

SOLAR ACCESS REGULATIONS RESOLUTION

CHAPTER I. GENERAL PROVISIONS

SECTION 1. TITLE

This resolution shall be known as the Solar Access Regulations of Teton County, Wyoming.

SECTION 2. AUTHORITY

The Solar Access Regulations are authorized by Sections 34-22-101 through 34-22-106, Wyoming Statutes, 1981.

SECTION 3. PURPOSE

This resolution is enacted to promote public health, safety and general welfare of the citizens of Teton County, and to safeguard the best interest of the public and the landowner by encouraging the use of solar energy through registration of the right to solar access as a property right.

SECTION 4. JURISDICTION

The territorial jurisdiction of the Solar Access Regulations shall include all of the unincorporated lands within Teton County.

SECTION 5. INTERPRETATION

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. No provision of this resolution is intended to repeal, abrogate, annul, impair, or interfere with any existing resolution of the County, provided that where any provision of this resolution imposes more stringent regulations, requirements or limitations than is imposed by any other resolution of Teton County or any statute of the State of Wyoming, then the provisions of this resolution shall govern.

SECTION 6. FEES

The Board of County Commissioners shall set by resolution a schedule of fees for processing the application for a solar access permit prescribed by this resolution. The required fee shall be paid at the time of filing, and processing the application shall not commence until the fee is paid.

SECTION 7. DEFINITIONS

For the purpose of this resolution, certain words and terms are defined in this section. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

Solar collector – one of the following which is capable of collecting, storing, or transmitting at least 25,000 BTU's on a clear winter solstice day.

1. A wall, clerestory, or skylight window designed to transmit solar energy into a structure for heating purposes.
2. A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached.
3. A trombe wall, drum wall, or other wall or roof structural element designed to collect and transmit solar energy into a structure.
4. A photovoltaic collector designed to convert solar energy into electric energy.
5. 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.
6. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating.

Solar right – a property right to an unobstructed line- of-sight path from a solar collector to the sun which 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 which is put to a beneficial use or otherwise limited by this act.

Winter Solstice Day – the solstice on or about December 21st which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point.

CHAPTER II. SOLAR RIGHTS

SECTION 1. SOLAR RIGHTS

The beneficial use of solar energy is a property right, and as such shall be freely transferable within the bounds of law. Beneficial use shall be the basis, the measure, and the limit of the

solar right, except as otherwise provided by written contract. If the amount of solar energy which a solar user can beneficially use varies with the season of the year, then the extent of the solar right shall vary likewise.

SECTION 2. RESTRICTIONS ON SOLAR RIGHTS

There shall be no solar rights to radiation of the sun before 9:00 a.m. or after 3:00 p.m. Mountain Standard Time on a winter solstice day. No solar right attaches to a solar collector, or portion of a solar collector, which would be shaded by a hypothetical 10-foot wall located at the property line, on a winter solstice day. A solar right which is not applied to a beneficial use for a period of 5 years or more, shall be deemed abandoned and without priority. Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property.

SECTION 3. PRIORITY OF SOLAR RIGHTS

A solar right vests on the date that a solar permit is granted. Priority in time shall have the better right, except as provided in this resolution. Structures and vegetation existing before the establishment of a solar right shall have priority. No solar right shall attach to a portion of a solar collector which is shaded by pre-existing structures or vegetation.

CHAPTER III. SOLAR ACCESS PERMITS

SECTION 1. SOLAR ACCESS PERMIT REQUIRED

A solar access permit shall be required before a solar right may be established. A solar permit shall be granted to any proposed or existing solar collector which complies with this resolution.

SECTION 2. APPLICATION FOR A SOLAR ACCESS PERMIT

Application for a solar access permit shall be filed with the Administrator of Planning Services on the prescribed form. The application shall include information pertaining to the solar collector including the following:

- A. Legal description of the site.
- B. Names and addresses of adjacent property owners.
- C. Description of type of solar collector.
- D. Map with a Certificate of Surveyor signed by a Land Surveyor registered under the laws

of the State of Wyoming, which shows the following:

1. Property boundaries.
2. Location of solar collector on property.
3. Vertical and horizontal orientation of solar collector.
4. Size of solar collector.
5. Height and location of existing structures and vegetation which could affect the solar right.

SECTION 3. ISSUANCE OF SOLAR ACCESS PERMIT

Following the review of the solar access permit application by the Administrator of Planning Services, the Administrator shall recommend that the County Commissioners approve the application and grant the permit; grant the permit subject to conditions and modifications; or deny the permit. Upon approval of the application by the County Commissioners, the Administrator shall issue the permit.

SECTION 4. CERTIFICATION OF BENEFICIAL USE

Within two years following issuance of a solar access permit, the permittee may request certification of beneficial use. The Administrator of Planning Services shall verify and certify the type and date of beneficial use on the prescribed form.

SECTION 5. RECORDATION

Following approval and issuance of the solar access permit, and of the certificate of beneficial use, the applicant shall record the permit and the certificate in the Office of the Clerk of Teton County pursuant to Wyoming Statute 34-22-106, and shall pay all recording fees.

SECTION 6. LAPSE OF A SOLAR PERMIT

A solar access permit shall lapse and become null and void two years following the date on which it was granted unless the solar collector is put to beneficial use within that time.

CHAPTER IV. ADMINISTRATIVE PROVISIONS

SECTION 1. AMENDMENTS

The regulations prescribed in this resolution may be amended by the Board of County Commissioners in accordance with the procedures prescribed in Chapter XI, Section 2 of the Teton County Land Use and Development Regulations.

SECTION 2. VALIDITY

- A. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and
 - 2. Such decision shall not affect, impair, or nullify this resolution as a whole or any other part thereof, but the rest of this resolution shall continue in full force and effect.

- B. If the application of any provision of this resolution to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and
 - 2. Such decision shall not affect, impair, or nullify this resolution as a whole or the application of any provision thereof to any other area, property, or site.

SECTION 3. EFFECTIVE DATE

This resolution shall be in full force and effect from the effective date of adoption by the Board of County Commissioners in compliance with applicable state law.