3.1 CONDITIONAL USE PERMIT PROCEDURES

A. General Information Conditional Use permits are for uses indicated as conditional uses on the Land Use Table in Section 7.3 of these Land Use Regulations.

1. No premises shall be used, or building, or structure constructed within any zoning district, as a conditional use until the owner has obtained a conditional use permit from the Board of County Commissioners (Board) as provided herein. Once issued, a Conditional Use Permit follows the land, and the Conditional Use Permit is binding upon subsequent owners.

2. At the time application for a conditional use is submitted to the Planning Office, a uniform fee established by Board resolution shall be paid by the applicant.

3. A conditional use is not transferable from one unit of land to another.

4. A complete application is required in order to be placed on the agenda of the Lincoln County Planning and Zoning Commission.

5. In the event a conditional use is proposed in connection with a petition for a zone change, the application for the conditional use shall accompany the petition.

B. Complete Applications

1. A pre-application conference shall be held with a member of the Lincoln County Planning staff prior to making application. The purpose of this conference is to establish the parameters of the application for review by the Planning and Zoning Commission. This conference shall be by appointment only. It is ideal that the conference take place on site but is not mandatory. Applications submitted without a pre-application
conference will be deemed incomplete. Incomplete applications, as determined by the Administrator, shall not be accepted and may be returned to the applicant. If the application is deemed to be incomplete, the Administrator shall notify the applicant, by mail or by phone, if possible, of the deficiencies in the application and how they can be eliminated.

2. During the pre-application conference, the Administrator may determine that, because of unusual size, characteristics, or potential impacts of the proposed development, or the characteristics of the proposed site, a special study is required to evaluate the specific impacts of the proposed development on the community or area. This study may include, but is not limited to, economic, fiscal, and environmental issues.

3. Applications shall contain the following information:
   a. Name and address of the person applying for the permit
   b. Legal description of property proposed for use; also common street address of property,
   c. Total lot size of area proposed for use, including number of lots applicable.
   d. Current zoning and use of property.
   e. Current zoning and land uses within a three hundred foot (300') radius of the property.
   f. Purpose for which the property is to be used, including the size of the building or buildings, number of occupants and or employees, and number of office spaces.
   g. A plot plan of the property showing the proposed location of buildings, off street parking spaces, routes for ingress and egress, and fencing and screening if any.
   h. Area and height of buildings and other structures;
   i. Density for the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three;
   j. Volume in terms of the number of customers and/or deliveries per day;
   k. Location of use with respect to the same or similar uses within three hundred foot (300') radius of the perimeter of the described property.
   l. Any permits, letters or reviews by federal, state, or local jurisdictions concerning the proposal (i.e. Fire Marshal plan review, Health Department, Wyoming Department of Environmental Quality, Wyoming Department of Transportation).
   m. All applicable development standards spelled out in Chapter 6 of this document shall be addressed.
   n. All physical improvements required by standards of this document shall require that a performance guarantee be submitted with the application in accordance with performance guarantee procedures of Chapter 6.

C. Action by Applicant

1. Applications shall be complete in order to be considered by the Planning and Zoning
Commission at their normal hearing at the end of the month.

2. The applicant or the applicant's representative is required to attend both Planning and Zoning Commission hearing and Board of County Commissioner's hearings concerning the conditional use application. If the applicant or applicant's representative is not present, the applicant shall reapply.

3. The applicant may request the project be tabled once (1) for consideration by the Planning and Zoning Commission and/or by the Board of County Commissioners; however, a written request shall be submitted to the Administrator no later than three (3) working days prior to the hearing for consideration by the appropriate Commission. If Commission grants table by request, the applicant shall be subject to a fee, as determined by the Administrator, to cover the additional expense for notification of interested parties.

D. Action by Planning Office

1. Within seven (7) days of receiving application, the administrator shall determine if the application is complete. Upon determination of completeness for a conditional use permit, a written notice with relevant information shall be mailed or delivered to the applicant, affected agencies, and all owners of private real property within a 300 foot radius of the perimeter of the project in question as shown on said application for their comments.

2. The Planning Staff shall submit a copy of relevant information pertaining to the application to appropriate local and state agencies and identified property owners for their comments. The notice will request a response within eight (8) days prior to the Planning and Zoning Commission Meeting to allow all received responses at that time to be included in the Planning Staff Report. All noticed parties shall have a deadline of 5:00 p.m. the Monday preceding the tentatively scheduled date of the Planning and Zoning Commission Meeting or the Board of County Commission Meeting to respond. Agencies may include, but are not limited to, the following:

   a. School Districts;
   b. County Engineer/Surveyor;
   c. Recreation Commission;
   d. Utility Companies;
   e. Wyoming Game and Fish;
   f. Fire Districts;
   g. United States Department of Agriculture Forest Service;
   h. United States Department of Interior Bureau of Land Management;
   i. Wyoming State Engineer;
   j. Wyoming Department of Environmental Quality;
   k. Commissioner of Public Lands;
   l. Airport Boards;
m. Wyoming Department of Health;

n. Wyoming Department of Transportation;

o. Any affected Irrigation District;

p. Home Owners’ Association

3. A copy of a complete application for development located within one mile of municipal boundaries shall be sent to the governing body of the municipality. City councils and Planning Commissions are encouraged to recommend a course of action to the Lincoln County Planning and Zoning Commission during the review period of an application.

Reports and Analysis

1. With a complete application and the return of the agency and neighboring property owners’ comments, Planning Staff shall schedule the project for the agenda of the Lincoln County Planning and Zoning Commission.

2. The Planning Staff shall prepare and make available a staff report to all interested parties no later than seven (7) days before the scheduled Planning and Zoning Commission hearing. This report shall include: a discussion of the relevant issues pertaining to the application and recommendation of approval, denial, or tabling based upon findings of fact.

E. Action by The Planning and Zoning Commission

1. There shall be at least a quorum of Planning and Zoning Commissioners in order to entertain motions at the hearing and make recommendations to the Board of County Commissioners. If no motion is made, the application shall be forwarded to the Board of County Commissioners.

2. The Planning and Zoning Commission shall review the complete application and the staff report by the Planning Office, and hear any relevant evidence from the applicant, neighbors, governmental agencies and other concerned citizens before acting on an application.

3. No conditional use permit shall be recommended to be granted unless the Commission finds:

   a. The conditional use is consistent with the standards of these Land Use Regulations and the goals and objectives of the Comprehensive Plan;
   
   b. The conditional use will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience and welfare.
   
   c. The conditional use is designed to be compatible with adjacent land uses and the area of its location.
4. In making its findings, the Planning and Zoning Commission shall consider any relevant factors, including, but not limited to, the following, if applicable, to the proposed use:

   a. Area and height of buildings and other structures;
   b. Density for the proposed use in terms of units per acre and the number of offices, employees, occupants, or all of the above;
   c. Volume in terms of the number of customers per day;
   d. Increased traffic congestion or hazard caused by the use which may be over and above the normal traffic for the area, as determined by the County Engineer, appropriate Road and Bridge Supervisor and Planning Director.
   e. Location of use with respect to the same or similar uses within three hundred foot (300') radius of the of the proposed project area.

5. The Planning and Zoning Commission may recommend reasonable conditions or modifications which include but are not limited to: time limitation, requirement that one (1) or more things be done before construction be initiated, or conditions of a continuing nature, in order to protect the public health, safety, and welfare, to address potential adverse impacts, or to ensure consistency with the Comprehensive Plan or these regulations:

   a. Size and location of site;
   b. Street and road capacities in the area;
   c. Ingress and egress to adjoining public streets
   d. Location and amount of off-street parking;
   e. Internal traffic circulation system;
   f. Fencing, screening and landscaped separations;
   g. Building bulk and location;
   h. Useable open space;
   i. Signs and lighting; and,
   j. Noise, vibration, air pollution, and other environmental influences.

6. Upon making a recommendation to approve or deny a conditional use, the Planning and Zoning Commission shall specify:

   a. The goals, objectives and standards used in evaluating the application.
   b. The reasons for approval or denial
   c. The actions, if any, the applicant could take to obtain a permit.

7. The Planning and Zoning Commission shall transmit to the Board of County Commissioners its recommendations and findings made.

F. Action by the Board of County Commissioners

   1. Upon receipt of the recommendations by the Planning and Zoning Commission, the
Board of County Commissioners shall hold a public hearing on the application.

2. There shall be at least a quorum of County Commissioners in order to entertain motions to approve, deny, or table the application. In approving or denying the application, the Board of County Commissioners shall make findings of fact, including but not limited to:

   a. The conditional use is consistent with the standards of these Land Use Regulations and the goals and objectives of the Comprehensive Plan.
   b. The conditional use will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience and welfare.
   c. The conditional use is designed to be compatible with adjacent land uses and the area if its location.

3. If the Administrator, upon evaluation of the issues of a project, determines a conference call may be used, the call shall be made by the applicant at a pre-arranged time during a regular hearing of the Board of County Commissioners.

4. The Board may accept or modify the recommendations of the Planning and Zoning Commission. Conditions may include but are not limited to: time limitation, requirements that one (1) or more things be done before construction be initiated, or conditions of a continuing nature. By way of illustration, not limitation, the following may be considered and limitation or modifications may be placed upon the same, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of these Land Use Regulations:

   a. Size and location of site;
   b. Street and road capacities in the area;
   c. Ingress and egress to adjoining public streets
   d. Location and amount of off-street parking;
   e. Internal traffic circulation system;
   f. Fencing, screening and landscaped separations;
   g. Building bulk and location;
   h. Useable open space;
   i. Signs and lighting; and,
   j. Noise, vibration, air pollution, and other environmental influences.

5. The County Commissioners shall notice the applicant in writing as to the action the Board makes on the application.

G. Administration

1. The permit shall be issued and signed by the Chairman of the Board, or his assign, in the event the permit is issued by the Board.
2. No conditional use may be modified, structurally enlarged, or expanded in ground area, unless such is allowed by the terms of the permit, until and unless the conditional use permit is amended and approved in accordance with these Land Use Regulations.

3. In the event the Office of Planning and Engineering finds that any of the conditions of a permit have not been met, the permit may be revoked by the Board of County Commissioners or the County may resort to any other remedy allowed by law for violations of Land Use Regulations. Appeals of the decision of the Board of County Commissioners to revoke, allow, or take no action on a permit shall be taken as set forth in these Land Use Regulations.

4. Conditional Use Permits with conditions requiring physical improvements, in order to meet the standards of these Land Use Regulations, may require a performance guarantee according to the performance guarantee procedures.

The Planning Office is authorized to inspect all development for compliance with the permit, permit conditions, Policies of the Comprehensive Plan, and the requirements of these Land Use Regulations.
Table 3.1

Conditional Use

Step 1: Pre-Application Conference
- Zoning Standards: Zone, Land Use, Water, Septic, Access, Ownership, Parking, Drainage, Other
- Determine if study is required for impacts on community (may include: economic, fiscal, and environmental issues)

Step 2: Make Application
- Detailed project description
- Sites plan
- Deed
- Easements
- Signature
- Fees

Step 3: Review for Completeness
- Make completeness determination within 7 days, notify applicant
- Notice appropriate agencies and land owners (accept responses per timeframe noted).
- Tentatively schedule the application on the PZC agenda.
- Write staff report and make available to all interested parties at least 7 days prior to PZC hearing.

Step 4: Planning & Zoning Commission
- Must be a quorum to act on application.
- If no quorum, project forwarded to board.
- Review the application and staff report as well as hear any relevant evidence from applicant, agencies and neighbors.
- Decide whether to recommend approval or denial of application.
- If they recommend approval, they may impose reasonable conditions or modifications.
- Forward recommendation to the Board of County Commissioners.

- Board of County Commissioners
- Receive recommendation from PZC and hold public hearing.
- Must be a quorum to act on application.
- Make motion to approve or deny.
- If approved, they may also impose reasonable conditions or modifications.
- Require financial surety if so determined.
- Notice the applicant in writing as to the action the Board made on the application.
- Commence construction within 2 years.
3.2 VARIANCES AND PROCEDURES

A. The following procedures shall apply to variances:

1. A variance to the requirements of these regulations, relating to the design standards or improvement standards of land divisions, shall be granted only when it is determined that there are special circumstances applicable to the property, such as but not limited to size, shape or topographic conditions, or existing road alignment and width, and that the granting of the variance will not be detrimental to the public health, safety, general welfare or be damaging to other property in the vicinity.

2. A variance shall not be considered a right or a special privilege, but may be granted to an applicant only upon showing of undue hardship because of the characteristics of the site, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the regulation.

3. The applicant shall show that the granting of the adjustment is necessary for the reasonable use of the property and that the adjustment requested is the minimum adjustment that will accomplish this purpose.

4. Applications for variances shall be filed with the county accompanied by such data and information necessary to assure the fullest presentation of the facts, and reasons for and justification for the requested variance shall be clearly stated. The variance application shall be filed with a permit application. Variance applications shall be reviewed by the Planning Office for consistency with the standards above. Notification and hearing schedule shall follow the process outlined in Table 3.2 for Variance Permit Applications.

5. A complete application is required in order to be placed on the agenda of the Lincoln County Board of County Commissioners.

B. Complete Applications

1. A pre-application conference shall be held with a member of the Lincoln County Planning staff prior to making application. The purpose of this conference is to establish the parameters of the application for review by the Board of County Commissioners. This conference shall be by appointment only. It is ideal that the conference take place on site but is not mandatory. Applications submitted without a pre-application conference will be deemed incomplete. Incomplete applications, as determined by the Administrator, shall not be accepted and may be returned to the applicant. If the application is deemed to be incomplete, the Administrator shall notify the applicant, by mail or by phone, if possible, of the deficiencies in the application and how they can be eliminated.

2. Applications shall contain the following information:

   a. Name and address of the person applying for the permit

   b. Legal description of property proposed; also common street address of property,
c. Total lot size of area proposed,
d. Current zoning and use of property.
e. Purpose for which the property is to be used.
f. A plot plan of the property showing the proposal including all applicable current and future development, etc.

C. Action by Applicant

1. Applications shall be complete in order to be considered by the Board of County Commissioners at their normal hearing.

2. The applicant or the applicant's representative is required to attend the Board of County Commissioner’s hearing concerning the variance application. If the applicant or applicant's representative is not present, the applicant shall reapply.

3. The applicant may request the project be tabled once (1) for consideration by the Board of County Commissioners. A written request shall be submitted to the Administrator no later than three (3) working days prior to the scheduled hearing. If Commission grants table by request, the applicant shall be subject to a fee, as determined by the Administrator, to cover the additional expense for notification of interested parties.

D. Action by Planning Office

1. Within seven (7) days of receiving application, the administrator shall determine if the application is complete. Upon determination of completeness, a written notice with relevant information shall be mailed or delivered to the applicant and all owners of private real property within a 300 foot radius of the perimeter of the project in question as shown on said application. The notice will request a response within eight (8) days of the date prior to the Board of County Commissioner’s Meeting to allow all received responses at that time to be included in the Planning Staff Report. All noticed parties shall have a deadline of 5:00 p.m. the Monday preceding the Board of County Commissioner Meeting to respond. Agencies include, but are not limited to, the following:

a. School Districts;
b. County Engineer/Surveyor;
c. Recreation Commission;
d. Utility Companies;
e. Wyoming Game and Fish;
f. Fire Districts;
g. United States Department of Agriculture Forest Service;
h. United States Department of Interior Bureau of Land Management;
i. Wyoming State Engineer;
j. Wyoming Department of Environmental Quality;
k. Commissioner of Public Lands;
l. Airport Boards;
m. Wyoming Department of Health;
n. Wyoming Department of Transportation;
q. Any affected Irrigation District;
r. Home Owners’ Association
s. Conservation District

Reports and Analysis

1. With a complete application and the return of the agency and neighboring property owners’ comments, Planning Staff shall schedule the project for the agenda of the Lincoln County Board of County Commission.

2. The Planning Staff shall prepare and make available a staff report to all interested parties no later than seven (7) days before the scheduled Board of County Commission hearing. This report shall include: a discussion of the relevant issues pertaining to the application and recommendation of approval, denial, or tabling based upon findings of fact.

E. Action by the Board of County Commissioners

1. There shall be at least a quorum of County Commissioners in order to entertain motions to approve, deny, or table the application. In approving or denying the application, the Board of County Commissioners shall make findings of fact, including but not limited to:

   a. The variance is consistent with the standards of these Land Use Regulations and the goals and objectives of the Comprehensive Plan.

   The County Commissioners, in taking action on the variance, shall specify findings for:

   a. The criteria and standards used in evaluating the variance application,
   b. The reasons and justification for approval or denial,
   c. The actions, if any, which the applicant could take to obtain approval for the variance.

2. If the Administrator, upon evaluation of the issues of a project, determines a conference call may be used, the call shall be made by the applicant at a pre-arranged time during a regular hearing of the Board of County Commissioners.

3. The County Commissioners shall notice the applicant in writing as to the action the Board makes on the application.
4. If the application is denied, the applicant shall have 30 days to file an appeal to the Board of County Commissioners. The Board of County Commissioners acts as the Board of Appeals and Adjustments for:
   - Rezone Permit Applications that are denied by the Planning and Zoning Commission;
   - Variance Permit Applications;
   - Appeal from the decisions of Planning Office Administrators; and,
   - Requests for variance after showing that a nonconforming building or use existed for a period of at least five (5) years in violation of these Land Use Regulations and the county has not taken steps toward enforcement.

The Planning Office is authorized to inspect all development for compliance with the permit, permit conditions, Policies of the Comprehensive Plan, and the requirements of these Land Use Regulations.
**Table 3.2**

**Variance**

**Step 1: Pre-Application Conference**
- Type of variance
- Special circumstances unique to property
- Undue hardship if variance denied

**Step 2: Make Application**
- Detailed project description
- Sites plan
- Deed
- Easements
- Signature
- Fees

**Step 3: Review for Completeness**
- Make completeness determination within 7 days, notify applicant
- Notice appropriate agencies and landowners (accept responses per timeframe noted).
- Tentatively schedule the application on the BCC agenda.
- Write staff report and make available to all interested parties at least 7 days prior to BCC hearing.

**Step 4 - Board of County Commissioners**
- Hold public hearing.
- Must be a quorum to act on application.
- Make motion to approve or deny.
- If approved, they may also impose reasonable conditions or modifications.
- Require financial surety if so determined.
- Notice the applicant in writing as to the action the Board made on the application.
- Commence construction within 2 years.

If denied, Applicant has 30 days to file an appeal
- See Chapter 3.2.E.4.
3.3 MAPPING AND PLATTING PROCEDURES

A. Condominium Development

1. Siting Criteria:
   a. Land Use allowed either in a Mixed Zone or a Recreational Zone of the County.
   b. Land Use required to have a central water system.
   c. Land Use required to have a central sewage treatment system.

2. Standards:
   a. Development shall follow the conditional use permit process.
   b. A map shall be prepared by a Wyoming licensed surveyor showing the following:
      i. All requirements stated in Wyoming Annotated Statutes (see Appendix L);
      ii. The locations and exterior dimensions of all buildings;
      iii. The locations and dimensions of all parking lots and drives;
      iv. The locations, character and dimensions of all structures and other
          amenities such as pools and decks, clubhouses, tennis courts, etc. which
          may become common elements;
      v. The locations and dimensions of all open spaces;
      vi. The locations and dimensions of all patios, stairways and landings,
          decks etc. which may become limited common elements;
      vii. The location and dimensions of all utilities, public and private;
      viii. The overall interior measurements of each apartment unit;
      ix. Floor and ceiling elevations of each apartment unit; and
      x. The address, number or symbol of each apartment unit.

3. Setbacks:

   Setbacks are a minimum of 20 feet from the front lot line and 10 feet from the
   sides and rear lot line.

4. Fire Prevention:

   a. On site water storage shall be supplied for any development that is not serviced
      by a pressured fire hydrant system. Volumes are to be determined by the fire
      response agency covering the area that the development is in.
   b. All connection to an onsite system shall be compatible with the response
      agencies fire apparatus.
   c. On site water storage and maintenance of the system shall be the responsibility
      of the land owners, homes owners association, etc., and the method of
      maintenance shall be identified prior to permit approval.
d. On site storage shall be designed and located to allow for the parking of fire equipment out of the access roads.

e. All buildings that meet the standards for review by the Wyoming State Fire Marshall's Office shall have this review done as a condition of approval for the development.

3.4 CONSERVATION DESIGN LARGE PARCEL DEVELOPMENT

A. In accordance with W.S. 18-5-401 through 405 (see Appendix K), these regulations establish an alternative process for the development of thirty-five (35) acre divisions of land as described in W.S. 18-5-303 (b) (see Appendix K) using cluster development and density bonuses to preserve open space. The aim of this process is to protect wildlife habitat and other critical areas or to enhance the viability of agricultural operations.

B. Development following this process may provide for up to one (1) residential lot for each (17.5) acres overall. This bonus density is available where two-thirds (2/3) of the development is reserved as open space for a minimum of sixty-five (65) years.

C. A plat shall be prepared by a Wyoming Professional Surveyor for review and approval by the Board of County Commissioners. The plat shall accompany a Conservation Design Permit Application. Applications, that are deemed complete at least twenty-eight (28) days prior to a Planning and Zoning Commission meeting, shall be reviewed for recommendation by the commission. The commission's recommendation shall be forwarded to the Board of County Commissioners. The Board may approve the permit application if the standards and procedures of this section are met.

D. Provision shall be made for maintenance of development road, utilities, irrigation facilities and open spaces. This mechanism may take the form of a lot owners' association or other similar entity.

E. Other minimum standards include:

1. Minimum width for access easement or Right-of-Way shall be sixty (60) feet.
2. Maximum road grade for access road and interior roads shall be six (6) per cent.
3. Development review shall be obtained from local Conservation District to address land and water issues.
4. Compliance with the provisions of W.S. 18-5-401 through 405.
5. Plat warnings shall be included, as needed, to address:
   a. Mineral estate ownership when separate.
   b. Lack of county road maintenance.
   c. Lack of electrical and/or telephone utilities.
   d. Other information deemed necessary for eventual lot owners.

6. Building envelope shall be shown outside Flood Plain Zones A and AE.
7. If any portion of the proposed development is within one (1) mile or any other distance as may be specified by Wyoming Statutes of an incorporated municipality, the plat shall be submitted to that municipality by the applicant.
3.5 COMMERCIAL WIND ENERGY USE PERMIT PROCEDURES

A. General Information: Commercial Wind Energy permits as noted on the Land Use Table in Section 7.3 of these Land Use Regulations.

1. No premises shall be used, or building, or structure constructed within any zoning district, as a Commercial Wind Energy Facilities until the owner has obtained an approved Commercial Wind Energy use permit from the Board of County Commissioners (Board) as provided herein. Once issued, a Commercial Wind Energy Use Permit follows the land, and is binding upon subsequent owners.

2. At the time application for a Commercial Wind Energy Use is submitted to the Planning Office, a uniform fee established by Board resolution shall be paid by the applicant.

3. A Commercial Wind Energy Use is not transferable from one unit of land to another.

4. A complete application is required in order to be placed on the agenda of the Lincoln County Planning and Zoning Commission.

5. In the event a Commercial Wind Energy Use is proposed in connection with a petition for a zone change, the application shall accompany the petition.

B. Complete Applications

1. A pre-application conference shall be held with a member of the Lincoln County Planning staff prior to making application. The purpose of this conference is to establish the parameters of the application for review by the Planning and Zoning Commission. This conference shall be by appointment only. It is ideal that the conference take place on site but is not mandatory. Applications submitted without a pre-application conference will be deemed incomplete. Incomplete applications, as determined by the Administrator, shall not be accepted and may be returned to the applicant. If the application is deemed to be incomplete, the Administrator shall notify the applicant, by mail or by phone, if possible, of the deficiencies in the application and how they can be eliminated.

2. During the pre-application conference, the Administrator may determine that, because of unusual size, characteristics, or potential impacts of the proposed development, or the characteristics of the proposed site, a special study is required to evaluate the specific impacts of the proposed development on the community or area. This study may include, but is not limited to, economic, fiscal, transportation and environmental issues.
3. Applications shall contain the following information:

   a. Name and address of the person applying for the permit,
   b. Legal description of property proposed for use; also common street address
      of property,
   c. Total lot size of area proposed for use,
   d. Current zoning and use of property.
   e. Include, but not limited to, project name, nameplate generating capacity,
      number and capacity of turbine, project location description, turbine type,
      maximum tower height, rotor size, diameter, etc. and any accessory
      building(s) and estimated cost,
   f. Purpose for which the property is to be used, including the size of the
      building or buildings, number of occupants and/or employees, and number
      of office spaces.
   g. A plot plan of the property showing the proposed location of buildings, off
      street parking spaces, routes for ingress and egress, and fencing and
      screening if any.
   h. Area and height of buildings and other structures;
   i. Volume in terms of the number of customers and/or deliveries per day;
   j. Location of use with respect to the same or similar uses within one-quarter
      mile radius of the perimeter of the described property.
   k. Any permits, letters or reviews by federal, state, or local jurisdictions
      concerning the proposal (i.e. Fire Marshal plan review, Health Department,
      Wyoming Department of Environmental Quality, Wyoming Department of
      Transportation, BLM, Industrial Siting Council, etc).
   l. All applicable development standards spelled out in Chapter 6 of this
      document shall be addressed.
   m. All physical improvements required by standards of this document shall
      require that a performance guarantee be submitted with the application in
      accordance with performance guarantee procedures of Chapter 6.

C. Action by Applicant

1. Applications shall be complete in order to be considered by the Planning and Zoning
   Commission at their normal hearing at the end of the month.

2. The applicant or the applicant's representative is required to attend both Planning
   and Zoning Commission hearing and Board of County Commissioner's hearings concerning
   the Commercial Wind Energy Use application. If the applicant or applicant's
   representative is not present, the applicant shall reapply.

3. The applicant may request the project be tabled once (1) for consideration by the
   Planning and Zoning Commission and/or by the Board of County Commissioners;
   however, a written request shall be submitted to the Administrator no later than three
   (3) working days prior to the hearing for consideration by the appropriate Commission.
If Commission grants table by request, the applicant shall be subject to a fee, as determined by the Administrator, to cover the additional expense for notification of interested parties.

D. Action by Planning Office

1. Within seven (7) days of receiving application, the administrator shall determine if the application is complete. Upon determination of completeness, a written notice with relevant information shall be mailed or delivered to the applicant, affected agencies, and all owners of private real property within a one-quarter mile radius of the perimeter of the project in question as shown on said application for their comments.

2. The Planning Staff shall submit a copy of relevant information pertaining to the application to appropriate local and state agencies and identified property owners for their comments. The notice will request a response within eight (8) days prior to the Planning and Zoning Commission Meeting to allow all received responses at that time to be included in the Planning Staff Report. All noticed parties shall have a deadline of 5:00 p.m. the Monday preceding the tentatively scheduled date of the Planning and Zoning Commission Meeting or the Board of County Commission Meeting to respond. Agencies may include, but are not limited to, the following:
   a. School Districts;
   b. County Engineer/Surveyor;
   c. Recreation Commission;
   d. Utility Companies;
   e. Wyoming Game and Fish;
   f. Fire Districts;
   g. United States Department of Agriculture Forest Service;
   h. United States Department of Interior Bureau of Land Management;
   i. Wyoming State Engineer;
   j. Wyoming Department of Environmental Quality;
   k. Commissioner of Public Lands;
   l. Airport Boards;
   m. Wyoming Department of Health;
   n. Wyoming Department of Transportation;
   o. Any affected Irrigation District;
   p. Home Owners' Association
   q. Municipalities within 20 miles

3. A copy of a complete application for development located within twenty (20) miles of municipal boundaries shall be sent to the governing body of the municipality. City councils and Planning Commissions are encouraged to recommend a course of action to the Lincoln County Planning and Zoning Commission during the review period of an application.
Reports and Analysis

1. With a complete application and the return of the agency and neighboring property owners' comments, Planning Staff shall schedule the project for the agenda of the Lincoln County Planning and Zoning Commission.

2. The Planning Staff shall prepare and make available a staff report to all interested parties no later than seven (7) days before the scheduled Planning and Zoning Commission hearing. This report shall include: a discussion of the relevant issues pertaining to the application and recommendation of approval, denial, or tabling based upon findings of fact.

E. Action by The Planning and Zoning Commission

1. There shall be at least a quorum of Planning and Zoning Commissioners in order to entertain motions at the hearing and make recommendations to the Board of County Commissioners. If no motion is made, the application shall be forwarded to the Board of County Commissioners.

2. The Planning and Zoning Commission shall review the complete application and the staff report by the Planning Office, and hear any relevant evidence from the applicant, neighbors, governmental agencies and other concerned citizens before acting on an application.

3. No Commercial Wind Energy Use permit shall be recommended to be granted unless the Commission finds:

   a. The Commercial Wind Energy Use is consistent with the standards of these Land Use Regulations and the goals and objectives of the Comprehensive Plan;

   b. The Commercial Wind Energy Use will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience and welfare.

   c. The Commercial Wind Energy Use is designed to be compatible with adjacent land uses and the area of its location.

4. In making its findings, the Planning and Zoning Commission shall consider any relevant factors, including, but not limited to, the following, if applicable, to the proposed use:

   a. Area and height of buildings and other structures;

   b. Density for the proposed use in terms of units per acre and the number of offices, employees, occupants, or all of the above;

   c. Volume in terms of the number of customers per day;

   d. Increased traffic congestion or hazard caused by the use which may be over and above the normal traffic for the area, as determined by the County Engineer, appropriate Road and Bridge Supervisor and Planning Director.
5. The Planning and Zoning Commission may recommend reasonable conditions or modifications which include but are not limited to: time limitation, requirement that one (1) or more things be done before construction be initiated, or conditions of a continuing nature, in order to protect the public health, safety, and welfare, to address potential adverse impacts, or to ensure consistency with the Comprehensive Plan or these regulations:

a. Size and location of site;
b. Street and road capacities in the area;
c. Ingress and egress to adjoining public streets
d. Location and amount of off-street parking;
e. Internal traffic circulation system;
f. Fencing, screening and landscaped separations;
g. Building bulk and location;
h. Useable open space;
i. Signs and lighting; and,
j. Noise, vibration, air pollution, and other environmental influences.

6. Upon making a recommendation to approve or deny a Commercial Wind Energy Use, the Planning and Zoning Commission shall specify:

a. The goals, objectives and standards used in evaluating the application.
b. The reasons for approval or denial
c. The actions, if any, the applicant could take to obtain a permit.

7. The Planning and Zoning Commission shall transmit to the Board of County Commissioners its recommendations and findings made.

F. Action by the Board of County Commissioners

1. Upon receipt of the recommendations by the Planning and Zoning Commission, the Board of County Commissioners shall hold a public hearing on the application.

2. There shall be at least a quorum of County Commissioners in order to entertain motions to approve, deny, or table the application. In approving or denying the application, the Board of County Commissioners shall make findings of fact, including but not limited to:

a. The Commercial Wind Energy Use is consistent with the standards of these Land Use Regulations and the goals and objectives of the Comprehensive Plan.
b. The Commercial Wind Energy Use will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience and welfare.
c. The Commercial Wind Energy Use is designed to be compatible with adjacent land uses and the area if its location.

3. The Board may accept or modify the recommendations of the Planning and Zoning Commission. Conditions may include but are not limited to: time limitation, requirements that one (1) or more things be done before construction be initiated, or conditions of a continuing nature. By way of illustration, not limitation, the following may be considered and limitation or modifications may be placed upon the same, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of these Land Use Regulations:

a. Size and location of site;
b. Street and road capacities in the area;
c. Ingress and egress to adjoining public streets
d. Location and amount of off-street parking;
e. Internal traffic circulation system;
f. Fencing, screening and landscaped separations;
g. Building bulk and location;
h. Useable open space;
i. Signs and lighting; and,
j. Noise, vibration, air pollution, and other environmental influences.

4. The County Commissioners shall notice the applicant in writing as to the action the Board makes on the application.

5. Appeals from decisions of the Board of County Commissioners shall be in accordance with the Wyoming Administrative Procedures Act (see Appendix J) and Wyoming Rules of Appellate Procedure (Wyoming Court Rules, LexisNexis, 2004 Edition, p 551).

G. Administration

1. The permit shall be issued and signed by the Chairman of the Board, or his assign, in the event the permit is issued by the Board.

2. No Commercial Wind Energy Use may be modified, structurally enlarged, or expanded in ground area, unless such is allowed by the terms of the permit, until and unless the Commercial Wind Energy Use permit is amended and approved in accordance with these Land Use Regulations.

3. In the event the Office of Planning and Development finds that any of the conditions of a permit have not been met, the permit may be revoked by the Board of County Commissioners or the County may resort to any other remedy allowed by law for violations of Land Use Regulations. Appeals of the decision of the Board of County Commissioners to revoke, allow, or take no action on a permit shall be taken as set forth in these Land Use Regulations.
4. Commercial Wind Energy Use Permits shall require a performance guarantee (bond) per Chapter 6.31 Wind Energy Development requirements.

The Planning Office is authorized to inspect all development for compliance with the permit, permit conditions, Policies of the Comprehensive Plan, and the requirements of these Land Use Regulations.