habitat as defined by the BLM approved Resource Management Plan Amendment for Greater Sage Grouse. When the State of Wyoming Executive Order for Greater Sage-Grouse Core Area Protection and the BLM approved Resource Management Plan amendment for Greater Sage Grouse conflict, the more restrictive of the documents shall apply.

1. During initial site selection, the Applicants are advised to consult with the Wyoming Game and Fish Department (WGF). The Applicant(s) should submit evidence of consultation that the Applicant(s) has coordinated with WGF about the project. The Applicant(s) need not complete duplicative studies, but should provide the Department with wildlife studies contained in existing environmental assessments and/or formal National Environmental Protection Act (NEPA) studies that cover the project area. The Department will refer the application to WGF and any other local, state, and federal agencies for review and comment.
2. The Commission may recommend and the Board may require the incorporation of wildlife avoidance and mitigation recommendations submitted by the Wyoming Game & Fish Department, the Wyoming Department of Environmental Quality and depending on the project's location, the U.S. Bureau of Land Management, U.S. Forest Service, United States Fish and Wildlife Service or the U.S. Bureau of Reclamation and other governing state and federal agencies.
3. The Applicants are advised to seek comments from the Wyoming State Historical Preservation Office (SHPO) for matters concerning archaeology and/or historical importance and to include relevant reports with the application. The Applicant(s) need not complete duplicative studies, but should provide the Department with relevant historical or archeological studies contained in reports required by other jurisdictions. The County will refer the application to the Wyoming State Historical Preservation Office (SHPO) and other local, state, and federal agencies for review and comment.
4. Additional Permitted Uses.  
The County may allow the Applicant(s) to include certain accessory type uses with a Commercial Energy Project, such as on-site security and communications facilities necessary for the operation of the Project, or a visitor center where the public may visit the facility and obtain information about the facility. Information centers, kiosks or markers on state wildlife and historical issues may be included with approval of such accessory uses. Directional signage may be allowed upon issuance of a sign permit.

D. General Provision Applying to all Commercial Energy Projects.

1. Building Permit Fees.

A building permit is required prior to commencement of construction, re-tooling or reconstruction of all Commercial Scale Energy Facilities. Building Permit Fees will be set by the Board and reviewed on a regular basis.

2. Liability Insurance.

A. The Owner or Operator(s) of a Commercial Energy Project shall maintain a current general liability policy issued by an insurance company authorized to business in Wyoming covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board prior to the Board's approval of the submitted application or otherwise demonstrate adequate self-insurance. If the application is approved, the Owner(s) or Operator(s) of the Commercial Energy Project shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance. If the Owner(s) of the project is a person regulated by the Wyoming Public Service Commission, the requirements of the subparagraph shall not apply.

3. Expiration of Conditional Use Permits for Commercial Scale Energy Facilities.

Any Commercial Energy Project for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval, and no authorized extension granted, then the conditional use permit shall expire and become null and void and be of no further effect. If the Project is not operational within two (2) years from the date of commencement, or any authorized extension, then the conditional use permit shall expire and become null and void and be of no further effect. Commencement of construction of Project Structures, buildings and other physical assets, including roadways, of the Project shall be considered commencement of the project. A Commercial Energy Project shall be considered to be operational if the project is generating electricity.

4. Extension of Conditional Use Permits for Commercial Scale Energy Facilities.

If the Commercial Energy Project has not been commenced or has not become operational as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization for the Project from other agencies with jurisdiction, such as the Wyoming Industrial Siting Council, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions, from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

A. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

B. No permit shall expire during the time the decision on the extension is being considered.



5. Transfer of Conditional Use Permits for Commercial Scale Energy Facilities.
  - A. No conditional use permit shall be transferred without the prior approval of the Board.
  - B. The Board may authorize transfers of permits to a different person if:
    1. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
    2. The permit transfer request is heard by the Board at a public meeting after notice is published.
    3. The permit transfer administrative fee has been paid.
    4. Board approval of the transfer shall not be unreasonably withheld.
- E. Terms involving commercial scale energy facilities which are not defined in Chapter 3, Definitions, shall have the meanings set forth in this Section.
  1. "Applicant(s)" means the person who submits to the County, an application for a conditional use permit for any Wind Energy Conversion System (WECS), WECS Project or Substation.
  2. "Collector system" means the electrical transmission infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any Wind Energy Conversion System (WECS), WECS Project or Substation up to, but not including, electric substations or similar facilities necessary to interconnect to existing or proposed transmission lines that serve load or export energy from Wyoming.
  3. "Commercial WECS Project" means WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets.
  4. "Designated Scenic and Open View Sheds" means the landscape or topography visible from a geographic point, especially that having aesthetic value that has been designated by Federal, State, County, Local Government, or Municipal action.
  5. "Enlarge or Enlargement" means adding additional wind turbines which are not permitted as part of an original permitting process.
  6. "Financial Assurance" means reasonable assurance in a form acceptable to the County, at the discretion of the Board, that the costs associated with but not limited to, construction; maintenance; consequences from an abandonment; or a failure to properly execute closure and post-closure care, are recoverable from Applicant(s) under these Regulations. The elements to be considered when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear upon the decision to accept a financial assurance.
  7. "Nacelle" means the part of the wind turbine which houses a drivetrain consisting of a gearbox, connecting shafts, support bearings, the generator plus other machinery.
  8. "Operator" means the person responsible for the day-to-day operation and maintenance of any WECS, WECS Project or Substation, including any third party which operates the WECS, WECS Project or Substation, for the Owner(s).
  9. "Owner" means the person, entity or entities with an equity interest in the WECS Project, including their respective successors and assigns. "Owner" does not mean the property owner from whom land is leased for locating the WECS Project (unless the property owner has an equity interest in the WECS Project); or any person holding a security interest in the WECS Project solely to secure an extension of credit, or a person or entity which obtains title to the WECS Project by foreclosing on such security interest, provided

- that after foreclosure such person or entity sells the WECS Project at the earliest practicable and commercially reasonable date.
10. "Photovoltaic Power System" means electrical power generation through the utilization of photovoltaic cells that convert sunlight into electricity.
  11. "Pre-Application Review" means an initial review for the purpose of providing an Applicant(s) feedback about potential issues. The Pre-Application Review does not expressly grant approval and does not negate or minimize requirements that may arise during later reviews.
  12. "Primary Structure(s)" means structures such as commercial buildings, hospitals, schools and day care facilities. Primary Structure(s) excludes structures such as storage sheds and other non-occupied, secondary or accessory structures.
  13. "Project Structure(s)" mean structures such as wind turbine towers, collector systems or other associated structures and buildings that are part of the WECS Project.
  14. "Residential Dwelling or Occupied Structures"
  15. "Re-tooling or Reconstruction" means the replacement or upgrade of components or equipment that increases the name plate capacity or replacement of the foundation or tower in the same location.
  16. "Solar Glare" is the effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort, or loss in visual performance.
  17. "Solar Project" means a Commercial Scale Solar Facility with centralized components that comprise the primary or principal use on a site. A Solar Project includes all associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.
  18. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
  19. Commercial Scale Energy Facilities.
    - a. "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 contiguous lands where the Owner(s) or developer has rights to erect wind turbines.
    - b. "Solar Energy Facility" means a Solar collection system, with centralized facilities that comprise the primary or principal use on a site and most or all of the electricity produced is supplied to the grid and/or used off -site.
  20. "Wind Energy Conversion System" ("WECS") means 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 Substation(s) and their support facilities, including collector systems.
  21. "WECS Project" means the WECS and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent towers as specified in the application, including the project area as defined by the Owner(s) and includes, but is not limited to a Wind Energy Facility.
  22. "WECS Tower" means the support structure to which the nacelle and rotor are attached and includes the foundation for the tower.
  23. "WECS Tower Height" means the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

**Section 6.2 COMMERCIAL SCALE WIND ENERGY FACILITIES**

**A. General Requirements-Wind Energy Facilities.**

To obtain siting approval, the Applicant(s) must first submit a WECS Conditional Use Permit application to the Department. .

**1. Conditional Use Permit Application Process for Commercial WECS Project.**

The Conditional Use Permit application for a Commercial WECS Project shall contain, or be accompanied by, the following information:

**A. A WECS Project summary, including, to the extent available:**

1. A general description of the project, including its approximate total name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS rotor(s); the general location of the project; and
2. A description of the Applicant(s), Owner(s) and, if known, Operator(s) including their respective business structures; and
3. The name(s), and mailing address(es), phone number(s), and email(s) of the Applicant(s), Owner(s) and Operator(s), and all owner(s) of property on which the WECS Project is to be located; and
4. The name(s), and mailing address(es), of all property owner(s) within 1,000 feet of the geographical boundary of the WECS project site; and
5. A preliminary site plan for the installation of a WECS Project showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public & private access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback; and
6. A waste management plan that includes an inventory of estimated solid wastes to be generated, and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WECS project; and
7. A plan for reclamation of the surface after construction; and
8. A list of all State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the conditional use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the County; and
9. Letters of consent to permit from all surface property owners upon which the WECS project will be located or other legal documentation (leases, etc.) which demonstrate consent of the surface property owners for the WECS project; and

10. Certification that the proposed WECS project will comply with all the standards required by W.S. §18-5-504; and
  11. Certify that the proposed WECS project will comply with all applicable zoning and county land use regulations; and
  12. Any other information normally required by the County as part of its Zoning Rules and Regulations; and
  13. Conditional Use Permit application fee.
- B. Certification that reasonable efforts have been undertaken to provide notice in writing, to all owners of land within one (1) mile of the proposed WECS project and to all cities and towns located within twenty (20) miles of the WECS project. Notice shall include a general description of the project, including its location, projected number of turbines and the likely routes of ingress and egress.
- C. Evidence of publication of notice of the proposed WECS project to be published in the official paper of Carbon County, twice in two (2) different weeks, at least twenty (20) days prior to the Board's public hearing on the application. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of said hearing.
- D. The Applicant shall notify the Department in writing of any material changes to the information provided that occurs while approval of the WECS Conditional Use Permit application is pending.
2. Design and Installation.
- A. Design Safety Certification.  
WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Safety Code (NESC). Concurrently with building permit applications, the Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
- B. Color.  
When not conflicting with colors required by the Federal Aviation Administration or other Federal Agencies, towers and blades shall be painted off-white or another non-reflective, unobtrusive color that is agreed upon by the County prior to authorization. The color selected is intended to help the project blend with the natural visual character of the area. The Applicant(s) shall submit a visual rendering of the proposed towers with color scheme, for approval by the Board.
- C. Signage.  
There shall be no signage or logo of any type allowed on the WECS tower(s) with the exception of safety signs, warning signs and identification signs or numbers and emergency contact signs. Factory installed manufacturer's logo or an owner's logo will be permitted but cannot be illuminated. Any other signage shall only be allowed as approved by the County.

3. The Commission may recommend and the Board may require specific design standards or restrictions that will mitigate or prohibit the degree to which WECS may impact views, view-sheds and scenic or historic landscapes which may have important and unique character or value.
  - A. Scenic Landscapes and Vistas.

WECS's should be located such that they do not interfere with any designated Federal, State or County scenic resources, byways or scenic corridors to the greatest extent possible. WECS shall be located as far as possible away from important views in order to diminish the visual impact of the structure.
  - B. Visibility, Screening and Buffering.

Wherever possible, WECS shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of screening the turbines from off-site views. To the greatest extent possible, WECS shall be sited such that mature vegetation and/or existing structures are located between the facility and public and private viewpoints.
4. Warnings.
  - A. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Collector substations.
  - B. For projects that are placed on land with public access; visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground.
  - C. Each application shall include an evaluation of Federal Aviation Administration (FAA) approved remote sensing beacons or Audio Visual Warning Systems (AVWS) that do not require continuous night-time wind farm aviation warning lighting.
5. Exterior Climb Prevention.
  - A. All WECS Towers must be unclimbable by design or protected by anti-climbing devices.

6. Minimum Commercial WECS Setbacks and Standards (Per W.S. §18-5-504):

- (ii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;
- (iii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;
- (iv) Would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet 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;
- (v) Would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;
- (vi) Would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town.

Commercial WECS Tower	Minimum Setbacks	Additional Comments, Waivers and similar
Primary Structure	5.5 times the WECS tower height	Unless waived in writing by the person owning the primary structure. A WECS tower shall not be located closer to a primary structure than one and one-tenth (1.10) times the WECS tower height.
Third Party Transmission and Distribution Lines	1.10 times the WECS tower height	Unless waived in writing by the entity owning the transmission or distribution lines.
Communication Towers	1.10 times the WECS tower height	
County Residential Zone District	one-half (0.5) mile	
County Roads and Railroads	one quarter (0.25) mile from the right-of-way (ROW)	Unless waived by the Board. Measured from the road or railroad Right-of-Way (ROW).

WECS Tower	Minimum Setbacks	Additional Comments, Waivers and similar
Scenic Byways and Backways	As recommended by the Commission	As adopted by the Board
State Parks and Wildlife Refuges	A minimum distance of one-quarter (0.25) mile	Unless waived by the Board upon a recommendation from the applicable State Agency.
Variances	The Applicant(s) does not need to obtain a setback variance from the County upon approval of a setback waiver by a property owner. A waiver of the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.	
Setbacks shall be measured from the center of the WECS tower foundation.		
To the extent consistent with the minimum standards provided in W.S. §18-5-504, setbacks may be modified at the discretion of the Board to minimize degradation of the visual, environmental or acoustic character of the area.		

7. Federal, State and Local Requirements.

A. Nothing in these Regulations is intended to preempt other applicable State and Federal laws or regulations. All WECS Project facilities shall be constructed to meet and be maintained in compliance with all Federal, State and County requirements, including all Wyoming Industrial Siting Council requirements, if applicable. If compliance issues arise at any time during the review, development or operational phases, the Applicant(s) or Owner(s), at the discretion of the County may be requested to provide additional studies or reports prepared by qualified professionals addressing the issues and mitigation measures that may be needed to maintain compliance.

8. Use of Public Roads.

Any Applicant(s), Owner(s), or Operator(s) proposing to use any public road(s), for the purpose of transporting WECS(s) or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:

A. Submit a report demonstrating how legal access will be provided to the WECS facility. The report shall describe how private roadways within the project will be marked as private roadways, and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.

B. Identify all public roads within Wyoming and submit conceptual mapping of all proposed haul routes with the WECS Conditional Use permit application. The report shall also include a traffic study, prepared by a Licensed Engineer, of any public roadways leading to and away from the proposed project during and after construction. The Board may require the Applicant(s) enter into a Road Use Agreement for the use of County roads prior to construction of the project. The road use agreement shall be developed by the Applicant(s) for review by the County Road & Bridge Department, Planning & Development Department, and the County Attorney's Office.

C. Prior to issuance of a building permit, obtain new access, access modification or change of use of access permit; utility crossing permits from Wyoming Department of Transportation (WYDOT) or applicable agency for impacts to any Federal, State or County Highway/Road facilities.

D. The Applicant(s), at the discretion of the Board, may be required to provide additional studies and reports, prepared by qualified professional(s), to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long term road maintenance agreement will be required at the discretion of the Board.

E. Applicant(s), Owner(s), or Operator(s) must obtain any applicable weight or size permit(s) relating to transportation of WECS from the appropriate agency.

F. The Applicant(s), Owner(s), or Operator(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WECS Project.

G. Secure Financial Assurance in a reasonable amount at the discretion of the Board, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS Project. The amount of financial assurance shall be submitted as an estimate signed and sealed by a Licensed Engineer and submitted as part of the road use agreement. If the Owner(s) of the WECS project is



a person regulated by the Wyoming Public Service Commission, the requirements of the subparagraph shall not apply.

- H. The use of public roads and other infrastructure shall be in accordance with and in compliance with County regulations governing such activities. Any degradation to, or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of WECS Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use. If Carbon County has entered into any Memorandum of Understanding with any other counties in the proposed WECS Project(s), including counties in other states, as applicable, the Owner(s) shall furnish proof of compliance with the requirements of any such county.

9. Operations and Maintenance.

- A. Routine scheduled maintenance shall include the repainting of equipment and structures, grounds or landscaping as appropriate to the location. If the Owner(s) of the WECS project is a person regulated by the Wyoming Public Service Commission, the requirements of the subparagraph shall not apply.
- B. All solid wastes and hazardous materials related to the construction, operation and maintenance of a WECS Project shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations.
- C. On April 1st of every even numbered year after the third anniversary of the permit, the Owner(s) or Operator(s) of the WECS shall submit to the County Planning and Development Department a statement that lists all WECSs currently inoperative for longer than six continuous (6) months. All WECSs that remain inoperative for eighteen (18) continuous months or longer must be decommissioned and reclaimed unless the Owner(s) provides a written plan and schedule acceptable to the Board for re-tooling and/or reactivating the inoperative WECS. If the Owner(s) of the WECS project is a person regulated by the Wyoming Public Service Commission, the requirements of the second sentence of this subparagraph shall not apply.
- D. The Owner(s) or Operator(s) of the WECS shall control and eradicate noxious and invasive weed species within the WECS project area boundary. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the appropriate public entity having jurisdiction.
- E. Interference.
  - 1. The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.
  - 2. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communication venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint

and take reasonable measures as necessary to alleviate or mitigate the interference.

3. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are visible within one (1) mile of an existing residence and still meet applicable FAA requirements. Examples of light mitigation include but are not limited to; downward directed lighting, use of shielded light fixtures, eliminating lighting that casts light onto adjacent property.
10. Coordination with Emergency Services.
  - A. The Applicant(s), Owner(s) or Operator(s) shall submit a written emergency management plan for review and comment to the County and local fire department, County Emergency Management Coordinator and the County Sheriff. If the WECS Project extends into another county, the emergency plan shall address multi-county coordination of emergency notices and use of emergency services and the plan shall be commented upon by officials of the other affected county or counties. If the conditional use permit is granted, the plan shall be supplemented and revised following construction of the WECS project and prior to its operation, if there are any variations in the project construction which would materially impact the original emergency management plan.
11. WECS Project Mapping.
  - A. To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Owner(s) or Operator(s) shall provide the Department with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. This Map shall be updated by the Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction, whichever occurs first.
12. Reclamation and Decommissioning Plan.

For WECS Projects not owned or operated by a Public Utility subject to decommissioning and reclamation requirements of the Public Service Commission per W.S. §35-12-105:

  - A. The Applicant(s) shall provide a site and facility reclamation and decommissioning plan which indicates the planned life of the WECS Project 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 owner of land within the WECS Project and its site who is not the Applicant(s) has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the Wyoming Industrial Siting Council under W.S. §35-12-105(d) and (e) regardless of whether the facility is referred to the Wyoming Industrial Siting Council pursuant to W.S. §18-5-509 or is otherwise subject to the Industrial Siting Act. If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete.
13. Public Notice and Approval Process.
  - A. Upon receipt of an application, the Department shall conduct a review of the application to determine if it contains all the information required by W.S. §18-5-503 and this Section and any other applicable rules and regulations. If the Department determines that the application is incomplete, it shall within thirty (30) days of

receipt of the application notify the Applicant(s) of the specific deficiencies in the application. The Applicant(s) shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information. When the Department determines that the application is acceptable for further processing, it shall notify the Applicant(s) that the Board will conduct a review of the application and shall provide notice of the date and time at which the hearing required by W.S. §18-5-506 and this section will be conducted.

- B. Notice Requirements. An affidavit by the Applicant(s) shall be submitted which certifies that the Applicant(s) has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed WECS Project and to all cities and towns located within twenty (20) miles of the WECS Project. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress. The affidavit shall attest that notice was mailed to those owners of record on file at the Carbon County Assessor's Office.
- C. Notice of the proposed WECS Project shall be published in a newspaper of general circulation in Carbon County twenty (20) or more days prior to the public hearing required by W.S. §18-5-506. The notice shall include a brief summary of the WECS Project, invite the public to submit comments and identify the time and date of the hearing. The Applicant(s) shall provide an affidavit of publication prior to the Board hearing. In addition, the County may prepare a notice to be published in a newspaper of general circulation in the County that should include a brief summary of the WECS Project, invite the public to submit comments and identify the time and date of the hearing. The application shall not be subject to additional County notice requirements for a Conditional Use Permit application.
- D. The Owner(s) or Applicant(s) shall certify that notice has been provided to the record owners of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice may include notice by publication. The certification of notice shall be provided with the application. To the extent that the notice requirements in the paragraph do not comply with rules adopted by the Industrial Siting Council as provided by W.S. §18-5-504(c), the standards and requirements adopted by the Industrial Siting Council shall control and shall be complied with by the Applicant(s).
- E. Commission's Review and Recommendation. Commercial WECS Conditional Use Permit applications shall be referred to the Commission. The Commission will review and consider the application at a meeting of the Commission and certify their recommendation to the Board.
- F. The Board shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted by the Board for not less than forty-five (45) days after determining that the application is complete.

14. Decision of the Board; findings necessary.

- A. Within forty-five (45) days from the date of completion of the hearing required by W.S. §18-5-506, the Board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the Applicant(s) has met the applicable standards. The decision shall be subject to the remedies provided in W.S. §18-5-508. The Board shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted and the standards required by this article.
- B. No permit shall be granted if the application is incomplete or if all notices required by this regulation and W.S. §18-5-503 have not been timely given.
- C. A copy of the decision shall be served upon the Applicant(s).

15. Conditional Use Permit Violation.

A failure by the person who is issued a conditional use permit to materially comply with any of the provisions of the permit shall constitute a violation of the permit and this section.

- A. Prior to taking steps to enforce the permit requirements and applicable regulations as provided by law, the County shall first provide written notice to the permit holder setting forth the alleged violation(s). Such written notice shall provide the permit holder a reasonable time period, not to exceed sixty (60) days, to cure the violation or for good faith negotiations to resolve the alleged violation(s).
- B. If the County determines, based upon all the facts pertinent to the circumstances involving the violation, including any history of prior violations, that the parties cannot resolve the alleged violation(s) within the good faith negotiation period, or in the event that it determines that exigent circumstances exist, such as an emergency, or the need to prevent imminent harm due to the violation, that, in the best interests of, and for the protection of the public, the provisions of subparagraph (a) above should not apply, the County may proceed to enforce these regulations in any manner allowed by law in those circumstances.

16. Revocation or suspension of conditional use permit.

- A. A conditional use permit may be revoked or suspended for:
  - 1. Any material false statement in the application or in accompanying statements or studies required of the Applicant(s), if a true statement would have warranted the refusal to grant a conditional use permit;
  - 2. Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure;
  - 3. Violation of Article 5, Wind Energy Facilities at W.S. §18-5-501 et. seq., this section or valid orders of the Board or the Industrial Siting Council;
  - 4. Failure of the proposed wind energy facility to receive a required permit from the Industrial Siting Council pursuant to the Industrial Development Information and Siting Act, W.S. §35-12-101 through §35-12-119; or

5. Failure of the permitted wind energy facility to:
  - a. Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
  - b. Maintain land rights necessary to operate the wind energy facility.
17. Penalties for violations.
  - A. No person shall:
    1. Commence to construct a wind energy facility on or after July 1, 2010 without first obtaining a permit required by Article 5, Wind Energy Facilities at W.S. §18-5-501 et. seq. and this section;
    2. Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a wind energy facility, after having first obtained a conditional use permit, other than in specific compliance with the permit; or
    3. Cause any of the acts specified in this subsection to occur.
  - B. Any person violating subsection (a) of this section is liable for a civil penalty of not more than ten thousand dollars (\$10,000.00) for each violation. Each day of a continuing violation constitutes a separate offense.
  - C. Any wind turbine tower or wind generator erected in violation of this section or Article 5, Wind Energy Facilities at W.S. §18-5-501 et. seq. shall subject the Owner(s) of the tower or generator to a penalty of seven hundred fifty dollars (\$750.00) per day for every tower or generator so erected.
  - D. Any penalties collected pursuant to this section shall be paid and credited as provided by W.S. §8-1-109.
18. Referral.

The Board may refer a WECS Project to the Industrial Siting Council as provided by W.S. §18-5-509.

**Section 6.3 COMMERCIAL SCALE SOLAR ENERGY FACILITIES**

**A. General Requirements-Solar Energy Facilities.**

To obtain siting approval, the Applicant(s) must first submit a Commercial Scale Solar Project Conditional Use Permit application to the Planning and Development Department. Applicants for this type of permit must schedule a pre-application meeting with the Planning and Development Director or his/her designee.

**B. Application Requirements.**

1. In addition to the application requirements for a Conditional Use Permit, the application shall provide the following information adequate for the Commission and the Board to evaluate the Commercial Scale Solar Energy Project in accordance with the review criteria for a Conditional Use Permit and the standards identified herein.
2. A Conditional Use Permit application for a Commercial Scale Solar Energy Project shall contain, or be accompanied by, the following information:
  - a. Public Utility Information. Documentation that the proposed Commercial Scale Solar Energy Facility will be owned or operated by a Public Utility and subject to the requirements of the Public Service Commission or the Commercial Scale Solar Energy Facility will not be subject to the requirements of the Public Service Commission.
  - b. A description of the location and extent of the proposed Commercial Scale Solar Energy System and a statement of why the proposed location was selected.
  - c. Provide a summary of the proposed system including its total nameplate generating capacity, types of solar modules, number of solar arrays, and maximum system height.
  - d. Estimated time of commencement of construction and construction timeframe, including the schedule for phasing and estimated project life.
  - e. Estimated construction cost of the facility.
  - f. Anticipated markets for the electricity produced and status of any power purchase agreements.
  - g. Provide a list of all Local, State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the enforcement of the conditional use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the Board.
  - h. The County may require an evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility.
  - i. The applicant shall provide a Solar Glare Hazard Analysis utilizing software for Photovoltaic (PV) systems that provide an assessment of when and where glare will occur throughout the year.

1. If solar glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, anti-reflective coatings, screening, distance, and angling of Solar PV modules in a manner that reduces glare to surrounding land uses of non-participating property owners.
- j. The applicant shall provide a Traffic Study and Transportation Plan.
  1. The Traffic Study and Transportation Plan should include a description and map of what roads the project will utilize during the construction and the operation and maintenance phase, along with their existing surfacing and condition. Specify any new road(s) and proposed upgrade or improvements needed to the existing road system to serve the project.
  2. Use of County Roads.
    - a. Any Applicant(s), Owner(s), or Operator(s) proposing to use any County Roads, for the purpose of transporting Commercial Scale Solar Energy Components or Substation parts and/or equipment for construction, operation, or maintenance of the Project or Substation(s) may be required to prepare and submit for approval a Road Use Agreement in accordance with the provisions contained in the applicable sections for Commercial Scale Wind Energy Facilities.
- k. Any other information normally required by the County as part of its Zoning Rules and Regulations.
- C. The Commission may recommend and the Board may require that the applicant implement the recommendations or requirements submitted by other Local, State and Federal governments, departments and agencies.
- D. The Applicant shall notify the Department in writing of any material changes to the information provided that occurs while review of the Solar Energy Project, Conditional Use Permit application is pending.
- E. Location and Design Standards for Commercial Scale Solar Energy Projects.
  1. The Commission may recommend and the Board may require specific location and design standards or restrictions that will mitigate or restrict the following types of potential impacts or change resulting from the location and construction of a Commercial Scale Solar Energy Project.
  2. Scenic Landscapes and Vistas.

Commercial Scale Solar Energy Projects should be located such that they do not interfere with any designated Federal, State or County scenic resources, byways or scenic corridors to the greatest extent possible. Solar Projects should be located as far as possible away from important views in order to diminish the visual impact of the project.
  3. Visibility, Screening and Buffering.

Commercial Scale Solar Energy Projects should be located to make maximum use of existing terrain, vegetation and structures to screen the Project from off-site views. To the greatest extent possible, Commercial Scale Solar Projects should be sited such that non-shading vegetation and/or existing structures are located between the facility and

public and private viewpoints. Landscaping and/or screening may be required to help screen the Commercial Scale Solar Energy Facilities.

4. Commercial Scale Solar Energy Projects shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. As applicable, acknowledgement of location approval from the Federal Aviation Administration may be required prior to construction.
5. No Commercial Scale Solar Energy Facilities shall be placed such that concentrated solar glare casts onto adjacent properties or roadways.
6. Commercial Scale Solar Energy Facilities shall comply with the current edition of the National Electrical Code, applicable International Code Council (ICC) codes. In addition, all solar energy system components shall comply with the standards of the Wyoming Department of Fire Prevention and Electrical Safety.
7. Commercial Scale Solar Energy Facilities shall be enclosed by perimeter fencing at least 8 feet tall to restrict unauthorized access. No outdoor storage of any materials or equipment is permitted unless reviewed and permitted by the Board.
8. On-site power lines shall be placed underground unless granted a waiver as part of the Conditional Use Permit (CUP) review and approval by the Board.
9. Commercial Scale Solar Energy Facility shall not exceed thirty-five feet (35') in height unless granted a height waiver as part of the CUP review and approval by the Board.
10. Setbacks and Signs.
  - a. Structures shall be setback from the project boundary lines and public rights-of-way at least forty feet (40'). Additional setbacks may be required to mitigate site specific issues or to provide for access, road or commercial corridors.
  - b. There shall be no signage allowed on the Commercial Scale Solar Energy Project with the exception of safety and emergency contact signs, warning signs, directional or project identification signs.

F. Site Management Standards.

1. Drainage from Commercial Scale Solar Energy Facilities shall not adversely affect upstream and downstream properties.
2. Dust control within all phases of the Commercial Scale Solar Energy Project is mandatory by means acceptable to Carbon County and Wyoming Department Environmental Quality (WDEQ) Air Quality Division.
3. Damage to existing vegetation shall be minimized.
  - a. Disturbed areas shall be reseeded in accordance with the reclamation recommendations of the Local Conservation District.
  - b. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the Local Conservation District.
4. Lighting of the Commercial Scale Solar Energy Project and accessory structures shall be limited to the minimum necessary and full cutoff lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.



G. Reclamation and Decommissioning Plan.

For Commercial Scale Solar Energy Projects not owned or operated by a Public Utility subject to decommissioning and reclamation requirements of the Public Service Commission per W.S. §35-12-105:

1. The Applicant(s) shall provide a site and facility reclamation and decommissioning plan which indicates the planned life of the Commercial Scale Solar Energy Project 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 owner of land within the Commercial Scale Solar Energy Facility and its site who is not the Applicant(s) has been consulted in development of the reclamation and decommissioning plan. If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete.
2. Unless exempt by the Public Service Commission, proof of financial capability for complete decommissioning and site reclamation shall be provided in accordance with the Financial Assurance requirements of these regulations.

H. Public Notice and Hearing Requirements.

1. Public Notice and hearing procedures will be in accordance with the Public Notice and Hearing Requirements for Conditional Use Permits, with the addition of the following:
  - a. Notice Requirements. The Applicant(s) shall submit an affidavit which certifies that the Applicant(s) has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Commercial Scale Solar Energy Facility and to all cities and towns located within ten (10) miles of the Commercial Scale Solar Energy Facility. The notice shall include a summary of the proposed Commercial Scale Solar Energy Facility, including routes of ingress and egress, invite submittal of comments and identify the time and dates of the Commission and Board hearing. The affidavit shall attest that notice was mailed to those owners of record on file at the Carbon County Assessor's Office.
  - b. Notice of the proposed Commercial Scale Solar Energy Facility shall be published in a newspaper of general circulation in Carbon County twenty (20) or more days prior to the Commission hearing. The notice shall include a brief summary of the Commercial Scale Solar Energy Facility, invite the public to submit comments and identify the time and date of the Commission and Board hearings. The Applicant(s) shall provide an affidavit of publication prior to the Commission hearing.
  - c. The Owner(s) or Applicant(s) shall certify that notice has been provided to the record owners of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice may include notice by publication. The certification of notice shall be provided with the application.

## **CHAPTER 7 ADMINISTRATION AND ENFORCEMENT**

### **Section 7.1 INTERPRETATION**

The provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety morals, comfort, convenience, and general welfare.

### **Section 7.2 ADMINISTRATION AND ENFORCEMENT**

#### **A. Enforcement Responsibility.**

1. It shall be the responsibility to the Zoning Officer to administer and enforce the provision of the Carbon County Zoning Resolution.
2. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building or use any land within the unincorporated area of Carbon County without first obtaining a Building Permit from the Department, and no such Building Permit shall be issued unless the plans for the proposed building, structure, or use fully comply with this Zoning Resolution. The Department, shall act upon any application submitted; shall grant a Building Permit in all cases where the proposed construction or use complies with the requirements of the Zoning Resolution; and if it denies the application, shall specify the reasons for such denial.
3. The Zoning Officer (or his/her designee) shall have the authority and responsibility to enter upon any public or private premises and make inspection thereof at any reasonable time, and for any proper purpose in enforcing this Resolution. Further, upon reasonable cause or questions to proper compliance, to revoke any Building Permit and issue cease and desist orders requiring the cessation of any building, construction, moving, alteration or use which is in violation of the provisions of this Resolution.

**Section 7.3 PUBLIC NOTICE AND HEARING REQUIREMENTS**

Public hearings shall be conducted at regular meetings of the Carbon Board of County Commissioners (Board) or Carbon County Planning and Zoning Commission (Commission) or at a special meeting called for that purpose.

Type of Notice	Zone Change or ZRA-Text Amendment	Conditional Use Permit	Variance	Appeal	CUP Commercial Scale Energy Facilities
<u>U.S. Mail:</u> to applicant and adjacent land owners at least 14 days before the <b>Commission</b> hearing. (1)(2)(4)	X	X	X		See Public Notice and Hearing Requirements Commercial Scale Energy Facilities (Chapter 6)
<u>Publication:</u> in a newspaper of general circulation at least 30 days before the <b>Commission</b> hearing. (1)	X	X	X		
<u>Publication:</u> in a newspaper of general circulation at least 14 days before the <b>Board</b> hearing. (1)	X	X		X Variance Appeal	
<u>Posted Notice:</u> A Sign must be posted on the property by the applicant at least 14 days before the <b>Commission</b> hearing. (3)	X	X	X		
<u>Public Hearings:</u> The Department shall be responsible for scheduling public hearings; publishing notices and mailing notices. The cost of all notices and recording fees shall be paid by the applicant.					
<u>Continuances &amp; Tabling:</u> Public hearings continued to a specific date need not be re-noticed. Hearings tabled indefinitely shall be re-noticed in accordance with the notice requirements of this section.					
<div>1. Publication and mailed notice must include a summary of the request, general location of property or address, an abbreviated legal description and the date, time and place of the hearing and how additional information can be obtained.</div> <div>2. Adjacent land owners as shown in the property ownership records of the County Assessor having a common property line or separated only by an alley, easement or public or private road.</div> <div>3. Sign will be provided by Department and must include a summary of the request, the date, time and place of the hearing and a telephone number to contact for more information.</div> <div>4. Failure to notify adjacent landowners due to clerical oversight or failure of mail delivery shall not affect the validity of the hearing or the reviewing authority's decision.</div>					

**Section 7.4 BUILDING PERMITS – SITE PLAN APPROVAL**

Any Permitted Use unless, otherwise excepted herein, shall require Site Plan Approval. Said site plan shall be submitted in adequate detail to determine compliance with this Zoning Resolution. Upon determination of compliance with this Zoning Resolution, the site plan approval process will result in the issuance of a building permit and/or a zoning certificate.

- A. It is intended that the Building Permit process will enable the Zoning Officer to check compliance of all proposed construction with applicable regulations prior to actual start of construction. Building Permit application fees are required to offset the costs of administration and site inspections and shall be in accordance with the fee schedule adopted by the Board.
- B. All construction that either places new buildings or structures on the land, or adds to the floor area of existing buildings either vertically or horizontally; or that alters the physical appearance of the site by placement of structures or physical improvements such as porches or decks shall require the submittal of an application and approval of a Building Permit.
- C. New signs, relocation of a sign or the enlargement of a sign requires the submittal of an application and approval of a Sign Permit.
- D. The following construction ***shall not require*** a Building Permit:
  - 1. One-story detached residential accessory structures that are used as tool and storage sheds, playhouses and similar uses and porches and decks provided the floor area does not exceed 120 square feet and the structure is located to conform to setbacks requirements.
  - 2. Fences less than eight (8) feet tall and agricultural fencing, including livestock windbreak fences taller than eight (8) feet. All fences in Commercial and Industrial zones shall require a building permit.
  - 3. Repair, enhancement, or replacement of dams, ditches, canals, water wells.
  - 4. Propane and fuel tanks used for non-commercial (no further sales) for residential or agricultural use.
  - 5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons. All agriculture related water tanks do not require a building permit.
  - 6. Door, window and siding replacement.
  - 7. Internal renovations that do not change the use of a building or add to the floor area.
  - 8. Roof repair and replacement that does not add to the roof area.
  - 9. Pavement, sidewalks and driveways. Driveways with access onto public right-of-ways may require County or State permit(s).
  - 10. Swings and similar playground structures or equipment.
  - 11. Livestock Scales and the associated scale house structure, up to 200 square feet.
  - 12. Snow fences that are located along public right-of-ways and approved by Wyoming Department of Transportation (WDOT), the Local Conservation District, or the Carbon County Road & Bridge Department.

E. Building Permit Procedure shall be in accordance with the following provisions.

All applications for Building Permits shall include the following:

1. Proof of ownership. The application shall be signed by the record owner or the applicant may submit the owner's authorization in the form of an affidavit signed by the record owner, power of attorney or similar legal authorization.
2. A legal description of the property.
3. Site Plan Requirements:
  - a. Show the dimensions of the lot or parcel to be built upon.
  - b. The dimensions and location of easements, utility service, wells and sewage disposal/septic systems.
  - c. The dimensions and location of any existing buildings or structures on the lot.
  - d. The dimensions and location of proposed building, building addition or structure, and
  - e. Any other such other information as may be necessary.
4. Submit proof of valid, legal and useable access to the property from a public highway, road or street. The width of said access must be in accordance with any applicable County standards or State Statutes for access. When crossing public lands, the access shall be approved and constructed in accordance with the appropriate public land management agency authorization.
5. Drainage.

No building shall be erected, structurally altered, or relocated on any land, which is in a Special Flood Hazard Area (SFHA) without receiving a building permit and a Floodplain Development Permit. See Appendix B-Flood Damage Prevention Resolution.
6. Sanitation.

Building permits issued for the erection, alteration, or relocation of a building for human use or occupancy shall require the structure to be served by a sewage disposal method, which meets the standards and the requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations.
7. Water Supply.

Building permits issued for the erection, alteration, or relocation of a building for human occupancy shall require the structure to be served by a water supply method which meets the standards and requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations, or a private well permitted by the Wyoming State Engineer. Single family seasonal and recreational dwellings (cabins) that are not used for rental units or commercial use, may utilize a cistern, tank or hauled water for domestic use.
8. The Zoning Officer shall act promptly upon any permit application filed and shall grant permits where the proposed construction or use complies with the requirements of this Resolution. If the Zoning Officer denies an application, the reasons for such denial shall be specified in writing and the applicant notified of his right of appeal to the Commission.

F. Validity and Transferability.

1. A building permit shall be valid for a period of one (1) year from the date of issuance and all construction authorized by the permit must be completed within the one year period. The Zoning Officer may extend the time that a building permit is valid for a period not to exceed an additional one (1) year period upon application by the person to whom the building permit was issued and for good cause.
2. A building permit may not be transferred.

**Section 7.5 CONDITIONS OF OCCUPANCY**

Occupancy shall be conditional to all requirements of this Resolution and the building permit. Failure to comply, represents a violation of this Resolution and shall be subject to the penalties, fines and damages as described herein.

If the Zoning Officer finds that any work is not in accordance with the information supplied on the permit application or is in violation of this Resolution or any other applicable regulations, or should the Zoning Officer find that there has been any misrepresentation in connection with the application for the permit, the Zoning Officer shall notify the holder of the permit of such findings and that the violation must be corrected. The holder of the permit shall have fourteen (14) calendar days to correct the violation and shall notify the Zoning Officer to request an inspection. If the violation is not corrected, the Zoning Officer shall revoke the permit and shall serve written notice of the right of appeal. No permit holder, their representatives, agents or employees shall proceed with any work authorized by the building permit after such notice is received unless and until the violation is corrected.

**Section 7.6 ZONING RESOLUTION AMENDMENTS AND ZONE DISTRICT\MAP AMENDMENTS**

A. General Procedure.

Zoning Resolution Amendments and zone changes\map amendments shall be done in accordance with Wyoming law and shall follow the Public Notice and Hearing Requirements contained within this Zoning Resolution.

1. The Commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the Carbon County, and certify the plan to the Board.
2. Subject to the procedures specified in this section, zoning resolution amendments and zone changes may be initiated in any of the following ways:
  - a. By the Commission upon its own motion.
  - b. By the Board upon its own motion.
  - c. By petition of:
    1. record owner(s); or
    2. a majority of the owner(s) of record; or
    3. the contract purchaser(s) of the property with the consent of the record owner(s), owning a majority of the property to be rezoned.
3. The Commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the Board. After the public hearing has been held, the Board shall vote upon the adoption of the Commission's recommendation. No Commission's recommendation shall be adopted unless a majority of the Board votes in favor thereof.

B. Effect of Denial of Application for a Zone Change.

If an application for a zone change is denied, an application for the same zone change affecting the same property or use shall not be eligible for reconsideration for one (1) year after such denial.

C. Specific Procedure for Zone Changes.

A zone change\map amendment is a Resolution adopted by the Board which changes the zone district classification of a particular parcel of land on the official Carbon County Zoning Map. When acting on zone changes, the Commission and Board shall require that the applicant provide evidence that the proposed zone change:

1. Is generally consistent with the Carbon County Comprehensive Land Use Plan, as amended; and,
2. Ingress and egress should be provided to each parcel by a binding and recordable easements of not less than forty (40) feet in width to a public road unless specifically waived by the Board or when crossing public lands, the access shall be approved in accordance with the appropriate public land management agency authorization; and,
3. Will meet at least one of the following criteria:
  - a. Is necessary to come into compliance with the Zoning Resolution;
  - b. The existing zoning of the land was the result of a clerical error;
  - c. The existing zoning of the land was based on a mistake of fact;
  - d. The existing zoning of the land failed to take into account the constraints on the affected property due to natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
  - e. The affected property or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or
  - f. The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Zoning Resolution.

Specifically, in regards to the Subdivision Regulations of Carbon County of 1980, as amended, creation of an improper subdivision is cause to deny a zone change.

D. Zone Change Application – Required Contents.

An application for a zone change must be submitted on an application form provided by the Department and include the following:

1. A site plan and vicinity map.
2. Statement of purpose and need.
3. Applicant response to all review criteria.
4. The names and mailing addresses of all adjacent property owners.

5. As well as any other information determined to be necessary to make a comprehensive evaluation by the staff, Commission and Board.
6. No application will be scheduled until it is accepted as complete by the Zoning Officer.
7. Application fee based on a fee schedule approved by the Board.

E. Commission – Review and Recommendation.

The Commission shall conduct a public hearing on the application and may consider the application, the relevant support materials, the staff report, written communications received and the public testimony given at the hearing.

After the close of its hearing, the Commission shall recommend to the Board:

1. Approval of the application as submitted;
2. Approval of the application subject to such modifications as it deems necessary;
3. Denial of the application;
4. Table the application to a specific date not to exceed sixty (60) days.
5. With the express consent of the applicant, the Commission may table the application indefinitely or it may dismiss the application.

F. Board – Review.

The Board, before adopting the recommendations of the Commission, shall hold a public hearing. The Board shall conduct a public hearing as provided by law on the application and may consider the application, the relevant support materials, the staff report, written communications received and the public testimony given at the hearing.

After closing the public hearing on the application, the Board shall:

1. Approve the rezoning of the application as recommended by the Commission;
2. Approve the application as submitted, if different than as approved by the Commission;
3. Deny the application;
4. Remand the application back to the Commission for reconsideration; or
5. Table the application to a specific date not to exceed sixty (60) days.
6. With the express consent of the applicant, the Board may table the application indefinitely or dismiss the application.

G. Either the Commission or the Board may require the applicant to furnish additional information so that the Commission or Board or both can make a more informed decision. The information requested may include, but not be limited to, geotechnical reports, percolation tests, water analyses, and traffic studies. Such information is to be provided at the sole expense of the applicant.



**Section 7.7 CONDITIONAL USE PERMITS (CUP)**

Conditional Uses are those uses that are not necessarily compatible with the other permitted uses allowed in a zone district but which may be compatible with existing and permitted uses allowed in the zone district based upon individual review of their location, design, configuration, density and intensity of use. The review of Conditional Use applications allows for the imposition of appropriate conditions to ensure compatibility of the proposed use with surrounding land uses.

Conditional Uses shall be permitted in Districts where designated, only after review by the Commission and approval by the Board.

A. Pre-Application Meeting.

Prior to submittal of any application for a Conditional Use Permit, all applicants will schedule a pre-application meeting with the Zoning Officer or his/her designee. The purpose of the pre-application meeting is to: 1) help facilitate a complete application; 2) result in timely processing, as well as affording an opportunity to determine if a conditional use permit is appropriate; and to discuss any other issues relevant to an application.

B. Conditional Use Permit Application Procedure.

1. An application for a Conditional Use Permit must be submitted on an application form provided by the Planning & Development office, signed by the record owner and applicant, **if different** from the owner.
2. The application packet must include:
  - a. A site plan and vicinity map.
  - b. Survey or engineering drawings prepared by a Wyoming licensed engineer or surveyor, if applicable.
  - c. Statement of purpose and need.
  - d. Project description and projected timeline.
  - e. Applicant's response to all review criteria.
  - f. The names and mailing addresses of all adjacent property owners.
  - g. As well as any other information determined to be necessary to make a comprehensive evaluation by the staff, Commission and Board.
  - h. No application will be scheduled for a public hearing until it is accepted as complete by the Zoning Officer or the Commission.
  - i. Application fee based on a fee schedule approved by the Board.
3. The Commission shall hold a public hearing and certify its recommendations to the Board.
4. Public Notice and Hearing Requirements.
5. The Commission shall consider the Conditional Use Application during their regular meeting. A recommendation must be made by the Commission to the Board within ninety (90) days from date of receipt of the completed application, unless otherwise agreed by the applicant.

C. Consideration by Commission and Board – Review Criteria.

The Commission shall make the following determinations prior to certifying their recommendation to the Board. The basic criterion to be used in reviewing applications for a Conditional Use Permit shall be whether granting the permit for development either by itself or in combination with other developments will subvert the stated purposes of the established District. Conditional Uses are subject to the following requirements to ensure the best interests of the health, safety and welfare of Carbon County citizens.

1. The Conditional Use shall be generally consistent with the Goals, Strategies and Actions of the Comprehensive Land Use Plan, including the Future Land Use Map.
2. The proposed conditional use should serve a public need.
3. The proposed conditional use should be appropriate for the proposed location and will not be detrimental to the surrounding area or to established uses.
4. The proposed conditional use should be adequately served by facilities and services including legal and physical access and circulation, water and wastewater facilities, solid waste, law enforcement, fire protection and emergency medical services.
5. That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.
6. That the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed conditional use.

D. The Commission may recommend to the Board:

1. Approval of the application as submitted;
2. Approval of the application subject to such conditions or modifications as it deems necessary; or
3. Denial of the application.
4. With the express consent of the applicant, the Commission may table the application to a specific date to request more information.
5. With the express consent of the applicant, the Commission may table the application indefinitely or dismiss the application.

E. The recommendation of the Commission shall be considered by the Board at a regular meeting of the Board after the Commission's recommended action and after the required advertisement of the public hearing. The Board shall consider public input and comments and the Review Criteria listed above and make findings prior to taking action on the Conditional Use Permit application.

F. After closing the public hearing on the application, the Board shall:

1. Approve the application as recommended by the Commission;
2. Approve the application subject to such conditions or modifications as it deems necessary; or
3. Deny the application.
4. Table the application to a specific date not to exceed sixty (60) days.

5. With the express consent of the applicant,
  - a. the Board may refer the application back to the Commission for reconsideration;
  - b. table the application indefinitely;
  - c. dismiss the application.

G. Recordkeeping of Documents.

Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained as described in this Chapter. A copy of the decision rendered and conditions applied shall be transmitted to the applicant and the record owner, if different than the applicant.

H. Expiration of Conditional Use Permits.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

I. Extension of Conditional Use Permits.

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.
2. No permit shall expire during the time the decision on the extension is being considered.

J. Transfer of Conditional Use Permits.

No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following.

1. The Board may authorize transfers of permits to a different person if:
  - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
  - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
  - c. The permit transfer administrative fee has been paid.
  - d. Board approval shall not be unreasonably withheld upon good cause shown.

K. Amendments to Conditional Use Permits.

A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit application.

**Section 7.8 VARIANCE AND APPEALS**

**A. Purposes and Limitations.**

In order to prevent or lessen practical difficulties of unnecessary hardships resulting from the strict or literal interpretation of certain provisions of this Resolution, the Commission is hereby authorized to grant variances. The authority to grant variances is intended to resolve non self-inflicted practical difficulties or physical hardships resulting from the size, shape or dimensions of a site, or from topographic or physical conditions on a site or in the immediate vicinity of a site. No variance shall be granted under this section to permit a structure or use that is not a principally permitted use (use by right) or a conditional use in the subject zone district.

**B. Filing Requirements.**

An application for variance shall be filed with the Zoning Officer and shall be accompanied by the required filing fee. The application shall be signed by the record owner and applicant (if not the owner) and shall include the following information:

1. The name and address of the owner or applicant.
2. A legal description and physical address or other information necessary to identify the site.
3. A scaled site plan showing all existing and proposed structures or improvements on the site, and showing all natural conditions relevant to the application. A site survey, prepared by a currently licensed surveyor licensed in the State of Wyoming, may be required.
4. A statement of the precise nature of the variance request, the development standard or standards to be varied, and a description of 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.
5. A list of adjacent\abutting land owners and their mailing addresses from the records on file at the Carbon County Assessor's Office.
6. Any additional information requested by the Zoning Officer.

**C. Application Review.**

The Zoning Officer shall review the application and site plan to determine if the application is complete. If the application is not complete, the Zoning Officer shall notify the applicant of the deficiencies. When a completed application has been accepted, the Zoning Officer shall schedule the application for review by the Commission.

**D. 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 non self-inflicted by the applicant; and

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; or
  - 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; or
  - c. Strict interpretation or enforcement of the development standard would deprive the applicant of privileges enjoyed by other property owners in the same district.

E. Commission Action.

The Commission shall review the application at a regular meeting. Within 45 days after its review, the Commission shall render a written decision to:

1. Grant the variance,
2. Grant the variance subject to conditions or modifications, or
3. Deny the variance. In making its decision, the Commission shall consider the standards set forth in this section.

F. Revocation.

A variance granted on condition may be revoked by the Commission for failure to comply with the condition(s).

G. Expiration.

A variance shall expire and become null and void one (1) year from the date on which the variance was granted unless construction or development is commenced prior to the expiration date and diligently pursued to completion. Upon written request, the Commission may extend its authorization for an additional one (1) year period for good cause shown.

H. Appeals.

The decision of the Commission may be appealed to the Board by any person aggrieved or affected by the decision of the Commission or their authorized representative. Such appeal shall be taken within ten (10) days from the date of the action appealed from by filing a Notice of Appeal with the Board and the Commission specifying the grounds thereof. The Zoning Officer shall provide a form for such appeal.

I. Stays.

An appeal from a decision by the Commission or its authorized representative shall stay all proceedings in furtherance of the action appealed from unless the Commission or its authorized representative shall certify to the Board after Notice of Appeal has been filed with both of them that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings may be granted by the Board or by a court of record on application or notice to the Commission or its authorized representative and on due cause show.

J. Hearing of Appeals.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days after said hearing. Upon the hearing, any party may appear in person or by agent or by attorney. The decision of the Board may be subject to further review and appeal in accordance with Wyoming law.

**Section 7.9 VIOLATIONS AND LIABILITY**

**A. Violations and Penalty.**

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use of land in violation of this Resolution or amendment thereto. The record owner who violates this Resolution may be punishable by a fine of not more than two hundred dollars (\$200.00) for each offense. Each calendar day during which the violation shall continue shall be deemed to be a separate offense.

**B. Legal Action.**

In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used, in violation of any provision of this Resolution, or any amendment thereof, the Board, the County Attorney in and for the County of Carbon, or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from judgments rendered in any action instituted to enforce this Resolution shall be permitted and shall be in accordance with the general appeals provisions of Wyoming Rules of Civil Procedure.

**C. Liability for Damages.**

This Resolution shall not be construed to hold Carbon County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a Building Permit or in the administration and enforcement of this Resolution.

**Section 7.10 RECORDS AND REPORTS**

A. The Board shall designate the County Clerk, another county employee or a member of the Commission to serve as secretary to the Commission. The secretary shall keep the record of Commission's actions in accordance with statute. The secretary or the Zoning Officer or his/her designee shall attend all meetings of the Commission.

B. The Zoning Officer shall prepare and present a written monthly activity report documenting all action and issues of permits and certificates to the Commission.

C. The Zoning Officer shall prepare written annual report of the calendar year activities to the Commission at its regular February meeting for the preceding calendar year. The Commission shall review and post on the County's website notice of said annual report, including descriptions of other Commission activities, by the end of the month of April following the report year.

## CHAPTER 8

### SEXUALLY ORIENTED BUSINESSES

#### **Section 8.1 PURPOSE**

It is the purpose of this section to regulate the location of sexually oriented businesses to promote the health, safety and general welfare of the citizens of Carbon County, and to establish reasonable and uniform regulations to prevent or limit the adverse secondary effects and deleterious location and concentration of sexually oriented businesses within Carbon County.

#### **Section 8.2 INTENT**

The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communication material, including sexually oriented materials. Similarly, it is not the intent or effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or Article 1 and Article 20 of the Wyoming Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent or effect of this resolution to condone or legitimize the distribution of obscene material as defined by Wyoming Statute §6-4-301(iii).

#### **Section 8.3 FINDINGS**

Based on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), and on studies and summaries of studies conducted in other communities, including but not limited to, Phoenix, Arizona; Brighton, Colorado; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Austin, Texas; Los Angeles, California; Garden Grove, California; Beaumont, Texas; New York, New York; Bradenton, Florida; Newport News, Virginia; Dallas, Texas; City of South Salt Lake, Utah; and St. Mary's, Georgia; and Compilation Studies completed by the Attorney General's Working Group on the Regulations of Sexually Oriented Businesses (June 6, 1989, State of Minnesota) and the American Center for Law and Justice, the Carbon County Board of County Commissioners (Board) find that,

- A. Carbon County has community standards regarding sexually oriented businesses, particularly when nudity occurs as a form of sexually oriented business;
- B. the regulation of adult entertainment establishments and sexually oriented businesses is necessary to minimize the secondary effects of sexually oriented businesses, including but not limited to, increased crime, decreased property valuations, the spread of infectious diseases and deterioration of neighborhoods; and
- C. the regulation of sexually oriented businesses will preserve, promote and protect the public health, safety and general welfare of the citizens of Carbon County.



### **Section 8.4 DEFINITIONS**

Terms involving sexually oriented businesses which are not defined in Chapter 3, Definitions, shall have the meanings set forth in this Section.

#### **ADULT ARCADE**

Any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

#### **ADULT BOOKSTORE OR ADULT VIDEO STORE**

A commercial establishment which devotes a significant or substantial portion (10 percent or more of gross floor area) of its stock in trade or interior floor space to or devotes a significant or substantial portion of its advertising expenditures (10 percent or more of gross advertising expenditures) to the promotion of the sale, rental or viewing, for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- B. Devices, instruments or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of this definition are otherwise met.

#### **ADULT CABARET**

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nudity; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

#### **ADULT MOTEL**

A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and
- B. Offers a sleeping room for rent for a period of time less than four hours; or

- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time less than four hours.

**ADULT MOTION PICTURE THEATER**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” are shown.

**ADULT NOVELTY STORE**

Any retail store which devotes a significant or substantial portion (10 percent or more of gross floor area) of its stock in trade or interior floor space to or devotes a significant or substantial portion of its advertising expenditures (10 percent or more of gross advertising expenditures) to the promotion of the sale of paraphernalia, devices or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual conduct or used in connection with specified sexual conduct.

**ADULT THEATER**

A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

**CONSIDERATION**

Any compensation, commission fee, salary, tip, gratuity, hire, profit, reward or any other form of compensation.

**ENTERTAINMENT**

Any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term Entertainment shall also mean bartenders, waiters, waitresses or other employees exposing specified anatomical areas or engaging in “specified sexual activities” in the presence of customers.

**ESCORT**

A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY**

A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**ESTABLISHMENT**

Includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- C. The additions of any sexually oriented business to any existing sexually oriented business; or

- D. The relocation of any sexually oriented business.

**GROSS FLOOR AREA**

Any area within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

**SEXUALLY ORIENTED MASSAGE PARLOR**

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, or any other treatment manipulation of the human body which occurs as part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation or service related thereto, exposes their "specified anatomical areas."

**MASSAGE**

Any manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping by hand or mechanical device.

**MEMBER OF THE PUBLIC**

Any customer, patron, club member or person, other than an employee as defined in this section, who is invited or admitted to a sexually oriented business.

**NONPOROUS MATERIAL**

Excludes wood, plywood, composition board or other porous material.

**NUDE MODEL STUDIO**

Any place where a person who appears semi-nude, in a state of nudity or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or partially by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partially by public taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
- B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- C. Where no more than one nude or semi-nude model is on the premises at any one time.

**NUDITY OR STATE OF NUDITY**

The showing of the complete human bare buttock, anus, male genitals, female genitals, pubic area, vulva, anal cleft, female breast (nipple); or a state of dress failing to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.

**OWNER**

When applied to a building or land, shall include any part owner, joint owner, tenant in common or joint tenant by entirety of the whole or part of such building or land.

**OUTCALL SERVICES**

Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers or other similar employees.

**PATRON**

Any person who contracts with or employs any outcall services or the customer of any business with a conditionally permitted use pursuant to this resolution.

**PREMISES**

The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to, the sexually oriented business, the grounds, private walkways and parking lots and/or parking garages adjacent thereto, under the ownership, control or supervision of the permittee as described in the application for a conditionally permitted use pursuant to Chapter 5 of the Carbon County Zoning Resolution.

**PUBLIC NUDITY**

The display of “specified anatomical areas” and/or “specified sexual activities” as defined herein. Specified sexual activities means:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, sodomy; or
- C. Fondling or other erotic touching of human genitals, pubic regions, complete buttocks or female breasts.

**PUBLIC PARK**

A park, public recreation area, playground, swimming pool, golf course or athletic field which is under the control, operation or management of the state, a state agency, the county or a municipality.

**RELIGIOUS INSTITUTION**

A building which is used primarily for religious worship and related religious activities.

**RESIDENTIAL**

Pertains to the use of land, whether situated within the city or not, for premises such as homes, town homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for no transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premise which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes.

**RENT OR SUB-RENT**

Act of permitting a room to be occupied for any form of consideration.

**SCHOOL**

A public or private educational facility, including but not limited to, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities.

**SEMI-NUDE, SEMI-NUDITY, OR IN A SEMI-NUDE CONDITION**

A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**SEMI-NUDE DANCING BARS**

Any business which offers its customers live entertainment involving semi-nudity or live entertainment which is distinguished by or characterized by an emphasis on the displaying of any portion of human buttocks, or the female breast with less than a fully opaque covering.

**SEXUAL CONDUCT**

Acts of:

- A. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- B. Any penetration of the vagina or anus, however slight, by an object; or
- C. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- D. Masturbation, manual or instrumental, of oneself or of one person by another; or
- E. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or by one person to another.

**SEXUAL ENCOUNTER CENTER**

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**SEXUALLY ORIENTED BUSINESS**

Any business activity, club or other establishment or place open to some or all members of the public within which the exhibition, showing, rental or sale of materials distinguished or characterized by an emphasis on material depicting, describing or exhibiting "specified anatomical areas" or relating to "specified sexual activities" is permitted. "Sexually oriented business" shall include, but is not limited to: an adult arcade, adult bookstore, adult cabaret/nightclub, adult novelty store, adult video store, adult model studio, adult motel, adult motion picture theater, adult peep show, adult theater, escort agency, massage parlor, nude model studio or sexual encounter center. Each sexually oriented business is a separate business regardless of ownership and must meet separation requirements.

**SEXUALLY ORIENTED BUSINESS EMPLOYEE**

A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent or otherwise and regardless of whether said person is paid a salary, wage or other compensation by the operator of said business. Employee excludes a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

**SPECIFIED ANATOMICAL AREAS**

Includes any of the following:

- A. The human male genitals in a discernible turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttocks, anus or female breast below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES**

Includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- C. Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

**VIDEO-VIEWING BOOTH OR ARCADE BOOTH**

Any booth, cubicle, stall or compartment that is designed, constructed or used to hold or separate patrons and is used for presenting motion pictures or viewing publications, books, magazines or periodicals by photographic, electronic, digital or any other means or media for observation by patrons therein.

**Section 8.5 LOCATION OF SEXUALLY ORIENTED BUSINESSES**

No sexually oriented business shall be operated or located in any zoning district other than the IL Zone "Light Industrial", C-2 Zone "Highway Commercial" and IH Zone "Heavy Industrial" as defined in the Carbon County Zoning Resolution. Sexually oriented businesses shall be subject to the following additional restrictions:

- A. Sexually oriented businesses shall be conditionally permitted uses subject to Carbon County Planning and Zoning Commission (Commission) review and Board approval pursuant to Chapter 5 of the Carbon County Zoning Resolution.
- B. No sexually oriented business shall be operated or located along a State designated Scenic Highway or Byway and/or Scenic Overlay Area as designated by the Carbon County Land Use Plan.
- C. No sexually oriented business shall be operated or located within one thousand (1,000) feet of:
  - 1. Another sexually oriented business;
  - 2. Any religious institution;
  - 3. Any school, public or private, or a state licensed daycare center;
  - 4. Any public park or recreation area, public playground or public swimming pool;
  - 5. Any cemetery;
  - 6. The boundary of any residential zone district;
  - 7. A boys' club, girls' club or similar existing youth organization;
  - 8. Any library; or
  - 9. A dwelling unit.

- D. No more than one sexually oriented business shall be operated or maintained in the same building, structure or portion thereof.
- E. For the purposes of subsection (c.) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest property line of the lot or parcel of the premises of a use listed in subsection (c.). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- F. For purposes of subsection (d.) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the property line of the lot or parcel in which each business is located. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- G. Sexually oriented businesses shall be located with direct access to a public (federal, state or county) road.

#### **Section 8.6 SIGNS**

All signs shall comply with the provisions of the Carbon County Zoning Resolution. Notwithstanding anything contrary contained in the Carbon County Zoning Resolution, the more restrictive requirements shall prevail.

- A. Sign Surface Area.

The sign surface areas of a business wall sign for an adult entertainment business shall not exceed two (2) square feet aggregate area for each one (1) foot horizontal length of façade, but not to exceed an aggregate area of thirty six (36) square feet on any one façade, whichever is the lesser.
- B. Sign Appearance and Content.
  - 1. Each letter forming a word on a sign shall be of solid color, and each letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
  - 2. Sign and sign structures may be illuminated provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or floodlights) or any flashing or animated lights (either interior to the sign, on the exterior of the sign or as a border to the sign). No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only;
  - 3. Signs and exterior decoration/design shall contain no photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities" or "specified anatomical areas."

C. Type of Signs.

1. Only flat signs shall be permitted.
2. Painted wall advertising shall not be allowed.

D. Number of Signs.

Not more than one (1) business wall sign shall be permitted for a sexually oriented business. In addition to the one (1) permitted business wall sign, a sexually oriented business shall be permitted not more than one (1) pole or ground sign structure. All other sign structures shall be prohibited.

E. Signs Protecting Minors.

To protect minors from exposure to obscene material, any business providing adult entertainment or material shall have in place at each entrance to such business a sign, no greater than one (1) square foot in size, stating, "Persons under 18 years of age shall not be admitted".

Other than the signs specifically allowed or required by this Section, no sexually oriented business shall attach, construct, or allow to be attached or constructed, any temporary sign, banner, light or other device designed to draw attention to a business location. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct or maintain any sign other than as provided herein and in the Carbon County Zoning Resolution.

**Section 8.7 OPERATION STANDARDS**

A. Public View.

1. All windows, doors and other apertures shall be architecturally screened or otherwise obscured to prevent the viewing of the interior of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
2. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decorations, sign, show window or other opening from any public view.
3. No advertisement displays or merchandise available for sale or rent that includes or depicts explicit "specified sexual activities" or "specified anatomical areas" shall be visible from any public right-of-way.
4. No exterior portion of a sexually oriented business shall have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner.

B. Hours of Operations.

No sexually oriented business, except for an adult motel, shall be open for business at any time between the hours of 2:00 a.m. and 6:00 a.m.

C. Restrooms.

Restrooms in any sexually oriented business shall not contain video viewing or reproduction equipment.



D. Illumination.

All sexually oriented businesses shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. This level of illumination shall be maintained at all times that any patron is present in the sexually oriented business.

E. Public Indecency.

No employee or owner of any sexually oriented business shall knowingly, or with reasonable cause to know, permit or allow a patron to commit in the sexually oriented business an act of "public indecency" as set forth in Wyoming Statute § 6-4-201.

F. Adult Video Viewing Booths.

All sexually oriented businesses which contain one or more adult video viewing booths shall comply with the following standards:

1. The sexually oriented business shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subsection must be by direct line of sight from the manager's or employee's station. If the premises has two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's or employee's station.
2. At least one employee shall be on duty at all times a patron is present inside the sexually oriented business.
3. All video viewing booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
4. No video viewing booth may be occupied by more than one person at any time.
5. No openings of any kind shall exist between video viewing booths.
6. The floor coverings in any video viewing booth must be nonporous, easily cleanable surfaces, with no rugs or carpeting.
7. All wall surfaces and seating surfaces in viewing rooms or any room or area providing patron privacy are constructed of, or permanently covered by, nonporous, easily cleanable material.
8. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, windows and other surfaces.

G. Loitering.

It shall be the duty of the operator of a sexually oriented business to:

1. Initiate and enforce a no loitering policy within the external boundaries of the real property upon which the sexually oriented business is located;
2. Post conspicuous signs stating that no loitering is permitted on such property;
3. Provide adequate lighting of the exterior of the premises to provide for visual inspection or video monitoring to prohibit loitering.

H. Public Nudity.

Public nudity is prohibited in any sexually oriented business operated in Carbon County.

I. Contact with the Public.

1. It shall be a misdemeanor for a person who knowingly or intentionally appears, entertains or performs in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least five feet from any patron or customer and on a stage elevated at least two feet from the floor.
2. No member of the public shall be permitted at any time to enter into any of the nonpublic portions of a sexually oriented business, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees and the kitchen and storage areas, except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.
3. It shall be a misdemeanor for a patron or customer to pay or give directly any gratuity to any employee, before, during or after an employee has performed or entertained. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer. It shall be a misdemeanor to operate a business knowing that the described violation occurs.
4. It shall be a misdemeanor for an employee, while semi-nude, to have physical contact with a customer or patron while on the premises. It shall be a misdemeanor for a customer to have physical contact with any employee while said employee is semi-nude in a sexually oriented business.

Subsection 1 of this section shall not apply to an employee of a sexually oriented business, who, while acting in the scope of their employment as a waiter, waitress, host, hostess or bartender comes within five feet of a patron.

J. Performances not prohibited.

This resolution shall not be construed to prohibit:

1. Plays, operas, musicals or other dramatic works that are not obscene;
2. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
3. Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the sexual conduct defined in § 6-4-301(v) of the Wyoming Statutes.

K. Determination of Obscenity.

Whether or not activity is obscene shall be judged by consideration of the following factors:

1. Whether the average person, applying contemporary community standards, would find the activity taken as a whole appeals to a prurient interest in sex; and
2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in Section §6-4-301(a)(v) of Wyoming Statutes.
3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

L. Adult Motels.

It may be inferred from evidence that a sleeping room in a hotel, motel or a similar commercial establishment that has been rented and vacated two (2) or more times in a period of time less than four (4) hours that the establishment is an adult motel as that term is defined in this chapter.

A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business permit, he rents or sub-rents a sleeping room to a person, and within four (4) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

M. Outcall Services – Operation Requirements.

It is unlawful for any business or employee providing outcall services contracted for in Carbon County fail to comply with the following requirements:

1. All businesses permitted to provide outcall services shall provide to each patron a written contract in receipt of pecuniary compensation for services, three days prior to the date the services will occur.

N. Prohibited Conduct.

Sexually oriented businesses shall not:

1. Provide or sell any alcoholic beverages on the premises of the sexually oriented business.
2. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance.
3. Allow any door to any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;
4. Provide any room in which employee or employees and patron or patrons are alone together without a separation by a solid physical barrier at least three (3) feet high and eighteen (18) inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

**Section 8.8 INSPECTIONS**

A. Permit Inspections.

An owner or operator of an adult entertainment establishment shall permit a representative of the Sheriff's Department, Planning and Zoning Department, County Health Department, Carbon County Fire Department and other County or State agency representative to inspect the premises of a sexually oriented business for insuring compliance with the law, at any time it is occupied or open for business.

B. Penalty.

A person who operates a sexually oriented business or his agent or employee commits an offense if he/she refuses to permit a lawful inspection of the premises by a representative of the County as outlined in paragraph (1) above, at any time it is occupied or open for business. See Wyoming Statute § 18-5-206 for penalty provisions.

C. Do Not Apply.

The provisions of these sections do not apply to areas of an adult motel which are currently being rented by customers for use as a permanent or temporary habitation.

**Section 8.9 VALIDITY AND SEVERABILITY**

If any article, section, paragraph, clause, phrase or provision of this Resolution of the location of any District boundary shown in the records of the Zoning Officer that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution or records of the Zoning Officer as a whole or any part of provisions hereof other than the part so adjudged to be invalid or unconstitutional.

**Section 8.10 INJUNCTION**

A person who operates or causes to operate a sexually oriented business in violation of any section or part of this section of the Carbon County Zoning Resolution is subject to a suit for injunction, as well as prosecution for criminal violations. Such violations shall be punishable by a fine of not more than seven hundred fifty dollars (\$750.00) per offense. Each day a sexually oriented business so operates is a separate offense or violation. See Wyoming Statutes §§ 18-5-205 and 18-5-206 for applicable penalty provisions.

**Section 8.11 MINORS**

No person under the age of eighteen (18) shall be permitted:

A. In any sexually oriented business;

B. To purchase goods or services at a sexually oriented business; or

C. To work at a sexually oriented business as an employee.

# APPENDICES

	<b>APPENDICES</b>
A	County Approved Planned Unit Developments
	<b>APPENDICES – FOR INFORMATION ONLY</b> <i>(Appendices B-E <b><u>are not</u></b> part of the Zoning Resolution)</i>
B	Flood Damage Prevention Resolution No. 1989-10
C	Nuisance Resolution No. 2010-10
D	Sinclair Use Control Area Resolution No. 2007-07
E	Zoning Resolution Amendments

**A**

**County Approved  
Planned Unit  
Developments**

***Carbon County Approved Planned Unit Developments (P.U.D.s) and Guides***

<b>P.U.D. Name</b>	<b>Parcel Numbers or Legal Description</b>	<b>Resolution No.</b>	<b>Case File No.</b>
Cody Resources LP / A Bar A	The A Bar A Guest Ranch P.U.D. encompasses 196+/- acres located in portions of Secs. 22, 23, 26, and 27 T14N, R81W	2014-11	2014-01
C & R Stocks	12890830003100	2013-29	2013-01
Little Snake River Museum	12890710002300	2012-37	2012-01
Cassidy River Ranch-Amended	23770740002800; 23770810003000; 23770820003200; 23771730004400; 23771710004100; 23771920005600; 23771920005700; 23772920006800; 23772920006900; 23772910006500; 23772910006600; 23781240021000; 23782530005700; 237825400060000	2012-27	2012-02
Olsen Beal-Wyoming	22813330003500	2012-03	2011-01
Munroe	A parcel of land (320+/- acres) located Secs. 5,6,7, T14N, R84W	N/A	02-18
Antelope Hills (Multi-Prop, Inc.)	E1/2 NE1/4 & SW1/4 NE1/4, Sec. 7; NW1/4 NE1/4, Sec. 8, T16N, R83W	N/A	99-19
Cassidy River Ranch-Amended	Part of Sec. 5 and Part of Sec. 6, South of River; Sec. 7, 8, 17, W1/2 Sec. 18, 19, and 29, T23N, R77W, and South and East of River, part of Sec. 1, Part 11, Part 12, Sec. 13, N1/2 Sec. 14, Sec. 23 and 25, T23N, R78W	2005-27	98-09-02
Cassidy River Ranch	Part of Sec. 5 and Part of Sec. 6, South of River; Sec. 7, 8, 17, W1/2 Sec. 18, 19, and 29, T23N, R77W, and South and East of River, part of Sec. 1, Part 11, Part 12, Sec. 13, N1/2 Sec. 14, Sec. 23 and 25, T23N, R78W	N/A	98-09
The "44"	A parcel of land lying in Lots 2 and 3 in Sec. 5, T12N, R91W and Tract 46 in Sec. 12, T13N, R91W	N/A	82-7

**Resolution No. 2014 –**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,  
adopting the recommendation of the Carbon County Planning and Zoning Commission.**

**P.U.D. Case File #2014-01****A Bar A Guest Ranch****Zone Change to Planned Unit Development**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 5, 2014, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 5, 2014, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, May 5, 2014, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, June 3, 2014; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended; and





**WHEREAS,** the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS,** at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed zoning amendment to the Carbon County Official Zoning Map, as summarized herein.

**P.U.D. Case File #2014-01 – Cody Resources LP (Land Owner and Applicant):** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Planned Unit Development (P.U.D.) on 196+/- acres, the “A Bar A Guest Ranch P.U.D.”. The purpose of the A Bar A Guest Ranch P.U.D. is to recognize the pre-existing guest ranch operation and ensure the Ranch’s ability to replace, up-grade, and expand its infrastructure in order to meet its current and future needs.

**General Location:** The A Bar A Guest Ranch is located approximately 20 miles south and east of Encampment and Riverside; approximately 6-7 miles south and east of HWY 230, via the A Bar A Ranch Road.

**Legal Description:** A parcel of land lying within Section 22, 23, 26 and 27, T. 14 North, R. 81 West, 6<sup>th</sup> P.M., Carbon County, Wyoming, containing approximately 196 acres and being more particularly described in Exhibit B.

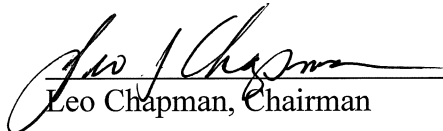
**NOW THEREFORE BE IT RESOLVED BY THE**


**BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**


1. That the Carbon County Board of County Commissioners, hereby adopts this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the A Bar A Guest Ranch Planned Unit Development. The P.U.D. is intended to establish development standards that protect the character of the Ranch, the surrounding area and the environment and as more specifically described in the A Bar A Guest Ranch P.U.D. Guide (Attached as Exhibit A).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 3rd day of June, 2014.

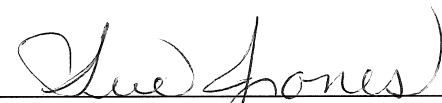
**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By:   
Leo Chapman, Chairman

  
John Espy, Vice Chairman

  
Lindy Glode, Member

  
John Johnson, Member

  
Sue Jones, Member

Attest:

  
Gwynn G. Bartlett, Carbon County Clerk

## **Exhibit A**

### **A Bar A Guest Ranch PUD Guide**

#### **1. Purpose**

The purpose of the A Bar A Ranch Planned Unit Development (“PUD”) is to bring the A Bar A Guest Ranch into full compliance with the Carbon County Zoning Resolution of 2003 (amended April 5, 2011) by creating a Planned Unit Development zoning district for the A Bar A Ranch that will ensure the Ranch’s ability to continue as a vibrant and enduring guest ranch in Carbon County, Wyoming. The PUD will define and include the Ranch’s pre-existing use as a guest ranch. The PUD will also establish framework of standards and conditions that will allow for the Ranch to replace, up-grade and expand its infrastructure in order to meet its current and future needs. Additionally, the PUD will provide for the continuation and inclusion of new compatible guest activities in an economical and flexible manner. Lastly, this PUD will establish development standards that protect the character of the Ranch, the surrounding neighborhood, and the environment.

#### **2. Project History**

The A Bar A Guest Ranch is one of Wyoming’s oldest guest ranches. The Applicant has owned the Ranch since 1962 and the Ranch has been continuously operated as a guest ranch since June 27<sup>th</sup>, 1923. Many of the existing structures and cabins are historically significant and provide the Ranch its authentic western character. Generations of guests return to A Bar A yearly to share in the Ranch’s unique history and to enjoy the wide variety of cultural and outdoor recreational activities offered at the Ranch.

#### **3. Utilities and Infrastructure**

The Ranch currently is supplied by a permitted water system that is supplied by wells permitted by the State.

Waste water is collected into a common system and is treated in a permitted lagoon system within the boundary of the PUD.

Power and telephone utilities are maintained to the PUD.

All new buildings requiring water or waste water facilities shall be connected to the existing systems or otherwise permitted in accordance with County and State regulations and standards.



#### **4. Permitted Uses**

##### **A. Guest ranch uses:**

- 1) Lodging; cabins and guest lodge facilities
- 2) Food Service and dining facilities for guests and staff
- 3) Guest ranch store
- 4) Horseback riding and riding support facilities, barns, corrals, pastures, tack rooms, riding arenas
- 5) Swimming Pools, pool maintenance buildings
- 6) Fishing
- 7) Camping
- 8) Open Space, Parks and playgrounds
- 9) Use of streams, ponds
- 10) Onsite outfitting and guiding ;offsite outfitting and guiding in accordance with State of Wyoming and federal regulations and permits
- 11) Golf, tennis, horseshoes and similar recreation for guests and employees
  - i. Golf Course and practice area, tennis and other paddle sports
- 12) Shooting sports
  - i. Shotgun, rifle, pistol and bow and arrow sports such as target shooting, Five Stand, sporting clays, skeet and trap
- 13) Educational, cultural and guest entertainment activities
  - i. Historical, archeological, and naturalist lectures, films and demonstrations
- 14) Singing, dancing, musical performances and similar guest activities
- 15) Helicopter landing site
- 16) Guest support facilities such as a library, museum, medical dispensary, and fire protection

##### **B. Employee lodging, laundry, dining hall, recreation**

##### **C. Laundry, equipment, storage and maintenance shop**

##### **D. Water, waste-water, electrical distribution and generation, and communication facilities to service the Guest Ranch primary use**

##### **E. Commercial and General agriculture**

- 1) Commercial and General agriculture including ranching and farming, their related uses and facilities and animal husbandry relative to those uses
- 2) Residential uses that are accessory to the agricultural operations

##### **F. Activities generally acknowledged to be associated with guest ranches and outdoor recreation hospitality**

##### **G. Habitat management in association with the Open Space and other areas**

##### **H. Ranch radio communications as permitted by the FCC**

##### **I. Existing cellular antenna location, currently active on the Lariat cabin**

## **5. Conditionally Permitted Uses**

- A. Campground – open to the public
- B. New Telecommunication towers and facilities and their accessory uses and structures.
- C. Public churches and schools
- D. Cemeteries

## **6. Development Standards**

### **A. Setbacks**

- 1) Existing building setbacks are conforming to this PUD
- 2) 50 feet from PUD boundary for all structures except fence lines
- 3) Setbacks between new structures shall comply with applicable State and County building or fire codes
- 4) 50 feet from the high water mark of the North Platte River for new structures and livestock corrals. The high water mark is defined as the visible edge of the river where the presence and action of seasonal high water flows are so usual and long conditioned so as to create a distinct character change between the scoured river bank and vegetation.
- 5) 50 feet from natural creeks for new structures except for structures directly associated with such water bodies such as docks and pump houses. Irrigation ditches and head gates are exempt from this setback requirement. Additions to existing structures within the setback shall be allowed so long as they do not encroach farther into the setback than the existing structure and are otherwise the minimum necessary to achieve the purpose of the addition. Existing structures can be replaced or maintained in the current locations. Notwithstanding above setbacks, replacement structures shall be allowed in adjacent locations to facilitate construction schedules and engineering requirements.

### **B. Heights**

- 1) Buildings maximum heights from established grade 35 feet, existing buildings shall be conforming to the PUD.
- 2) Exceptions; Barns, indoor arenas, wind turbines -- maximum height 65 feet
- 3) Wind Turbines / Wind Energy Facilities over 65 feet in height as Conditional Use

### **C. Subdivision of land shall require an amendment to the A Bar A Guest Ranch PUD**

### **D. Lighting; 90% cutoff down cast lighting except for agricultural use lighting.**

### **E. Parking**

- 1) One space per guest cabin and one space for every 3 employees
- 2) Acceptable parking area surface materials: Gravel, asphalt or concrete
- 3) Long term (weekly) parking areas may be grass or gravel isolated from activity areas

- 4) Events may be parked as necessary on meadows
- F. Landscaping and grading
  - 1) Measures shall be taken to control
    - i. Storm water
    - ii. Dust
    - iii. Noxious weeds
- G. Open space: at least 12% of the site shall remain open space. The area designated as Open Space on the PUD master plan will be maintained in its natural state for the benefit of the environmental considerations. The Open Space area depicted on the PUD Site Map shall remain as protected Open Space in association with the PUD and may not be amended without prior approval from the Carbon County Commissioners.
- H. Architectural theme and building type for new construction, remodels or renovations, shall reflect the historic character of the ranch.
- I. Solid waste shall be collected and removed from the A Bar A Guest Ranch and disposed of in a County approved solid waste landfill. Wildlife resistant trash facilities shall be maintained for solid waste containing food waste. Composting of suitable waste is encouraged using methods that prevent the compost from being a food source attractant for wildlife. A Solid waste stream reduction and recycling program should be developed and implemented for solid waste and recyclables in the Carbon County recycling program.

## **7. PUD Site**

- A. Guest ranch recreation and services area, 171 acres +/-
- B. Open Space area, 25 acres +/-
- C. Gross Site area, 196 acres +/-

Note: See Exhibit A for PUD Parcel Map. An approved PUD Site Map is on file in the Carbon County Planning Office.

## **8. Building Permits**

- A. As specified in the Carbon County Zoning Resolution as amended from time to time.
- B. Building permit applications shall include the proposed Land Use; Ranch or Guest Facilities and the proposed square footage corresponding to the categories in section 9.A.
- C. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Planning Director/Zoning Administrator prior to disturbance or commencement of site work for any new site disturbance of 12,000 square feet or larger and for site disturbance on slopes of 30% or greater. If there is a building or structure associated with the site disturbance, the SWPPP shall be submitted as part of the building permit application. .

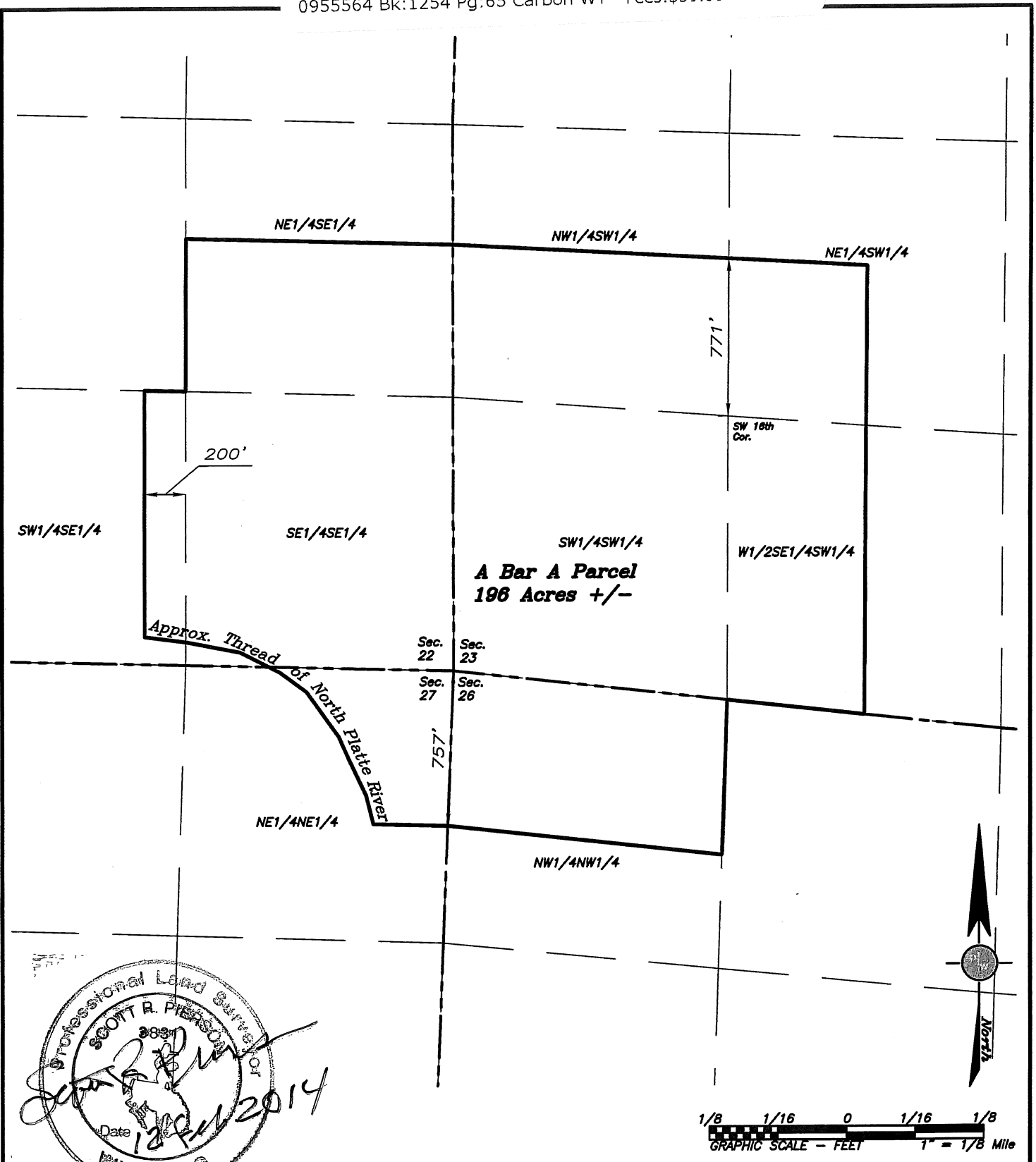
- D. Any new structures to be built that exceed 800 square foot will address both the soils suitability for the structure and drainage and the runoff potential created by the development associated with the building.

## 9. Floor Area

- A. 30% floor area expansion for designated uses is permitted according to the following table:

Use	Existing sq. ft.	Allowed sq. ft
Ranch Facilities	71,481	92,925
Guest Facilities	53,552	69,618
Indoor Arena*	n/a	20,000
<b>Total:</b>	<b>124,146</b>	<b>182,542</b>

\*Indoor arena is a potential future use and not subject to the 30% expansion of existing uses. The determination of the location of the indoor area is will be within the boundary of this PUD but shall be out of the Open Space Area.




<p><b>"Exhibit A" Parcel Map</b></p> <p>Project Number • 13010                  Project Path •                  F:\2013\13010\SC\acad\13010_base.dwg                  Drawn By • GP                  Reviewed By • CK                  Drawing Date • September 23, 2013                  Revision Date • January 3, 2013</p>	<p><b>A BAR A Guest Ranch Parcel</b></p> <p>Being a portion of                  Sections 23, 24, 26 &amp; 27                  T.14N., R. 81 W., 6th P.M.,                  Carbon County, Wyoming</p>	<p>                  Pierson Land Works LLC                  P.O. Box 1143                  180 S. Willow St.                  Jackson, WY 83001                  Tel 307. 733.5429                  Fax 307. 733.9669                  piersonlandworks.com</p>
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EXHIBIT B  
Legal Description  
for  
A Bar A Guest Ranch Parcel

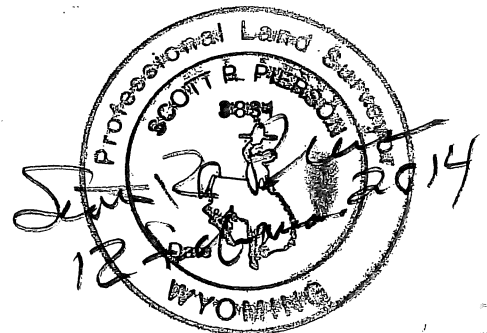
A parcel of land lying within Section 22, 23, 26 and 27, T. 14 North, R. 81 West, 6<sup>th</sup> P.M., Carbon County, Wyoming, and being more particularly described as follows:

**Township 14 North, Range 81 West**

- Section 22: the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying north of the thread of the North Platte River and the east 200 feet of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  lying north of the thread of the North Platte River with the west line being parallel to and 200 feet from the east line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 23: the SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  with the north line being parallel to the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  and having said north line intersecting a point 771 feet northerly from the SW $\frac{1}{16}$ <sup>th</sup> corner of said Section 23 along the  $\frac{1}{16}$ <sup>th</sup> line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  on the east and the section line common to Sections 22 and 23 on the west;  
part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  with the north line being parallel to the south line of said W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and having said north line intersecting a point 771 feet northerly from the SW $\frac{1}{16}$ <sup>th</sup> corner of said Section 23 along the  $\frac{1}{16}$ <sup>th</sup> line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  on the west and the  $\frac{1}{64}$ <sup>th</sup> line between the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  on the east; and the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 26: part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  with the south line being parallel to the north line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$  and having said south line intersecting a point 757 feet from the section corner common to Sections 22, 23, 26, & 27 southerly along the section line common to Sections 26 and 27 on the west and intersecting the east line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$  to the east
- Section 27: part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying east of the thread of the North Platte River and being bounded on the south by a line parallel to the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$  with said south line intersecting a point 757 feet southerly from the section corner common to Sections 22, 23, 26, & 27, along the section line common to Sections 26 and 27 on the east and intersecting the thread of the North Platte River to the west

Said Parcel contains 196 acres +/-.

Pierson Land Works, LLC  
13 February 2014





**Resolution No. 2013 – 29**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,  
adopting the recommendation of the Carbon County Planning and Zoning Commission.**

**P.U.D. Case File #2013-01**

**C & R Stocks Planned Unit Development**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 3, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, June 3, 2013, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, June 3, 2013, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to approve the C & R Stocks Planned Unit Development; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, July 2, 2013; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended; and hereby waives the minimum area criteria, open space provisions, and written statements of a registered professional engineer.



**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the C & R Stocks Planned Unit Development, P.U.D. Guide, and Site Development Plan.

**P.U.D. Case File #2013-01 – Robert L. and Christine L.C. Stocks (Applicants and Owners):** Request for a Zone Change from RAM to Planned Unit Development (P.U.D.). The C & R Stocks Planned Unit Development (P.U.D.) is designed to provide minimum standards and guidelines for the existing improvements and maintenance of the site and to bring the existing site into conformance with the Carbon County Zoning Resolution. The intent is to maintain the agricultural character of the area while permitting limited commercial use within the enclosed shop area.

**P.U.D. Name:** C & R Stocks Planned Unit Development

**Parcel Number:** 12890830003100

**Location:** Approximately 1 mile east of Savery, Wyoming, off HWY 70

**Rural Address:** 1188 WY 70

**Legal Description:** A parcel of land located in the NW1/4SW1/4 of Section 8, T12N, R89W of the 6th P.M., Carbon County, Wyoming and being more particularly described as follows: Beginning at the N.W. corner of a tract of land described in Book 955 at Page 223 (House Tract) in the records of Carbon County, said point is on the west line of said Section 8 lying S00°26'00"E, 94.33 feet from the calculated position of the W1/4 corner of said Section 8; thence along said west line, S00°26'00"E, 362.89 feet to the S.W. corner of said tract; thence along said west line, S00°26'00"E, 140.00 feet; thence N62°46'40"E, 313.56 feet; thence N19°54'28"E, 349.13 feet; thence N00°52'09"W, 37.26 feet to a point on the south Right-of-Way line of State Highway No. 70; thence along said south line, S89°07'51"W, 122.71 feet to the N.E. corner of said House Tract; thence along said south line of said House Tract, S89°07'51"W, 278.28 feet to the point of beginning. Containing 3.343 acres more or less. The west line of a tract of land described in Book 955 at Page 223 (House Tract) in the records of Carbon County, Section 8, T12N, R89W of the 6TH P.M. is considered to bear S00°26'00"E between the N.W. corner and the S.W. corner both are 5/8" Rebar with 2" Alum. Cap.



**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby adopts this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the C & R Stocks Planned Unit Development. The purpose of the P.U.D. is to maintain the agricultural character of the area while permitting limited commercial use within the enclosed shop area and as more specifically described in the C & R Stocks P.U.D. Guide and Site Development Plan (attached as Exhibit A).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 2nd day of July, 2013.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By:

Leo Chapman  
Leo Chapman, Chairman

Absent

John Espy, Vice Chairman

Lindy Glode  
Lindy Glode, Member

John Johnson  
John Johnson, Member

Sue Jones  
Sue Jones, Member

Attest:

Gwynn G. Bartlett  
Gwynn G. Bartlett, Carbon County Clerk



## EXHIBIT A

### C & R STOCKS PLANNED UNIT DEVELOPMENT GUIDE AND SITE DEVELOPMENT PLAN

- A. Purpose:** The C & R Stocks Planned Unit Development (P.U.D.) is designed to provide minimum standards and guidelines for the existing improvements and maintenance of the site and to bring the existing site into conformance with the Carbon County Zoning Resolution. The intent is to maintain the agricultural character of the area while permitting limited commercial use within the enclosed shop area.
- B. Principally Permitted Uses (Uses by Right):**
- a. General Agricultural activities and accessory agricultural structures.
  - b. One (1) Single-family dwelling and accessory uses. The existing house and garage may be remodeled or enlarged for single family residential use without the need to amend this PUD.
  - c. Home occupation and home office.
  - d. One shop (existing) for storage, maintenance and repair of the landowner's vehicles and equipment. Maximum enclosed floor area of 5,100 square feet.
- C. Conditionally Permitted Uses:** The following uses can be permitted subject to County approval of a Conditional Use Permit and a building permit in accordance with the current Carbon County Zoning Resolution at the time of application:
- a. One (1) employee house or One (1) guesthouse or One (1) bed and breakfast, maximum 1,800 square feet floor area.
  - b. Non-Commercial wind energy facilities in accordance with the Wind Energy Facilities Overlay District.
  - c. Non-nuisance businesses that will not substantially distract from the residential character of the P.U.D. such as nurseries, irrigation supplies, green houses, and road side stands.

**D. Development Standards:**

- a. Setbacks from property lines:
  - 1) Existing Structures: As depicted on the approved C&R Stocks P.U.D. Site Plan, attached as Exhibit A-1.
  - 2) New Structures:
    - I. Front Setback-along the Highway 70: 40 Feet
    - II. Side Setback: Ten (10) Feet
    - III. Rear Setback: Ten (10) Feet
- b. Maximum building height: Thirty five (35) Feet
- c. Sign Permit Requirements, in accordance with the current Carbon County Zoning Resolution at the time of building or sign permit application.
- d. Parking Requirements, in accordance with the current Carbon County Zoning Resolution at the time of building permit application.
- e. Lighting: All new overhead lighting and building mounted lighting fixtures shall be downcast and shielded to minimize uncontrolled light emission into the night sky.

**E. Site\Concept Plan:**

- a. The approved P.U.D. Site Plan is attached as Exhibit A-1. The P.U.D. site\concept plan shall be updated as new structures are proposed and submitted with each building permit application.

**F. Building Permits:**

- a. Building permits are required as specified in the Carbon County Zoning Resolution, as amended.



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Page:5 of 7  
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**SIGNATURES:**

This P.U.D. approved on this 3<sup>rd</sup> day of June, 20 13.

By Robert & Christine Stocks

Robert and Christine Stocks

**CARBON COUNTY PLANNING AND ZONING COMMISSION**  
**CERTIFICATE:**

This P.U.D. approved by the Carbon County Planning and Zoning Commission on this 3<sup>rd</sup> day of June, 20 13.

S. Foy

Planning Director/Zoning Officer

J. W. Phillips

Chairman

**CARBON COUNTY BOARD OF COUNTY COMMISSIONERS**  
**CERTIFICATE:**

This P.U.D. approved by the Carbon County Board of County Commissioners on this 2 day of July, 20 13.

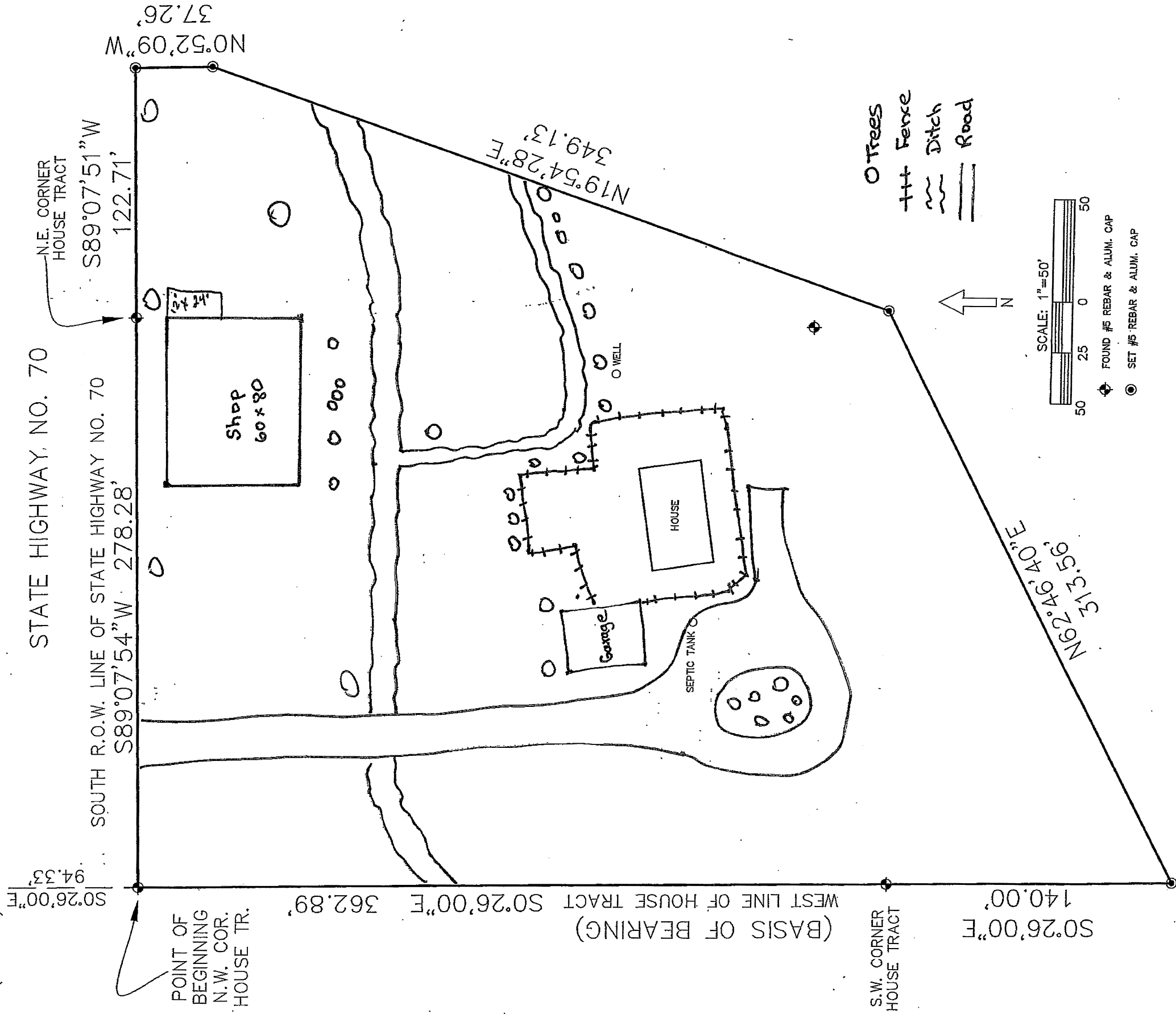
Leo J. Chapman

Chairman

Attest: Dwight B. Bartlett

Carbon County Clerk

CALCULATED  $\phi$   
POSITION OF  
W1/4 CORNER  
(NOT SET)



**Legal Description (Total Parcel)**

A parcel of land located in the NW1/4SW1/4 of Section 8, T12N, R89W of the 6th P.M., Carbon County, Wyoming and being more particularly described as follows:

Beginning at the N.W. corner of a tract of land described in Book 955 at Page 223 (House Tract) in the records of Carbon County, said point is on the west line of said Section 8 lying S00°26'00"E, 94.33 feet from the calculated position of the W1/4 corner of said Section 8; thence along said west line, S00°26'00"E, 362.89 feet to the S.W. corner of said tract; thence along said west line, S00°26'00"E, 140.00 feet; thence N62°46'40"E, 313.56 feet; thence N19°54'28"E, 349.13 feet; thence N00°52'09"W, 37.26 feet to a point on the south Right-of-Way line of State Highway No. 70; thence along said south line, S89°07'51"W, 122.71 feet to the N.E. corner of said House Tract; thence along said south line of said House Tract, S89°07'51"W, 278.28 feet to the point of beginning. Containing 3.343 acres more or less.

The west line of a tract of land described in Book 955 at Page 223 (House Tract) in the records of Carbon County, Section 8, T12N, R89W of the 6TH P.M. is considered to bear S00°26'00"E between the N.W. corner and the S.W. corner both are 5/8" Rebar with 2" Alum. Cap.



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Page:7 of 7



**Resolution No. 2012 - 37**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.**

**P.U.D. Case File #2012-01**

**(Little Snake River Museum District – Planned Unit Development)**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, August 6, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the Monday, August 6, 2012, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, August 6, 2012, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to approve the Little Snake River Museum District Planned Unit Development; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Comprehensive Land Use Plan regarding the Little Snake River Museum District Planned Unit Development, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, September 4, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and



**WHEREAS,** the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS,** the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS,** at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the Little Snake River Museum District Planned Unit, P.U.D. Guide, and Site/Concept Plan.

**P.U.D. Case File #2012-01 – Little Snake River Museum District (Applicants and Owners):** Request for the Little Snake River Museum District - “Little Snake River Planned Unit Development” encompassing approximately 5.962 acres. The purpose is to allow adequate land for the storage, display, and preservation of historical artifacts depicting the history of the Little Snake River Valley and Carbon County, and as more specifically described in the P.U.D. Guide (attached as Exhibit A) and Site/Concept Map (attached as Exhibit B).

**P.U.D. Name:** Little Snake River Museum Planned Unit Development

**Legal Description:** A tract of land (5.962 acres) located in the NE1/4, Section 7, T12N, R89W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**General Location:** The Little Snake River Museum is located north of Savery and east of Carbon County Road #561N (Savery North Road).

**Parcel Number:** 12890710002300

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the Little Snake River Museum District Planned Unit Development. The purpose is to allow adequate land for the storage, display, and preservation of historical artifacts depicting the history of the Little Snake River Valley and Carbon County, and as more specifically described in the P.U.D. Guide (attached as Exhibit A) and Site/Concept Map (attached as Exhibit A-1).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 4th day of September, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: \_\_\_\_\_

Terry Weickum, Chairman

\_\_\_\_\_  
Jerry D. Paxton, Vice Chair

\_\_\_\_\_  
Leo Chapman, Member

Attest:

\_\_\_\_\_  
Gwynn G. Bartlett, Carbon County Clerk



## **LITTLE SNAKE RIVER MUSEUM PLANNED UNIT DEVELOPMENT GUIDE AND SITE DEVELOPMENT PLAN**

- A. Purpose:** To provide adequate land for the storage, display, and preservation of historical artifacts depicting the history of the Little Snake River Valley and Carbon County. The site is also intended to provide community facilities for cultural, educational, and special events. This Planned Unit Development (PUD) is designed to provide minimum standards and guidelines for the continued development and maintenance of the site.
- B. Principally Permitted Uses (Uses by Right):**
- a. Museum.
  - b. Artifact storage.
  - c. Shop for maintenance, repair, and preservation of museum artifacts and materials.
  - d. Cultural, recreational, and community events.
  - e. Educational events and workshops.
  - f. Gift Shop.
  - g. Sale of food and drink.
  - h. Office for museum operations.
  - i. One (1) single family caretaker/security residence.
  - j. Temporary camping accommodation, not to exceed two (2) days or weekend events or as approved by the Museum Board.
  - k. Special events such as community picnics, weddings, receptions and reunions, as approved by the Museum Board.
  - l. Livestock for museum functions and petting zoo.
- C. Uses, Equipment, and Material Not Permitted:**
- a. Storage and maintenance of autos, trucks, farm equipment, and heavy equipment not intended for museum use or display.
- D. Conditionally Permitted Uses:**
- a. Any use, as determined by the Museum Board or the Planning Director, that may result in impacts to the grounds or community that may require additional review in accordance with the Conditional Use provisions of the Carbon County Zoning Resolution, as amended, to assure compatibility and adequate water supply, sewage disposal, parking, security and traffic control.



- E. Development Standards:**
  - a. Setbacks from property lines:**
    - i. Existing Structures:** Minimum setbacks for existing structures are as depicted on the Site Plan prepared by Baker & Associates, dated November 8, 2010.
    - ii. New Structures:**
      - 1. Front Setback-along the County Road: 25 Feet
      - 2. Side Setback: 15 Feet
      - 3. Rear Setback: 10 Feet
      - 4. Maximum building height: 35 Feet
- F. Signage:**
  - a. Advertising or display signs not related to maintaining the cultural and historical aesthetics of Little Snake River Museum are prohibited.**
- G. Fencing:**
  - a. Perimeter and security fencing is permitted as determined appropriate by the Museum Board.**
- H. Lighting:**
  - a. All overhead lighting and building mounted lighting fixtures shall be downcast and shielded to minimize uncontrolled light emission into the night sky.**
- I. Open Space:**
  - a. At least 25% of the lot area should be maintained as open space.**
    - i. Open space does not include dedicated parking areas.**
- J. Parking:**
  - i. Recommended one (1) parking space per 1,000 sq.ft. of total floor area.**
  - ii. Each parking space should be 10 Feet (10') in width and 20 Feet (20') in length.**
  - iii. The museum shall provide at least one (1) handicap parking space.**
  - iv. Acceptable parking area surface materials:**
    - 1. Gravel, asphalt, or concrete.



**K. Landscaping:**

- a. Ground cover is to be maintained in a manner that controls both dust and noxious weeds.

**L. Site\Concept Plan:**

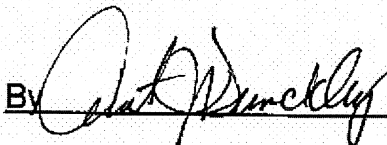
- a. The approved PUD site\concept plan is the Site Plan prepared by Baker & Associates, dated November 8, 2010. The PUD site\concept plan shall be updated as new structures are proposed and submitted with each building permit application.

**M. Building Permits:**

- a. Building permits are required as specified in the Carbon County Zoning Resolution, as amended.

**SIGNATURES:**

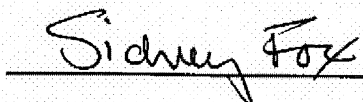
This P.U.D. approved on this 6<sup>th</sup> day of August, 2012.

By 

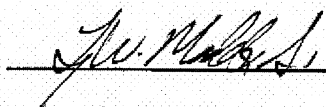
Little Snake River Museum Board

**Carbon County Planning and Zoning Commission Certificate**

This P.U.D. approved by the Carbon County Planning and Zoning Commission on this 6<sup>th</sup> day of August, 2012.



Planning Director/Zoning Officer



Chairman

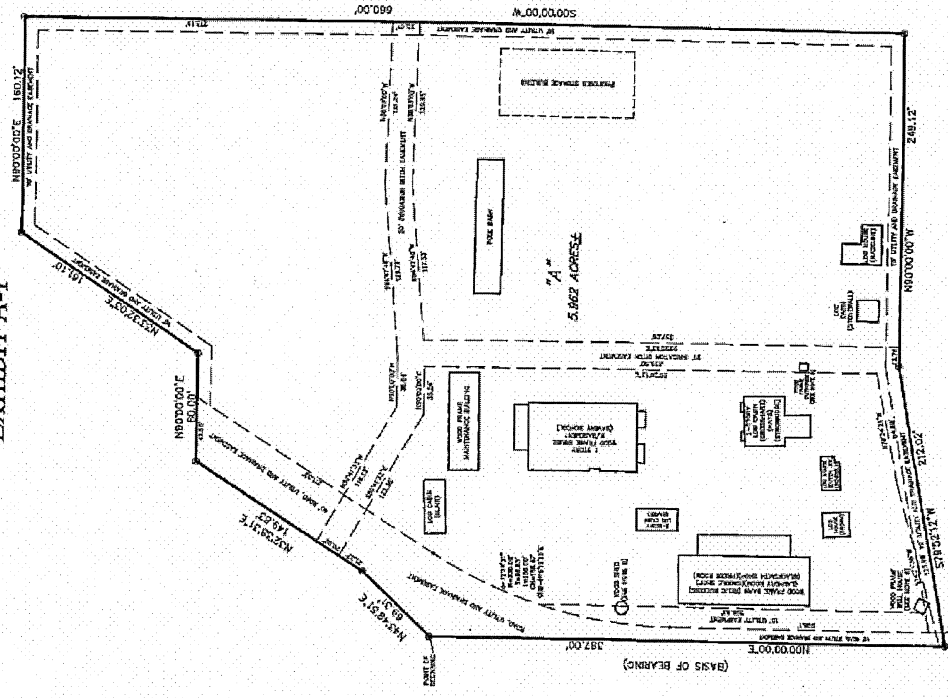
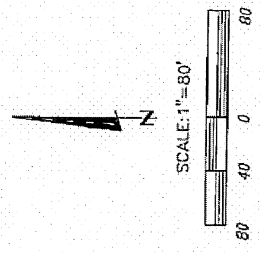
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# LITTLE SNAKE RIVER MUSEUM PUD SITE PLAN/CONCEPT PLAN

## SECTION 7, T12N, R89W OF THE 6TH P.M., CARBON COUNTY, WYOMING

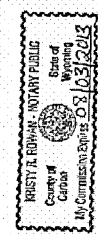
### EXHIBIT A-1



NOTES:  
1) DATE OF SURVEY - NOVEMBER, 2010  
2) THIS SURVEY WAS CONDUCTED BY THE CARBON COUNTY PLANNING DEPARTMENT  
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This PUD Site Plan/Concept Plan accepted this 10<sup>th</sup> day of August, 2013, by the Carbon County Planning and Zoning Commission.

STATE OF WYOMING } SS  
COUNTY OF CARBON }  
The foregoing certification was acknowledged before me this 10<sup>th</sup> day of August, 2013, by Annette Dunlap, as Board Chairman of the Little Snake River Museum, Inc.,  
Witness my hand and official seal.  
My commission expires August 3, 2013  
Notary Public  
R. R. R. R.



Exhibitor and Zoning Commission Certificate  
This PUD SITE PLAN/CONCEPT PLAN certified by the Carbon County Planning and Zoning Commission this 10<sup>th</sup> day of August, 2013.  
Signature of Planning Director/Zoning Officer  
S. R. R. R.

DANIEL A. ANDERSON  
1700 W. ANTONY WAY  
CODY, WY 82401  
307.556.7744

**Resolution No. 2012 - 27****A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.****P.U.D. Case File #2012-02****(Cassidy River Ranch Planned Unit Development)**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 4, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the Monday, June 4, 2012, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, June 4, 2012, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to approve the Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat); and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to Cassidy River Ranch Planned Unit Development, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, July 3, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and



**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat) and to authorize the Chairman's signature on the attached Exhibit, Consent To Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat).

**P.U.D. Case File #2012-02 – Wyoming Ranch Company and Robert Duca (Applicants and Owners):**

Request for a PUD Amendment-3<sup>rd</sup> Corrective Change for the "Cassidy River Ranch-Planned Unit Development." Cassidy River Ranch Planned Unit Development is located northeast of the Town of Medicine Bow on Carbon County Road #262 (Marshall Road). The purpose of the PUD Amendment is to further divide the following lots with each lot being at least 35 acres in size:

**LOTS to be divided:**

Lot 10 = 10A, 10B	Lot 12 = 12A, 12B	Lot 20 = 20A, 20B
Lot 36 = 36A, 36B	Lot 73 = 73A, 73B, 73C	Lot 74 = 74A, 74B, 74C
Lot 84 = 84A, 84B	Lot 85 = 85A, 85B	Lot 101 = 101A, 101B
Lot 104 = 104A, 104B	Lot 110 = 110A, 110B	Lot 111 = 111A, 111B
Lot 112 = 112A, 112B	Lot 113 = 113A, 113B	

**P.U.D. Name:** Cassidy River Ranch Planned Unit Development

**Legal Description:**

**T23N, R77W**

Section 5, South of centerline of Medicine Bow River, Section 6, South of centerline of Medicine Bow River, Section 7, Section 8, Section 17, Section 18, Except E1/2 and E1/2E1/2NW1/4, Section 19, Section 29

**T23N, R78W**

Section 1, South of centerline of Medicine Bow River, Section 11, East of centerline of Medicine Bow River, Section 12, South of centerline of Medicine Bow River, Section 13, Section 14, Except S1/2 and portion of NW1/4 West of centerline of Medicine Bow River Section 23 and Section 25.

**Access:** Access is gained from Carbon County Road #262 (Marshall Road) and BLM access.

**Parcel Numbers:**

23770740002800	23770810003000	23770820003200	23771730004400
23771710004100	23771920005600	23771920005700	23772920006800
23772920006900	23772910006500	23772910006600	23781240021000
23782530005700	23782540006000		

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the PUD Amendment-3<sup>rd</sup> Corrective Change for the "Cassidy River Ranch Planned Unit Development-(not a subdivision plat)".

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: \_\_\_\_\_

Terry Weickum, Chairman

\_\_\_\_\_  
Jerry D. Paxton, Vice Chair

\_\_\_\_\_  
Leo Chapman, Member

Attest:

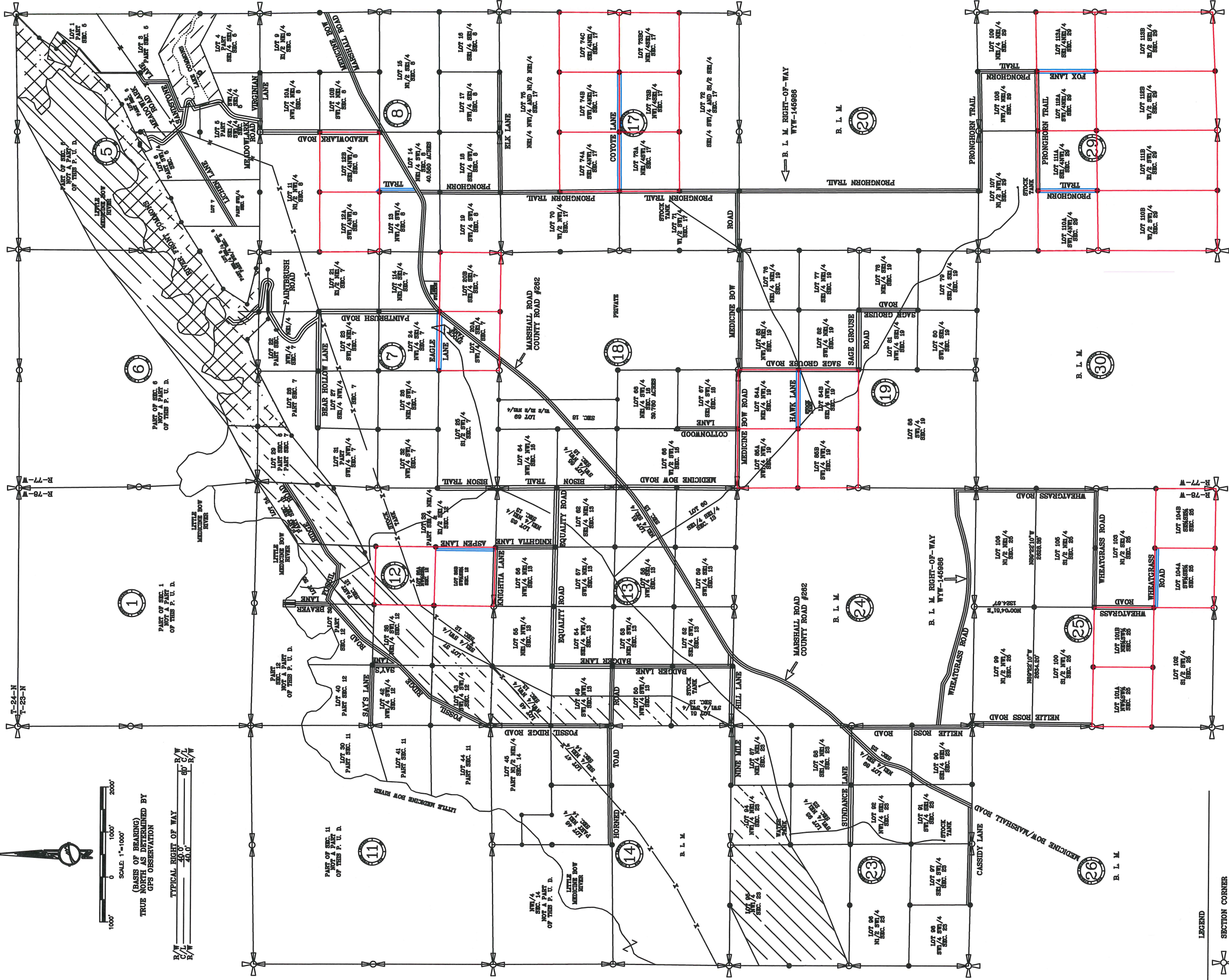
\_\_\_\_\_  
Gwynn G. Bartlett, Carbon County Clerk

CASSIDY RIVER RANCH DEVELOPMENT PLAN  
WORKING PLAT FOR CC P & Z



(BASIS OF BEARING)  
TRUE NORTH AS DETERMINED BY  
GPS OBSERVATION

TYPICAL RIGHT OF WAY  
40.0' ±  
R/W  
C/L  
S/L



- LEGEND
- SECTION CORNER
  - ONE-QUARTER SECTION CORNER
  - SIXTEENTH CORNER
  - 5/8" REBAR WITH 2" ALUMINUM CAP

- INDICATES ARCHAEOLOGICAL AREA, NOT TO BE CONSTRUCTED ON
- INDICATES ARCHAEOLGICAL AREA AND RIVER FRONT COMMONS AREA NOT TO BE CONSTRUCTED ON
- INDICATES LAKE COMMON AREA

CASSIDY RIVER RANCH  
A PLANNED UNIT DEVELOPMENT  
SECTIONS 5, 6, 7, 8, 17, 18, 19 AND 29  
T-23-N-R-77-W  
and  
SECTIONS 1, 11, 12, 13, 14, 23 AND 25  
T-23-N-R-76-W  
CARBON COUNTY, WYOMING

SHEET NO.  
1 OF 1  
DATE:  
03/20/2012

REVISIONS

FOR:  
WYOMING RANCH COMPANY  
1981 N. BROADWAY, SUITE 415  
WALNUT CREEK, CA 94596

Dwg. By: DMS W.O. No.: 14466  
Chk. By: MAP Book No.:  
Acad File: 14466 ROAD NAMES.DWG





**Resolution No. 2012 – 03**

**Corrected to Include Exhibit A**

**A Resolution of the Board of County  
Commissioners of Carbon County, Wyoming  
adopting the recommendation of the Carbon  
County Planning and Zoning Commission.**

**P.U.D. Case File #2011-01**

**(Planned Unit Development)**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on December 5, 2011; which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the December 5, 2011, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing(s); and

**WHEREAS**, at the conclusion of said December 5, 2011, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change(s) as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on January 3, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan and the applicable provisions of the Carbon



County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment(s) to the Carbon County Official Zoning Map.

**P.U.D. Case File #2011-01 – Robert J. Schumacher (Applicant) and Gordon L. Olsen (Owner):**

Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Planned Unit Development (P.U.D.) for the "Olsen Beal-Wyoming Planned Unit Development" encompassing approximately 55 acres. The purpose is to provide appropriate land for storage and maintenance of large equipment and supplies to service industry in Carbon County and as more specifically described in the P.U.D. Guide, attached as Exhibit A.

**Legal Description:**

SW1/4NE1/4SW1/4, S1/2NE1/4NE1/4SW1/4, N1/2SE1/4NE1/4SW1/4, S1/2NW1/4NW1/4SE1/4, and N1/2SW1/4NW1/4SE1/4 all in Section 33, Township 22 North, Range 81 West, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**Parcel Number:** 22813330003500

**Condition:**

1. A WYDOT Access Permit is required unless WYDOT provides written documentation indicating that an Access Permit is not required.





**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

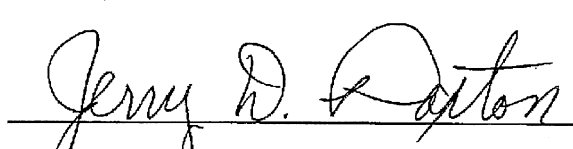
1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Planned Unit Development (P.U.D.) for the "Olsen Beal-Wyoming Planned Unit Development" encompassing approximately 55 acres. The purpose is to provide appropriate land for storage and maintenance of large equipment and supplies to service industry in Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of January, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

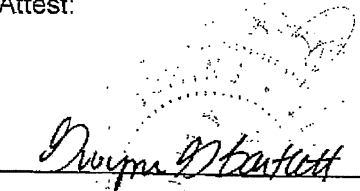
By:

  
Terry Weickum, Chairman

  
Jerry D. Paxton, Vice Chair

  
Leo Chapman, Member

Attest:

  
Gwynn G. Bartlett, Carbon County Clerk



# OLSEN-BEAL P.U.D. GUIDE

- A. PURPOSE
  1. TO PROVIDE APPROPRIATE LAND FOR STORAGE AND MAINTENANCE OF LARGE EQUIPMENT AND SUPPLIES TO SERVICE INDUSTRY IN CARBON COUNTY.
- B. PRINCIPALLY PERMITTED USES (USES BY RIGHT)
  - a. STORAGE OF EQUIPMENT AND VEHICLES TO BE USED OFF-SITE.
  - b. LAYDOWN YARD FOR ERECTION AND ASSEMBLY.
  - c. LIGHT MAINTENANCE AND REPAIR OF EQUIPMENT AND VEHICLES.
  - d. STORAGE OF MATERIALS TO BE USED ON-SITE AND OFF-SITE.
  - e. OWNER'S BUSINESS OFFICE.
  - f. SINGLE FAMILY/CARETAKER/SECURITY RESIDENCE AND ACCESSORY USES.
  - g. COMMERCIAL AND ENERGY FACILITY.
  - h. NON-COMMERCIAL AND ENERGY FACILITY.
  - i. SIMILAR COMPATIBLE USES AS DETERMINED BY THE PLANNING DIRECTOR.
- C. USES THAT REQUIRE A PUD AMENDMENT
  - a. GRAVEL MINING AND PROCESSING.
  - b. COMMERCIAL AND ENERGY FACILITY.
  - c. COMMUNICATIONS TOWER.
  - d. UNDEVELOPED USES NOT ANTICIPATED, AS DETERMINED BY THE PLANNING DIRECTOR.
- D. DEVELOPMENT STANDARDS
  - a. ACCESS WILL BE PROVIDED TO APPROPRIATE EMERGENCY RESPONSE PERSONNEL AND EQUIPMENT FOR EMERGENCIES.
  - b. ALL SOLID WASTE AND HAZARDOUS MATERIALS LOCATED ON-SITE MUST BE HANDLED, STORED OR DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS.
  - c. ALL PERMITTED DEVELOPMENT/USE IS WITHIN PHASE 1.
  - d. THERE ARE NO IMMEDIATE PLANS FOR THE RESIDENCE/CARETAKER DWELLING. IF PROPOSED, THE SINGLE FAMILY DWELLING/CARETAKER RESIDENCE WILL COMPLY WITH ALL APPLICABLE BUILDING, SEWER AND WATER/WELL PERMIT CODES.
  - e. SETBACK FROM FRONT PROPERTY LINE 60 FEET.
  - f. SETBACK FROM SIDE PROPERTY LINE 10 FEET.
  - g. SETBACK FROM REAR PROPERTY LINE 10 FEET.
  - h. MAXIMUM BUILDING HEIGHT 16 FEET.
  - i. PORTABLE GENERATORS SHOULD BE ENCLOSED TO MINIMIZE OFF-SITE NOISE.
- E. SIGNAGE
  - a. 1 ENTRY/BUSINESS IDENTIFICATION SIGN.
  - b. SIZE NOT TO EXCEED 32 SQUARE FEET.
  - c. IF ILLUMINATED, MUST BE DOWNCAST AND SHIELDED.
  - d. REQUIRES A SIGN PERMIT.
  - e. MUST MAINTAIN EMERGENCY PHONE NUMBERS AT THE GATE.
- F. LIGHTING
  - a. ALL EXTERIOR LIGHTING SHALL BE DOWNCAST AND SHIELDED TO MINIMIZE UNCONTROLLED LIGHT EMISSION INTO THE NIGHT SKY.
- G. WILDLIFE-BEST MANAGEMENT PRACTICES
  - a. OUTSIDE ACTIVITY SHOULD BE LIMITED BETWEEN MARCH 15 AND JUNE 30.
  - b. NOISE LEVELS SHOULD BE LIMITED BETWEEN 6PM TO 6AM DURING THE INITIATION OF SAGE GROUSE MONITORING MARCH 1 TO MAY 15.
  - c. ALL PREGRADE AREAS SHOULD BE CONSTRUCTED IN A MANNER THAT WILL REDUCE THE POTENTIAL FOR GREATER SAGE GROUSE TO COLLIDE WITH FENCES.
- H. DISTURBED SURFACES SHOULD BE TREATED FOR DUST CONTROL IF SOIL EROSION IS CARRIED OFF-SITE.
- I. FUTURE DEVELOPMENT
  - a. PHASE 2, EXPANSION OR DEVELOPMENT OUTSIDE OF PHASE 1 AREA REQUIRES A PUD AMENDMENT.

## Planning and Zoning Commission Certificate

This P.U.D. approved by the Carbon County Planning and Zoning Commission on this 5<sup>th</sup> day of December, 2011.

S. Ray 1-3-12  
Planning Director/Zoning Officer

Chairman

Drawn By: CRI W.D. No: 14100  
Map: Book No:  
As of: 12/1/11

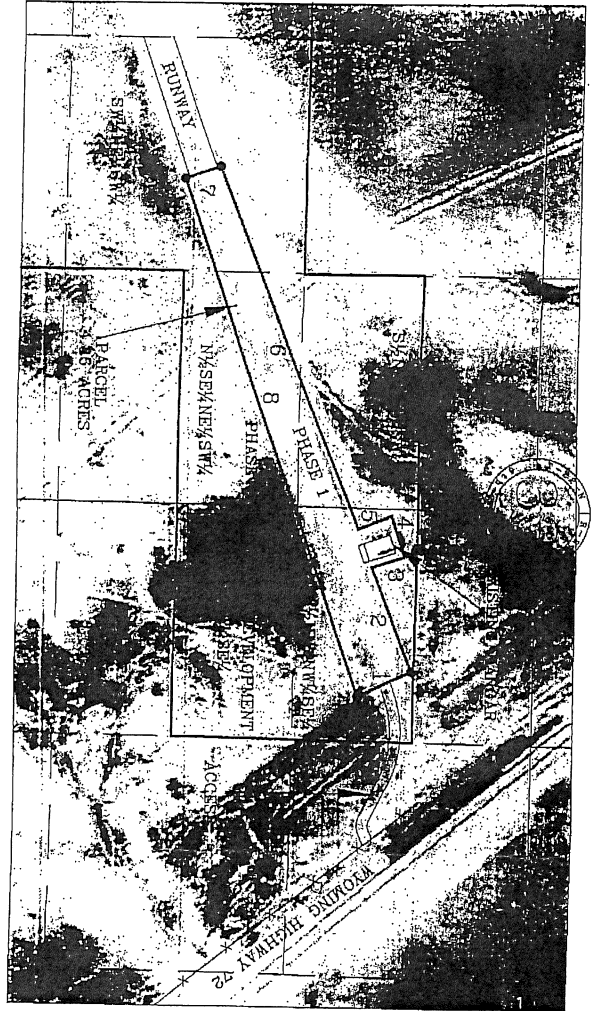
OLSEN - BEAL  
1490 W. 200 S.  
LINDEN, UT 84042



OLSEN - BEAL P.U.D. APPLICATION  
EXHIBIT "A"

DATE: 12/20/2011  
SHEET NO: 2 OF 2

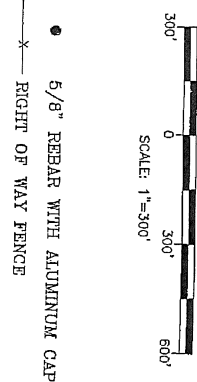
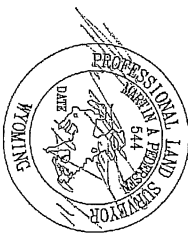
PROPERTY AS DESCRIBED IN BOOK 867, PAGE 598



This P.U.D. approved this 24th day of December, 2011

by Robert M. Munnich, Vice President  
OLSEN BEAL ASSOCIATES

**SURVEYORS STATEMENT**  
I, Martin A. Pedersen, of Rawlins, Wyo., hereby state that this map was made from notes taken on a survey made by me or under my supervision, and that it correctly represents the results of that survey.



5/8" REBAR WITH ALUMINUM CAP  
X RIGHT OF WAY FENCE

4.86 ACRES, MORE OR LESS

**PHASE 1 PROPERTY DESCRIPTION**

COURSE	BEARING	DISTANCE
1	N26°26'32" W	163.22'
2	S68°30'31" W	310.79'
3	N18°44'20" W	95.77'
4	S70°42'38" W	117.17'
5	S18°51'55" E	100.27'
6	S68°30'31" W	1066.43'
7	S19°21'10" E	102.32'
8	N70°48'15" E	1612.33'

OLSEN - BEAL P.U.D. APPLICATION EXHIBIT "A"	Drawn By: <u>EM</u> Check By: <u>EM</u> Asad File: <u>EXHIBIT A</u>	W.D. No: <u>14100</u> Book No: _____	<p><b>WLC</b> ENGINEERING • SURVEYING • PLANNING P.O. BOX 1104, RAWLINS, WY, 82301</p>
	OLSEN - BEAL 1480 W. 200 S. LINDEN, UT 84042		

DATE: 12/20/2011  
PAGE: 1 OF 2



**Resolution No. 2012 - 03****A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.****P.U.D. Case File #2011-01****(Planned Unit Development)**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on December 5, 2011, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the December 5, 2011, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing(s); and

**WHEREAS**, at the conclusion of said December 5, 2011, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change(s) as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on January 3, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment(s) to the Carbon County Official Zoning Map.

**P.U.D. Case File #2011-01 – Robert J. Schumacher (Applicant) and Gordon L. Olsen (Owner):**

Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Planned Unit Development (P.U.D.) for the "Olsen Beal-Wyoming Planned Unit Development" encompassing approximately 55 acres. The purpose is to provide appropriate land for storage and maintenance of large equipment and supplies to service industry in Carbon County and as more specifically described in the P.U.D. Guide, attached as Exhibit A.

**Legal Description:**

SW1/4NE1/4SW1/4, S1/2NE1/4NE1/4SW1/4, N1/2SE1/4NE1/4SW1/4, S1/2NW1/4NW1/4SE1/4, and N1/2SW1/4NW1/4SE1/4 all in Section 33, Township 22 North, Range 81 West, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**Parcel Number:** 22813330003500

**Condition:**

1. A WYDOT Access Permit is required unless WYDOT provides written documentation indicating that an Access Permit is not required.

 1/3/2012 3:54 PM  
Page:2 of 3  
0945937 Bk:1216 Pg:50 Carbon WY Fees:\$0.00 User:CW


**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

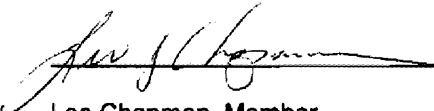
1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Planned Unit Development (P.U.D.) for the "Olsen Beal-Wyoming Planned Unit Development" encompassing approximately 55 acres. The purpose is to provide appropriate land for storage and maintenance of large equipment and supplies to service industry in Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of January, 2012.

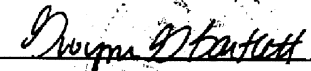
**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By:   
Terry Weickum, Chairman

  
Jerry D. Paxton, Vice Chair

  
Leo Chapman, Member

Attest:

  
Gwynn G. Bartlett, Carbon County Clerk

**Resolution No. 2005 -27**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission.**

**WHEREAS**, pursuant to Wyo. Stat. §18-5-202(b), the Carbon County Planning Commission held a public hearing on July 5, 2005, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning Commission provided the public the opportunity to comment and the Carbon County Planning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on August 2, 2005; and

**WHEREAS**, at said public hearing, the Carbon County Commissioners provided the opportunity for the public to comment and for the Carbon County Commissioners to consider any comments which were made on the proposed amendments; and

**WHEREAS**, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003.

0915222 B-1085 P-0122 08/08/2005 03:11 PM PG 1 of 2 Fee \$  
Linda A. Smith, CARBON COUNTY CLERK

**(1) Case #98-09-02 – Cassidy River Ranch – Planned Unit Development:** Request to amend the Consent To Second Revision Development Plan of the Cassidy River Ranch Planned Unit Development and also the recommendation to the Board of Carbon County Commissioners to approve and sign the development plan. This proposed amendment indicates the addition, the elimination, and the realignment of road easements. The development plan is on file with the Carbon County Planning & Development Department. Cassidy River Ranch is located 3 miles north of Medicine Bow off of Wyoming Highway 487.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning Commission.

**PRESENTED, READ, AND ADOPTED** at a regularly meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2<sup>nd</sup> day of August, 2005.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: *Art Zeiger*  
Artlin "Art" Zeiger, Chairman

*Lee Meacham*  
Lee Meacham

*Terry Weickum*  
Terry Weickum

Attest:

*Linda A. Smith*, Chief Deputy County Clerk  
Carbon County Clerk

**B**

**Flood Damage  
Prevention Resolution  
Resolution No. 1989-10**

FLOOD DAMAGE PREVENTION RESOLUTION  
CARBON COUNTY, WYOMING

RESOLUTION 1983-11, AS AMENDED AND REENACTED  
BY RESOLUTION 1989-10

September 5, 1989

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### SECTION 5: ADOPTION OF THIS RESOLUTION

RESOLUTION NO. \_\_\_\_\_

FLOOD DAMAGE PREVENTION RESOLUTION

CARBON COUNTY, WYOMING

BE IT RESOLVED by the Board of Commissioners, Carbon County Wyoming, pursuant to the authority conferred by the provisions of Wyoming Statute 18-5-201, to amend and reenact Resolution 1983-11 as follows:

SECTION 1: GENERAL PROVISIONS

1.1 Title.

This resolution shall hereafter be known, cited, and referred to as the Flood Plain Management Regulations of Carbon County, Wyoming.

1.2 Statutory Authorization.

The Legislature of the State of Wyoming has in W.S. 18-5-201 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

1.3 Findings of Fact.

The flood hazard areas of Carbon County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.4 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

(8) To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

#### 1.5 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### 1.6 Applicability.

The provisions of this ordinance shall apply to all areas of special flood hazards as delineated on the most recent Flood Insurance Rate Maps (FIRM), or revisions thereto, issued by the Federal Emergency Management Agency (FEMA), within the jurisdiction of Carbon County, Wyoming.

#### 1.7 Determination of Areas of Special Flood Hazard.

The areas of special flood hazard, identified by the FEMA in its most recent FIRM, are adopted by reference and declared to be part of this ordinance. The FIRM is on file in the Carbon County Planning & Development Office in Rawlins, Wyoming.

#### 1.8 Compliance.

No structure or land shall hereafter be constructed, located, extended, altered or developed without full compliance with the terms of this resolution and other applicable regulations.

#### 1.9 Abrogation and Greater Restrictions.

This resolution is not intended to repeal, abrogate, or impair any other existing resolutions, laws, easements, covenants, or deed restrictions. However, where this resolution and another resolution, law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 1.10 Interpretation.

In the interpretation of this resolution, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

#### 1.11 Warning and Disclaimer of Liability.

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This resolution does not imply that land outside the areas of special flood hazards or uses permitted within such areas of

special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Carbon County, Wyoming, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

#### 1.12 Separability.

If any part or provision of this resolution or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this resolution or the application thereof to other persons or circumstances. The Board of Commissioners of Carbon County hereby declares that it would have enacted the remainder of this resolution even without any such part, provision, or application.

### SECTION 2: DEFINITIONS

#### 2.1 Usage.

Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage and to give this resolution its most reasonable application.

#### 2.2 Words and Terms Defined.

Appeal: A request for review of an interpretation or decision made by the Director in carrying out the provisions of this resolution.

Area of special flood hazard: The area which is subject to inundation by the base flood that is, the area which is subject to a one percent or greater chance of flooding in any given year. The area of special flood hazard is designated on the FIRMs as Zone A.

Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year; also referred to as a "100 year flood".

Board of Commissioners: The Carbon County Board of Commissioners.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other

structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Director of Planning & Development: The Director of the Carbon County Office of Planning & Development or his designee. Known also as Director.

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters and/or; (2) the usual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by FEMA which delineates areas of special flood hazard designated as Zone A.

Floodplain: The area which is inundated by the base flood; also referred to as the area of special flood hazard.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Office of Planning & Development: The agency designated by the Board of Commissioners to administer these regulations; and, the office of the Planning Commission, also referred to as the "Planning Office".

Planning Commission: The Planning & Zoning Commission of Carbon County, Wyoming. The Director acts under the Planning Commission's guidance.

Structure: A walled and roofed building or manufactured home that is principally above ground.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started; or, (2) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either: (1) any

project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with these regulations. Violation is presumed until such time as documentation showing otherwise is provided.

### SECTION 3: ADMINISTRATION AND ENFORCEMENT

#### 3.1 Designation and Duties of the Office of Planning & Development.

The Office of Planning and Development is hereby appointed to administer and implement this resolution under the authority and supervision of the Carbon County Planning & Zoning Commission and the Carbon County Board of Commissioners. The duties and responsibilities of the Office of Planning & Development shall include but not be limited to the following:

(1) Review permit applications to determine that the permit requirements of this resolution have been satisfied; and, approve or deny permits accordingly.

(2) Review permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review permit applications to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this resolution, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(4) Issue permits if it is determined that there is no adverse effect, and the development is not a building. If it is determined that there is an adverse effect, issue permit after technical justification (i.e., a registered professional engineer's certification) for the proposed development is given and other provisions of this resolution have been met.

(5) When base flood elevation data is not available from FEMA, the Director of Planning & Development shall obtain, review, and reasonably utilize any base flood

elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of the resolution.

(6) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(7) For all new or substantially improved floodproofed structures; verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed; and, maintain the floodproofing certifications required herein.

(8) Maintain for public inspection all records pertaining to the provisions of this resolution.

(9) Notify adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(10) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(11) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

### 3.2 Development Permits and Application Requirements.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1.7. Application for a Development Permit shall be made through the Office of Planning and Development and shall include the following:

(1) Plans drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and/or drainage facilities; and the location of the foregoing in relationship to the areas of special flood hazard;

(2) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;



(3) The elevation in relation to mean sea level to which any structure has been floodproofed;

(4) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 4.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

(6) Any other information deemed necessary to appropriately describe the development and its impacts to flooding; and,

(7) A fee of ten dollars (\$10) payable to the Carbon County Treasurer.

### 3.3 Review and Approval Procedures.

(1) Approval or denial of Development Permits by the Director of Planning and Development shall be based on all of the provisions of this resolution together with the following factors:

(a) The danger of life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations or designs which would reduce the degree of flood hazard to the proposed development or surrounding properties;

(j) Conformance of the proposed use or development with the provisions of the County's Subdivision and Zoning Regulations, official land use plans and policies, and other applicable local regulations;

(k) Compliance with any Federal and State permit or approval requirements applicable to the development.

(2) The Director of Planning and Development shall act upon an application for Development Permits as filed, or as amended. However, such permit shall not be issued until all required approvals have been granted for the particular development work to be covered by the permit.

(3) When the Director of Planning and Development determines that an application for a Development Permit does not meet the requirements of this resolution, or that such application proposes development which is inconsistent with the purpose of this resolution, not in conformance with the provisions herein, or inappropriate on the basis of one or more of the factors set forth in Section 3.3(1) herein, the application shall be denied. Upon request, the Director of Planning and Development shall provide the applicant with a written notice stating the reasons for denial.

#### 3.4 Conditions of Approval.

(1) Issuance of a Development Permit shall be construed as a license to proceed with the work specifically authorized by such permit, subject to the provisions of these and other applicable regulations and to approval of any other permits required for the development. A Development Permit shall not be construed to provide any authority to violate, cancel, alter, or set aside any of the provisions of this resolution or of other applicable laws and regulations. Nor shall issuance of such permit prevent the Director of Planning and Development from thereafter requiring a correction of errors in plans or in construction, or of violations of this resolution.

(2) Development Permits shall become invalid if the work authorized thereby is not commenced within one year of the date of issuance.

(3) Development Permits are conditioned upon the development being carried out in accordance with the application information and plans on which the approval of the permit is based. Prior approval must be obtained from the Director of Planning and Development for any changes in the approved plans which may affect the extent or degree of

flood hazard or of compliance with this resolution. When such changes will result in significant variation from the previously approved application or plans, a new or amended Development Permit application shall be submitted.

(4) The Director of Planning and Development may attach such conditions to the approval of a Development Permit as he deems necessary to further the purposes or to insure conformance with the provisions of this resolution. Such conditions shall be set forth in writing as a part of or attachment to the permit, and shall have the same force and effect as the provisions of this resolution. The applicant shall be given a reasonable opportunity to appeal the attachment of such conditions as provided in Section 3.5.

### 3.5 Appeals.

(1) The Carbon County Planning Commission shall hear and render judgement on appeals when it is alleged that there is an error in any order, decision, or determination made by the Director of Planning and Development in interpreting, applying, or carrying out the provisions of this resolution.

(2) In acting upon appeals, the Planning Commission shall have all powers conferred upon the Director of Planning and Development "with respect to interpretation of this resolution and approval or denial of Development Permits. The Planning Commission may reverse, affirm, or modify, wholly or partly, the order, decision, or determination appealed from.

(3) The concurring vote of a majority of a quorum of the Commission shall be necessary to reverse or modify any order, decision, or determination made by the Director of Planning and Development.

(4) The burden of proof on any appeal rests upon the applicant.

(5) Requests for appeal must be submitted in writing to the Office of the Planning and Development not less than twenty (20) days before the meeting of the Board at which the appeal is taken.

(6) The decision of the Carbon County Planning Commission may be appealed to the Board of County Commissioners by any person aggrieved or affected by any decision of the County Planning Commission. Such appeal shall be taken within 10 days from the date of the action appealed from by filing a notice of appeal with the Board of County Commissioners and the County Planning Commission specifying the grounds thereof.

(7) The Director of Planning and Development shall maintain a record of all action involving an appeal and shall report such actions to FEMA upon request.

### 3.6 Variances.

(1) The Carbon County Planning Commission shall hear and render judgement on all requests for variances from the requirements of this resolution.

(2) Variances may be issued generally for the following purposes, subject to all of the requirements and limitations of this subsection:

(a) New construction and substantial improvements to be erected below the base flood elevation in areas which are contiguous to and generally surrounded by other lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification for the variance likewise increases.

(b) New construction, substantial improvements, and for other development necessary for the conduct of a functionally dependent use, provided that the other variance criteria are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.

(c) Reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or State Inventory of Historic Places without regard to the requirements and limitations of this resolution.

(3) Variances shall only be issued after consideration of all of the factors set forth in Section 3.3(1) of this resolution and upon the Planning Commission's determinations that:

(a) Good and sufficient cause has been shown for granting a variance;

(b) Failure to grant the variance would result in exceptional hardship to the applicant;

(c) The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, and will not create a nuisance, contribute to fraud on or victimization of the public, or conflict with local laws and ordinances;

(d) The variance to be granted is the minimum necessary, considering the flood hazard, to afford relief;

(4) Applications for variances must be submitted to the Office of Planning and Development not less than twenty (20) days before the meeting of the Planning Commission at which the application is to be considered. An application for a variance shall include all information required for a development permit application by Section 3.2 of this resolution and be accompanied by a \$10.00 fee. The Planning Commission shall hold a public hearing on each request for a variance and give public notices thereof at least fourteen (14) days before the date of the hearing.

(5) After a variance has been granted, a Development Permit may be issued when the Director of Planning and Development has determined that the proposed development complies with the terms and conditions of the variance and all other applicable provisions of this resolution. Such permit shall include a notation that the issuance thereof is based on a variance from the requirements of this resolution.

(6) To compensate for this increased flood hazard which might otherwise result from the granting of a variance, the Planning Commission may attach such conditions to a variance as it deems necessary to further the purposes of this resolution.

(7) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance for the structure subject to such variance will be commensurate with the increased risk.

(8) Any person or persons jointly or severally aggrieved by any decision of the Planning Commission, may appeal the decision in to the Board of County Commissioners. Notice of such appeal must be filed with the Board of County Commissioners within ten (10) days of the Planning Commission's decision.

(9) The Director of Planning and Development shall maintain a record of all actions involving a variance and shall report such actions to FEMA upon request.

### 3.7 Enforcement.

(1) The Director of Planning and Development may inspect any development, construction work, building, structure, or premises to enforce compliance with the provisions of this resolution.

(2) Upon notice from the Director of Planning and Development, any development, occupancy, or use conducted or

established contrary to the provisions of this resolution shall be immediately stopped or discontinued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person conducting the development, occupancy, or use, and shall state the conditions, if any, under which such development, occupancy, or use may be resumed.

(3) The Director of Planning and Development may revoke a Development Permit or other approval issued under the provisions of this resolution in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the approval was based. When approval for a development is revoked under the provisions of this resolution, any permits issued by the County for such development may also be revoked.

(4) Appropriate actions or proceedings may be taken by the Office of the County Attorney at the direction of the Board of Commissioners, at law or in equity, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure of premises, and these remedies shall be in addition to the measures described above and any penalties provided by law.

(5) Any person, firm, or corporation who shall fail to comply with any of the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine no more than \$500.00, together with the cost of prosecution; and in default of payment thereof, by imprisonment for no more than thirty (30) days. Each day of violation constitutes a separate offense.

### 3.8 Administration Standards.

Whenever an administrative decision is necessary or desirable in the course of administration and enforcement of this resolution and standards for the making of such decision are not otherwise specified herein, then the decision shall be made so that the result will not be contrary to the purposes set forth in Section 1.4 of this resolution.

## SECTION 4: PROVISIONS FOR FLOOD HAZARD REDUCTION

### 4.1 General Standards.

In all areas of special flood hazards, the following standards are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or

lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

(5) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 4.2 Subdivisions.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided with the subdivision proposals, and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).

#### 4.3 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided, the following standards are required:

(1) Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

(2) Nonresidential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

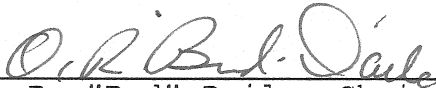
#### SECTION 5: ADOPTION OF THIS RESOLUTION

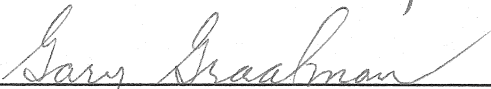
This resolution, "The Flood Damage Prevention Resolution", shall take effect immediately upon adoption by the Board of Commissioners of Carbon County, Wyoming, in the manner prescribed by State law.




PASSED, ADOPTED AND APPROVED this 5th day of September,  
1989.

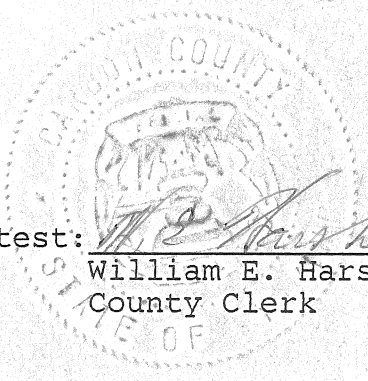
Board of County Commissioners  
of Carbon County, Wyoming

  
O. R. "Bud" Daily, Chairman

  
Gary Graalman

  
O. R. "Bud" Wille

Attest:   
William E. Harshman  
County Clerk



**C**

**Nuisance  
Resolution No. 2010-10**

**RESOLUTION NO. 2010-10**  
**NUISANCE RESOLUTION**

**WHEREAS**, the Carbon County Board of Commissioners under Wyoming Statute § 18-2-115 (a) is required to establish standards for determining when a site may be declared a nuisance under Wyo. Stat. 18-2-101(a)(viii);

**NOW THEREFORE BE IT RESOLVED**, the purpose of this resolution is to protect and provide for the highest level of health, safety and welfare for County citizens and to promote and encourage the maintenance of properties within Carbon County. This resolution shall not regulate any permitted industrial facility, to include junk dealers as described at Wyoming Statute § 33-18-101 et. seq. and properly permitted under Wyoming Department of Regulations or County Zoning Resolutions, or oil and gas or mining operations necessary to the extraction, production or exploration of the mineral resources nor shall this resolution be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act, and as amended.

Section 1. Definitions as used herein.

(a) Nuisance: Any use or non-use of property, which presents a clear and definable threat to the life, health, safety or welfare of Carbon County citizens or which is otherwise defined at common law, Wyoming State Statute, or herein.

(b) 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, significant setback or other County approved features.

(c) Accumulation: Massing or storing of material, debris, matter or waste in a manner that exceeds quantities that would commonly be considered reasonable or are significantly inconsistent with surrounding properties and like uses.

(d) Toxic material: Material that is listed by OSHA as a hazardous substance where exposure to said substance is greater than permitted by OSHA.

(e) Hazardous material: a substance or material that has been designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous under Hazardous Materials Regulations 49 CFR Parts 100-185 and/or Protection of the Environment 40 CFR Parts 1-766.

(f) Primary Property or Source: The main and significant property, area, spot or source from which a nuisance originates.

(g) Vehicle: as defined by Wyoming Statute under Title 31.

Section 2. General.

(a) A site, property, tract, lot, building grounds, area or other property may be declared a nuisance by the Board of County Commissioners in conformance with Wyoming Statute §18-2-101 et. seq. if a nuisance, as listed in Section 2 (c) of this Resolution exists on said site, property, tract, lot, building grounds, area or other property.

(b) The Board of Carbon County Commissioners authorizes and designates the Carbon County Planning and Development Director to investigate and determine the existence of a nuisance and to make recommendations to the Commissioners concerning a property being a nuisance.

(c) The following may be declared a nuisance by the Board of Carbon County Commissioners:

(1) Failure to keep material, debris, waste, refuse or garbage properly contained;

(2) The outside, unscreened storage or keeping of four or more inoperable and unregistered vehicles;

(3) The unscreened and/or unlicensed accumulation of materials, debris, waste recyclables, or other scrap or junk material;

(4) The active or passive discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health from a primary property or source;

(5) The active or passive contamination of any well, cistern, stream, lake, groundwater, or other body of water by sewage, waste or other materials or substances from a primary property or source;

(6) Accumulation of decayed or decaying matter, trash, rubbish, garbage or any substance which is demonstrated and determined to be a health hazard;

(7) Storage, use or disposal of hazardous material, in such quantity or manner that creates a public health hazard;

(8) Any condition or situation which renders a structure designed and constructed for human habitation or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy;

(d) Violations of the foregoing provisions may be enforced through any method authorized for enforcement through the provisions of Wyoming Statute § 18-2-101 *et. seq.* or the Carbon County Zoning Resolutions. Such remedies may include 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.

Approved this 16 day of March, 2010.

-s- Terry Weickum, Chairman

-s- Jerry Paxton

-s- Charles C. Young, M.D.

Attest:

-s- Gwynn G. Bartlett, County Clerk

**D**

**Sinclair Use  
Control Area  
Resolution No. 2007-07**

RESOLUTION NO. 2007-07

**A RESOLUTION CREATING A USE CONTROL AREA  
PURSUANT TO THE USE CONTROL AREA PETITION  
FILED BY THE SINCLAIR WYOMING REFINING  
COMPANY**

**WHEREAS:**

1. On August 25, 2006, the Sinclair Wyoming Refining Company filed a Use Control Area Petition, pursuant to W.S. § 35-11-1609, with the County of Carbon, State of Wyoming.
2. The Petition requested the creation of a Use Control Area on approximately 2,644 acres of land owned by Sinclair Wyoming Refining Company, which land is more specifically described in the attached Exhibit A, which is by this reference specifically incorporated herein.
3. The Petition requested the establishment of a Use Control Area within both the town limits of the Town of Sinclair, Wyoming, as well as lands which are outside the Town and within Carbon County and maintenance of the same in accordance with the provisions of W.S. § 35-11-1609 and also outlined specific prohibited uses as authorized by state statute.
4. Public notice of the Petition was published in the Rawlins Daily Times newspaper on the following dates: October 26, 2006, November 2, 2006, November 9, 2006 and November 16, 2006, as required by state statute.
5. Notice of the Use Control Area Petition was provided by Sinclair Wyoming Refining Company to all surface owners of record of land contiguous to the proposed use control site as required by state statute.
6. The Board of County Commissioners of Carbon County, Wyoming, pursuant to public notice, conducted a public hearing on the Petition on December 7, 2006, at 6:00 p.m., in the Council Chambers in the Town Hall, Sinclair, Wyoming. The Board of County Commissioners listened to comments of the Petitioner, as well as all public comments.
7. The Board of County Commissioners having now discussed such Petition and having voted unanimously upon the creation of a Use Control Area as requested in the Petition and in accordance with applicable rules, regulations and procedures:

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, CARBON COUNTY, WYOMING:**

Section 1. A Use Control Area shall be and is hereby established upon the real property which located outside the town limits of the Town of Sinclair, Wyoming, but within Carbon County, which real property is specifically described on the attached Exhibit A and is delineated on the attached map, designated as Exhibit B, both of which are incorporated herein by this reference.

Section 2. The following uses shall be prohibited in the specifically described Use Control Area ( "UCA"):

- a. residential;
- b. nursing home;
- c. day care;
- d. hospital or hospice;
- e. jail or detention center;
- f. school;
- g. food processing facility;
- h. hotel or motel;
- i. animal shelter, animal treatment or care facility, kennel;
- j. greenhouse, plant nursery (except in situations where greenhouse or nursery-cultivated plants are grown in clean soil imported to the site for which there is no reasonable possibility of root penetration into contaminated soils on the site);
- k. hunting or trapping;
- l. water well drilling terminating in the uppermost aquifer; and
- m. construction of new buildings for permitted uses within the UCA without consideration or the potential for subsurface vapor intrusion.

Section 3. Recording. A certified copy of this Resolution shall be placed of record, at the expense of the Petitioner, in the Office of the County Clerk and Ex-Officio Register of Deeds of Carbon County, Wyoming, placing the specified usage limits upon the real property which is located outside the town limits of the Town of Sinclair but within Carbon County as delineated on the map attached as Exhibit B and as specifically described in the legal description attached as Exhibit A. These prohibited uses are to run with the lands so described which are outside the town limits of the Town of Sinclair as specifically described in Exhibit A and as delineated on Exhibit B and shall be binding on all parties and all persons claiming under them in perpetuity, unless removed by Resolution passed by the Board of County Commissioners of Carbon County, Wyoming.

Section 4. Enforcement. Each and every resident of the Carbon County or Carbon County, Wyoming, acting by and through the Board of County Commissioners, or the Sinclair Wyoming Refining Company or its successors or assigns, shall have the right and authority to enforce compliance with the UCA requirements contained herein by applying for injunctive relief in a Court of competent jurisdiction. Upon the initiation of any prohibited use, a written notice of such

violation shall be directed by Carbon County, Wyoming, acting by and through the Board of County Commissioners, to the violator who shall then have ten(10) days after receipt of said notice to correct the violation, by ceasing the prohibited use. If said violation is not so corrected, then each and every resident of the Carbon County or Carbon County, itself, by and through the Board of County Commissioners, or the Sinclair Wyoming Refining Company or its successors or assigns, may apply for injunctive relief. In addition, misdemeanor charges may be initiated by Carbon County, as deemed appropriate. The violator shall be liable for all costs and attorney fees incurred in enforcing compliance with this Resolution. In the event suit is required to enjoin the violation of any of the requirements contained herein, violator(s), in addition to any of the other penalties provided herein or which may be assessed by a court, shall be jointly and severally liable for all attorney fees and costs incurred in bringing such action and enforcing this Resolution.

Civil enforcement shall be by proceeding for injunctive relief against any person or persons violating or attempting to violate any prohibited use, to restrain violation thereof.

Section 5. Repealer. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Approved on this 6<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS,  
Carbon County, Wyoming

By: [Signature]

Chairman

ATTEST:

[Signature]  
County Clerk (Seal)



January 19, 2007  
8654 Trihydro  
Use Control Boundary

"A parcel of land in T21N, R86W, Carbon County, Wyoming, more completely described as follows:

Beginning at the Northeast corner of Sec. 16, T21N, R86W;

Thence South along the East line of said Sec. 16 to the East  $\frac{1}{4}$  corner of said Sec. 16;

Thence East along the East/West centerline of Sec. 15, T21N, R86W, 3980 ft., more or less, to the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Sec. 15;

Thence North 1320 ft., more or less, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  to the Northwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Thence East 1320 ft., more or less, along the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  to the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  on the East line of said Sec. 15;

Thence North 1320 ft., more or less, to the Northeast corner of said Sec. 15;

Thence East 5280 ft., more or less, along the North line of Sec. 14, T21N, R86W, to the Northeast corner of said Sec. 14;

Thence East 5280 ft., more or less, along the North line of Sec. 13, T21N, R86W, to the Northeast corner of said Sec. 13;

Thence South 5280 ft., more or less, along the East line of said Sec. 13 to the Southeast corner of said Sec. 13;

Thence West, 5280 ft., more or less, along the South line of said Sec. 13 to the Southwest corner of said Sec. 13;

Thence South 1565 ft., more or less, along the East line of Sec. 23, T21N, R86W, to a point on the North right of way of the Union Pacific Railroad;

Thence S88°W, 5261 ft., more or less, along the North right of way of the Union Pacific Railroad, to the East line of Sec. 22, T21N, R86W, monumented with an iron pipe and brass cap;

Thence N0°06'30"W, 770.26 ft. along the East line of said Sec. 22, to point at a fence corner monumented with a 5/8 rebar and Al. cap which is S0°06'30"E, 955.32 ft. from the Northeast corner of said Sec. 22;

Thence S88°14'27"W, 3529.92 ft. to a point monumented with a 5/8 rebar with Al. cap;

Thence S71°34'15"W, 1130.42 ft. to a point at a corner of a fence to the North and West monumented with a 5/8 rebar and Al. cap

Thence S0°W, 2362.67 ft. on a line approximately 660 ft. East of the West line of said Sec. 22 to a point on the North right of way line of Interstate 80 (I-80) monumented with a 5/8 rebar with Al. cap which bears S30°12'59"E, 1317.21 ft. from the West  $\frac{1}{4}$  corner of said Sec. 22;

Thence Westerly and Northwesterly along the North and Northeasterly right of way line of said I-80 through Sections 22, 21, and 20, T21N, R86W, to the intersection with the North right of way line of the Union Pacific Railroad on the West end of Sinclair, Wyoming;

Thence N87°38'30"E, along the North right of way of the Union Pacific Railroad, and the South line of Blocks 140 and 141, Second Subdivision of the Town of Parco, (now Sinclair), and the South line of Blocks 52-60 of the Original Townsite of Parco (now Sinclair) to a point that is 2814.86 ft. West of the East line of said Sec. 21 along the North right of way line of the Union Pacific Railroad;

0924112 B-1123 P-0112 02/13/2007 10:47 AM PG 4 of 7 Fee \$ 0.00  
GWYNN ROTHENBERGER, CARBON COUNTY CLERK

ATTACHMENT A

January 19, 2007  
8654 Trihydro  
Use Control Boundary

"A parcel of land in T21N, R86W, Carbon County, Wyoming, more completely follows:

Beginning at the Northeast corner of Sec. 16, T21N, R86W;

Thence South along the East line of said Sec. 16 to the East  $\frac{1}{4}$  corner of said Sec. 16;

Thence East along the East/West centerline of Sec. 15, T21N, R86W, 3980 ft., to the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Sec. 15;

Thence North 1320 ft., more or less, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  to corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Thence East 1320 ft., more or less, along the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  to corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  on the East line of said Sec. 15;

Thence North 1320 ft., more or less, to the Northeast corner of said Sec. 15;

Thence East 5280 ft., more or less, along the North line of Sec 14, T21N, R86W to corner of said Sec. 14;

Thence East 5280 ft., more or less, along the North line of Sec. 13, T21N, R86W to Northeast corner of said Sec. 13;

Thence South 5280 ft., more or less, along the East line of said Sec. 13 to the Southwest corner of said Sec. 13;

Thence West, 5280 ft., more or less, along the South line of said Sec. 13 to the Southwest corner of said Sec. 13;

Thence South 1565 ft., more or less, along the East line of Sec. 23, T21N, R86W to the North right of way of the Union Pacific Railroad;

Thence S88°W, 5261 ft., more or less, along the North right of way of the Union Pacific Railroad to the East line of Sec. 22, T21N, R86W, monumented with an iron pipe and brass cap

Thence N0°06'30"W, 770.26 ft. along the East line of said Sec. 22, to point at which the line is monumented with a 5/8 rebar and Al. cap which is S0°06'30"E, 955.32 ft. from the Northeast corner of said Sec. 22;

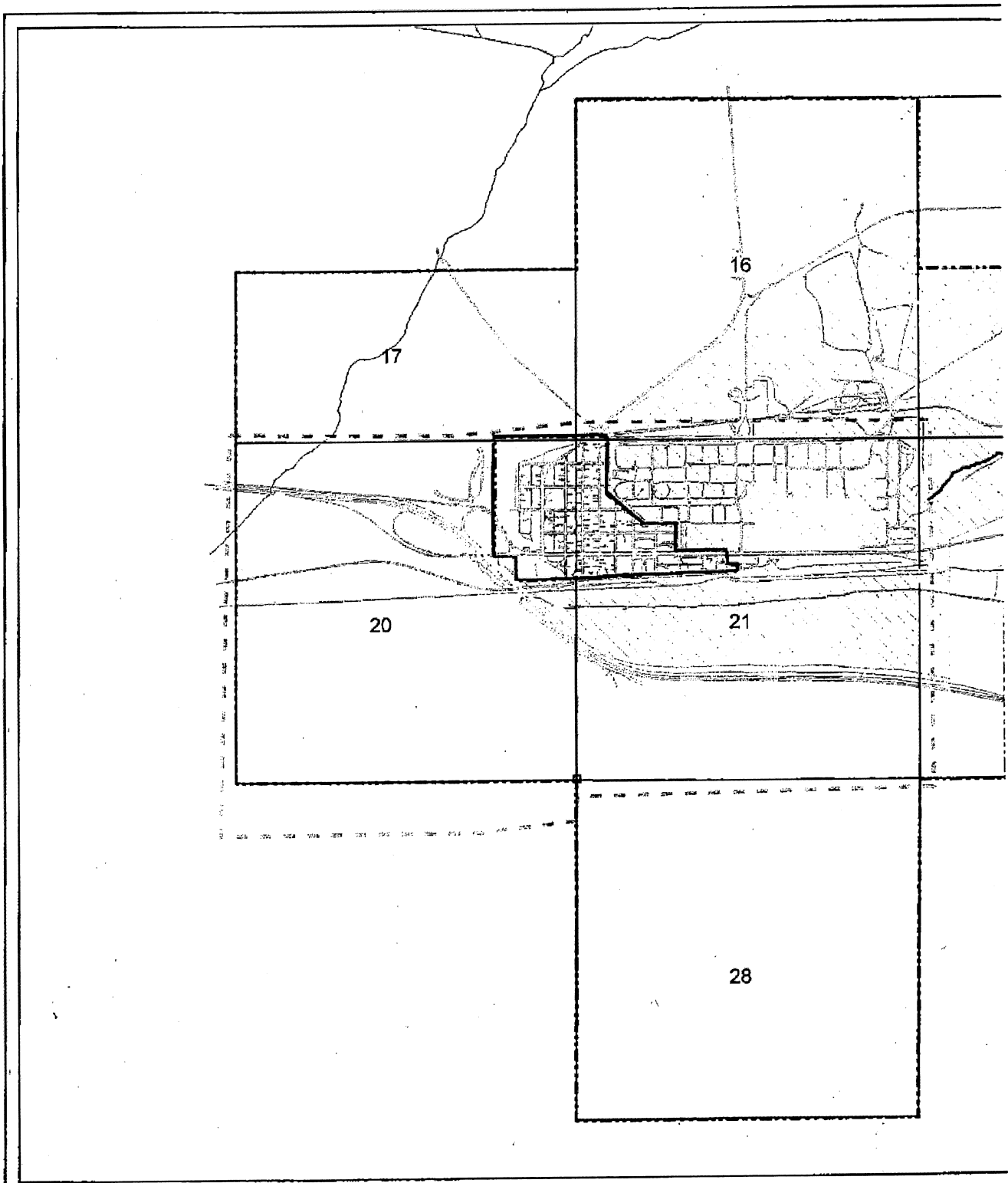
Thence S88°14'27"W, 3529.92 ft. to a point monumented with a 5/8 rebar with

Thence S71°34'15"W, 1130.42 ft. to a point at a corner of a fence to the North monumented with a 5/8 rebar and Al. cap


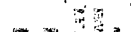

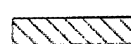
Thence S0°W, 2362.67 ft. on a line approximately 660 ft. East of the West line to a point on the North right of way line of Interstate 80 (I-80) monumented with a 5/8 rebar which bears S30°12'59"E, 1317.21 ft. from the West  $\frac{1}{4}$  corner of said Sec. 22;

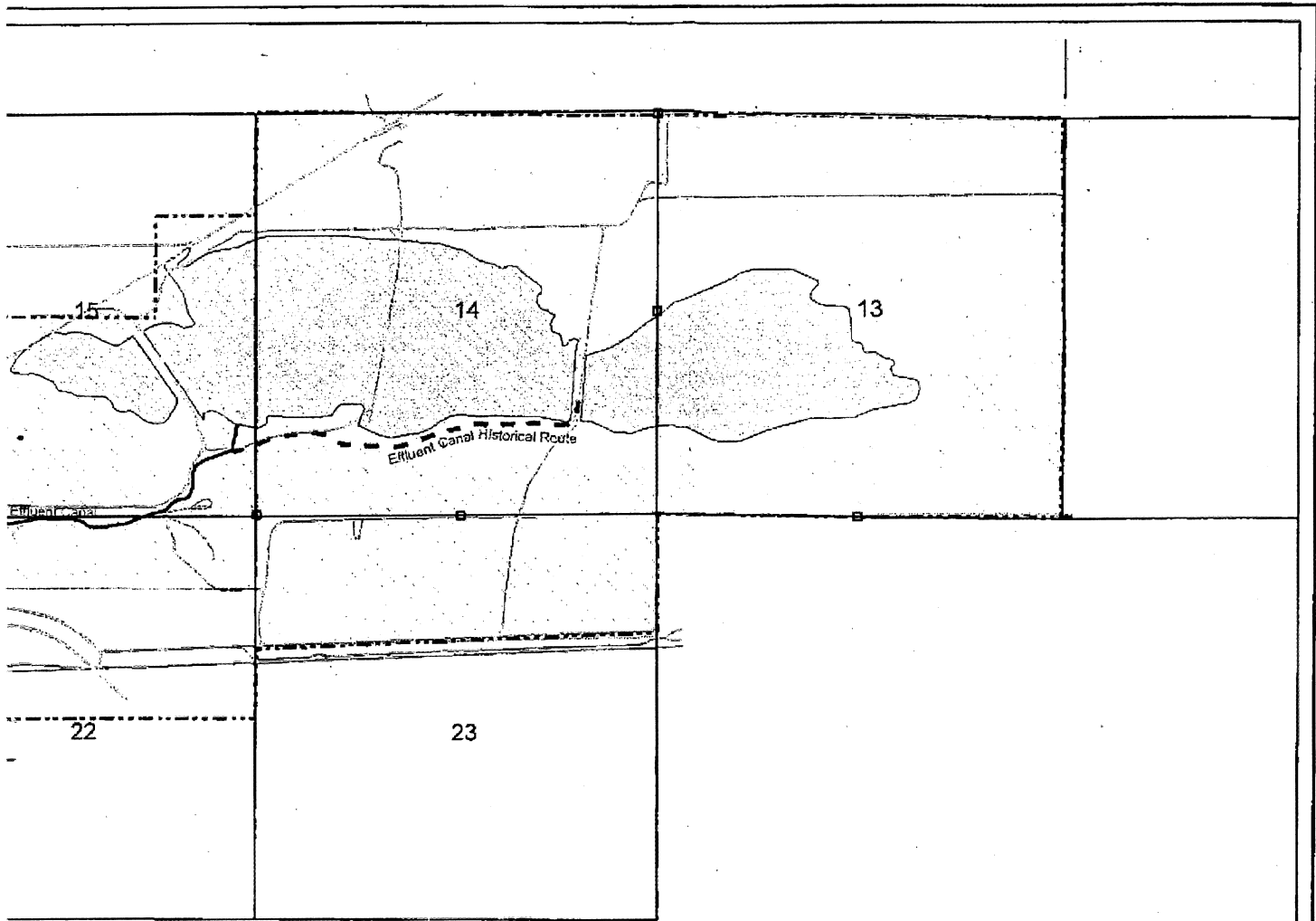
Thence Westerly and Northwesterly along the North and Northeasterly right of way of I-80 through Sections 22, 21, and 20, T21N, R86W, to the intersection with the North right of way of the Union Pacific Railroad on the West end of Sinclair, Wyoming;

Thence N87°38'30"E, along the North right of way of the Union Pacific Railroad line of Blocks 140 and 141, Second Subdivision of the Town of Parco, (now Sinclair) to a point on the line of Blocks 52-60 of the Original Townsite of Parco (now Sinclair) to a point on the East line of said Sec. 21 along the North right of way line of the Union Pacific Railroad



**EXPLANATION**

-  Town of Sinclair Group D (Not included in Use Contr
-  Town of Sinclair Boundary
-  Approximate Refinery Boundary
-  Use Control Area



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 GWYNN ROTHENBERGER, CARBON COUNTY CLERK

3a)

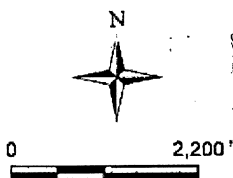


FIGURE 1

PROPERTY BOUNDARY AND USE CONTROL  
 AREA BOUNDARY

SINCLAIR WYOMING REFINERY COMPANY,  
 SINCLAIR, WYOMING

Drawn By: PH

Checked By: EW

Scale: 1" = 2200'

Date: 08/18/06

File: Figure1.mxd

ATTACHMENT B

**E**

**Zoning  
Resolution  
Amendments**

***Carbon County  
Zoning Resolution Amendments***

<b>Resolution No.</b>	<b>BOCC Approval Date</b>
2020-28	7/7/2020
2019-05	3/5/2019
2018-08	3/6/2018
2016-40	10/18/2016
2015-36	10/6/2015 (Adopted)
2015-26	8/5/2015
2015-02	1/6/2015
2011-09	4/5/2011
2010-34	10/5/2010
2009-39	11/17/2009
2008-12	5/8/2008 (Rescinded)
2004-02	1/6/2004
2003-04	1/21/2003

***Carbon County  
Zoning Resolution Amendments***

<b>Resolution No.</b>	<b>BOCC Approval Date</b>
2000-6	8/1/2000 (Null & Void)
Not Available	1989
Not Available	9/6/1972
Not Available	1/11/1971 (Original Adoption Date)

**END OF  
BOOK**