

construction camp will be dismantled, and the area restored to an unoccupied condition.

- (11) Wind Power – Non-Commercial: The purpose of these requirements is to provide for construction and operation of wind turbines that will preserve public health and safety and minimize adverse impact on neighboring properties.
- A. All wind turbines shall have automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower, blades and turbine components.
 - B. The minimum distance between the ground and any part of the rotor shall be 15 feet. Wind turbines must limit climbing access.
 - C. Wind turbines shall have a minimum setback distance from property lines, overhead utility lines, dwellings, public buildings, and other wind turbines no less than 1.5 times the sum of the height of the tower plus rotor radius.
 - D. Noise shall not exceed 50 dba as measured at the property line.
 - E. The applicant must mitigate or eliminate interference with electromagnetic communication such as radio, telephone, or television, or microwave communications.
 - F. Colors and surface treatment shall be non-reflective neutral colors.
 - G. If any wind energy system is not operated for a continuous 12-month period, or is considered unsafe, the county will notify the owner of record by certified mail and provide 45 days for response. In such response the owner shall set forth reasons for operational difficulty and reasonable timetable for corrective action. If the county deems the timetable or corrective action unreasonable, the owner will be notified that within 120 days the turbine must be removed. Agricultural use is exempt from this requirement.
 - H. Wind turbines that may present a threat to the public health, safety, or welfare, regardless of height, shall require a Special Use Permit.

(12) Wind Power – Commercial: This section governs the siting of Wind Energy Projects that provide electricity sold to wholesale or retail markets. In addition to applicable requirements as a major utility facility, a special use permit and site plan review are required in all zoning districts except R-M and I. Facilities that plan more than 30 units are subject to state standards, in addition to county review and approval.

- A. Appearance:
 - i. There shall be no signage or logo of any type allowed on the wind tower(s) with the exception of safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the County.
 - ii. All Wind Energy project facilities must be of neutral, non-reflective colors.

- iii. To minimize the degradation of the visual character of the area, additional performance standards may be adopted by the County upon formal consideration, review and public hearing(s).

B. Setbacks: All Wind Energy Project structures shall be set back at least:

- i. one-quarter mile or more from any residential structure. The owner of the residential structure may waive this setback requirement, but in no case shall a tower be located closer to a than 1.5 times the tower height;
- ii. a distance of at least 1.5 times the tower height from third party transmission lines and communication towers;
- iii. at least 1.5 times the tower height from adjacent property lines;
- iv. one mile from any incorporated municipality, unless waived by the municipality;
- v. except transmission lines, one-quarter mile from state highways, and 1.5 times the tower height from public roads;
- vi. setback distances may be modified at the discretion of the County Commissioners.

C. Use of Public Roads: An Applicant(s), Owner(s), Operator(s) or transportation company(s) proposing to use any county road(s) for the purpose of transporting Wind Energy Project, substation parts and/or equipment for construction, operation, or maintenance of the Wind Energy Project or Substation(s), shall:

- i. Identify all such public roads and submit detailed mapping of haul routes;
- ii. Obtain applicable weight and size permits from relevant government agencies prior to transport;
- iii. Obtain new access, access modification or change of use of access permit;
- iv. The Applicant(s) may be requested to provide additional studies and reports prepared by a qualified professional(s) to determine if impacts to public roads will occur. If impacts are determined, a mitigation plan and/or long term road maintenance agreement will be required at the discretion of the County Commissioners.

D. To the extent the Applicant(s), Owner(s), Operator(s) or transporters must obtain a weight or size permit from the County, the Applicant(s), Owner(s), Operator(s) and/or transporters shall:

- i. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
- ii. Secure financial assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of repairing any

damage to public roads caused by transporting, constructing, operating or maintaining the Wind Energy Project;

- iii. The use of public roads and other infrastructure shall be in accordance with and compliance of Federal, State and County regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the transportation, installation, operation or maintenance of Wind Energy Project will bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use of same.

E. Additional Permitted Uses: The County may allow the applicant(s) to include certain accessory type uses on the Wind Energy Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind farms in general.

F. Decommissioning Plan: Each Commercial Wind Energy Project shall have a Decommissioning Plan outlining the anticipated means and cost of removing Wind Energy Project facilities at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party such as a Professional Engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the Wind Energy Project and accessory facilities.

- (13) Amateur Radio Antenna: Amateur radio antennas may be individually reviewed for placement, screening or height of antennas based on health, safety or aesthetic considerations. Any requirement must be crafted to reasonably accommodate amateur communications and represent the minimum practicable regulation to accomplish the legitimate purpose. See also W.S. §18-2-114 and PRB-1 "Amateur Radio Preemption, 101 FCC2d 952 (1985)".

b. Standards for All Uses

- (1) Legal Access Requirement: All lots and parcels shall have legally enforceable access. Access shall be provided to all lots and parcels by: public road rights-of-way; private rights-of-way by recorded perpetual easement; or by access easements or rights-of-way over public land, which need not be perpetual or recorded. This legal access requirement shall not be construed to require the County to locate, repair or maintain any such public or private rights-of-way. All roads developed to access more than four (4) parcels as defined by W.S. §18-5-303 (a) and (b) shall be constructed to Park County Road & Bridge Standards.

- (2) Nonconformities: