

Natrona County Development Department
200 North Center Street, Room 202,
Casper, WY 82601

**CONDITIONAL USE PERMIT – COMMUNICATION TOWERS &
WIRELESS FACILITIES**

General Information, Instructions, and Application Form
(Ref. Chapter VII, Sect. 15 and Chapter XI, 2000 Zoning Resolution)

NOTE: THIS APPLICATION IS BASED UPON THE MOST RECENT REQUIREMENTS OF APPLICABLE COUNTY REGULATIONS, WHICH ARE SUBJECT TO AMENDMENT FROM TIME TO TIME. SHOULD THERE BE A CONFLICT BETWEEN THE INFORMATION CONTAINED IN THIS APPLICATION AND THE MOST RECENT APPLICABLE COUNTY REQUIREMENT AS CONTAINED IN ADOPTED RESOLUTIONS, THEN THE APPLICABLE RESOLUTIONS SHALL GOVERN.

**Adopted by Natrona County Board of County Commissioners
March 16, 2004
Revised June 16, 2009
Revised and Adopted December 4, 2012**

GENERAL INFORMATION

Each zoning district in the unincorporated areas of Natrona County contains certain designated permitted uses available as a matter of right with no approval necessary from the Commission or the Board. Each zoning district also contains certain **conditional uses**, neither absolutely permitted as a right nor prohibited by law, which are compatible within the zoning district. They are privileges, in a sense, which must be applied for and approved by the Commission and the Board. **The purpose of a conditional use permit is to enable the County to exercise some measure of control over the extent of certain activities, which, although desirable in limited numbers, could have a detrimental effect within the district if they were permitted in large numbers.**

A conditional use permit is an authorization, which allows a landowner to use his property in a manner compatible with the zoning district in which it is located, **provided he demonstrates compliance with all standards and criteria enumerated in this Resolution and specified by the Board.**

Unless otherwise specified, a **conditional use permit** runs with the land and does not terminate when the property is sold. A new owner succeeds to the benefits enjoyed by the former owner under the **conditional use permit** issued to him. However, the successor in interest is subject to the limitations specified in the **conditional use permit and can assert no greater rights therein than those formerly granted. A conditional use permit shall void one year after it was granted unless use is made thereof.**

This application is specifically designed for those who seek conditional use permit approval for communication towers and wireless facilities, as set forth in the Natrona County Zoning Resolution.

GENERAL REVIEW AND PROCESSING OF CONDITIONAL USE PERMIT APPLICATIONS

County Development Department

An application for a conditional use permit is first reviewed by the **County Development Department**. The Department meets with the applicant, conducts an on-site inspection of the property, gathers information from various sources, and submits a report and recommendation to the **Natrona County Planning and Zoning Commission**, including reasons why a particular recommendation is being made and a set of contingencies should approval be recommended.

Planning and Zoning Commission

The **Planning and Zoning Commission** is a five - member volunteer board, appointed by the **Board of County Commissioners**. The **Planning and Zoning Commission** holds a public hearing on the conditional use permit application, considers the report from the **County Development Department**, and receives public testimony regarding the application. After considering this information, the **Planning and Zoning Commission** takes the following action:

- o Recommend approval of the application as submitted to the **Board of County Commissioners**,
- o Recommend approval of the application, subject to such modifications or conditions as it deems necessary, to the **Board of County Commissioners**.
- o Table the application to a date specific, or
- o Recommend denial of the application to the **Board of County Commissioners**. In these cases the **Planning and Zoning Commission** specifies the reasons for its action. With the applicant's express permission, the Commission may table the application indefinitely or dismiss the application.

Board of County Commissioners

The **Board of County Commissioners** is a five - member elected board, representing the citizens of Natrona County and setting forth the policies of the Natrona County government. The **Board of County Commissioners** holds a public hearing on the conditional use permit application, considers the report from the **County Development Department** and action of the **Planning and Zoning Commission**, and receives public testimony regarding the application. After considering this information, the **Board of County Commissioners** takes the following action:

- o Approve the application as recommended by the **Planning and Zoning Commission**,
- o Approve the application as submitted,
- o Approve the application on its own conditions,
- o Deny the application,
- o Remand the application to the **Planning and Zoning Commission** for reconsideration, or
- o Table the application to a date specific. With the express consent of the applicant, the applicant's express permission, the **Board of County Commissioners** may table the application indefinitely or dismiss the application.

GUIDELINES FOR REVIEW – CONDITIONAL USE PERMITS

When acting upon **Conditional Use Permits**, the **Planning and Zoning Commission** and the **Board of County Commissioners** shall be guided by the Intent and Purpose, and Goals and Policies provisions of the Zoning Resolution. In addition, the **Planning**

and Zoning Commission and Board of County Commissioners shall require showings concerning all of the following:

1. The owner of record or contract purchaser has signed the application.
2. Granting the conditional use permit will not contribute to an overburdening of County Services.
3. Granting the conditional use will not cause undue traffic, parking, population density, or environmental problems.
4. Granting the conditional use permit will not impair the use of adjacent property or alter the character of the neighborhood.
5. Granting the conditional use permit will not detrimentally affect the public health, safety, and welfare, or nullify the intent of the Development Plan or the Zoning Resolution.

APPLICATION INSTRUCTIONS

This is an application for a conditional use permit for wireless telecommunication facilities on the parcel described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by law.

Person preparing report:

Name:

Address:

Phone Number:

Property Owner:

Name:

Mailing Address:

Phone Number:

Physical Address:

Tax map parcel no:

Applicant:

Name:

Address:

Phone Number:

Legal form (Corporation, LLC, etc.)

If purchased tower, date of purchase:

GPS coordinates of tower:

Original Conditional Use Permit resolution number:

Dated of original Conditional Use Permit:

Operator:

Name:

Address:

Phone Number:

Signatures

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record, except as modified by applicable regulations. **I (We) further understand that all application fees are non-refundable.** By signing the application I am (We are) granting the Development Department access to our property for inspections.

Applicant: _____ Date: _____
(Signature)

Print Applicant Name: _____

Owner: _____ Date: _____
(Signature)

Print Owner Name: _____

Documentation to demonstrate need:

Please provide documentation that demonstrates the need for the **Wireless Telecommunications Facility** to provide service primarily and essentially within the County. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service, or existing sites, including all modeling information used to derive the propagation studies and copies of equipment cut sheets.

Site Plan

Please provide the following with the site plan:

- o The Zoning District or designation in which the property is situated
- o Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines
- o The Location of nearest residential structure
- o The Location, size, and height of all proposed and existing antennae and all appurtenant structures.
- o The Type, locations and dimensions of all proposed and existing landscaping, and fencing

Technical Information

Please provide the following:

- o The number, type and design of the Tower(s) and Antenna(s) proposed and the basis for the calculations of the Tower's capacity to accommodate multiple users;
- o The make, model and manufacturer of the Tower and Antenna(s)
- o A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting
- o The frequency, modulation and class of service of radio or other transmitting equipment
- o The actual intended transmission and the maximum effective radiated power of the Antenna(s)
- o Direction of maximum lobes and associated radiation of the Antenna(s)

- o Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC in the form and format required by the County or its consultant
- o Certification that the proposed Antenna(s) will not cause interference with other telecommunications devices
- o A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities
- o Certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site.
- o A written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing tower or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all response from the FAA and any related correspondence shall be provided in a timely manner.
- o In the case of a new Tower, a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the County in the Application, along with any letters of rejection stating the reason for rejection.
- o Certification that the Telecommunication Facility, foundation, and attachments are designed and will be constructed to meet all local, County, State, and Federal structural requirements for loads, including wind and ice loads.
- o Certification that the Wireless Telecommunication Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

Visual Impact Assessment

Please provide the following:

- o A “Zone of Visibility Map” which shall be provided in order to determine locations from which the Tower may be seen.

- o Pictorial representations of “before and after” views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, traveler or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.
- o An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- o The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed Wireless Telecommunications Facilities.

Review and Approval Process

- o Preapplication Conference. An informal preapplication conference will be scheduled and conducted between the Applicant and the Development Department. The purpose of the conference will include but not be limited to the sharing of information about the proposed application(s), identify and resolve questions and conflicts, discuss any proposed variances to the requirements contained in this Resolution. The County shall make a determination as to whether an informal neighborhood meeting shall be conducted.
- o Retention of Expert Assistance and Reimbursement by Applicant. If after the preapplication conference or informal neighborhood meeting, the County determines that a consultant is necessary, the County will advise the applicant. The applicant will be given the opportunity to alleviate any concerns that the County has through the provision of additional information or further certification by an engineer licensed in the State of Wyoming. If the County still feels it necessary to obtain such assistance, the County will advise the applicant of the estimated cost for such expertise. The County shall notify the applicant of its decision and the applicant shall have the option to proceed with the application, including the cost for such expertise, or withdraw the application.

In the event the applicant agrees to proceed with the application process, the applicant shall deposit an amount with the County necessary to pay for the reimbursement to the County for the cost of the consultant and expert evaluation. The County will maintain a separate escrow account for all such funds. The County’s consultant/expert shall invoice the County for its services. All such invoices must be approved by the Natrona County Development Department. The applicant shall be provided with copies of invoices for those services before the County approves and remits payment. In the event the applicant feels such charges are unreasonable, the applicant shall be allowed

to appear before the Natrona County Planning Commission at its next work or official meeting session to voice its objections.

- o Informal Neighborhood Meeting. At the County's option, property owners within a 1-mile radius of the proposed site(s) will be invited to attend an informal meeting. The purpose of the conference is to facilitate the sharing of information about the proposed application(s), identify, and resolve questions and conflicts.
- o "Balloon Test." In order to better inform the public, in the case of a new Telecommunication Tower, the County may request; prior to the public hearing on the application, that the applicant hold a "balloon test". The applicant shall arrange to fly, or rise upon a temporary mast, a minimum height of the proposed new Tower. The dates (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven(7) and fourteen(14) days in advance of the first test date in a newspaper with a general circulation in the County. The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekday, but in case of poor weather on the initial date, the secondary date may be on a weekend. With the express permission of the County, the Applicant may propose an alternative means or technology, which shall accomplish the same purposes as the "balloon test."

Miscellaneous Requirements

- o All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, resolutions rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and The National Electrical Code where appropriate.
- o All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be least visually intrusive reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.
- o Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the County.
- o At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent

practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

- o A Person who holds a Conditional Use Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety related codes adopted by the County, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
- o A holder of a Conditional Use Permit granted under this Resolution shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.
- o An Applicant shall submit to the County the number of completed Application determined to be needed at the pre- application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department.
- o The Applicant shall examine the feasibility of designing a proposed Tower to accommodate future demand for additional commercial applications for example, future co-locations. The Tower shall be structurally designed to accommodate additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - The foreseeable number of FCC licenses available for the area.
 - The kind of Wireless Telecommunications Facilities site and structure proposed
 - The number of existing and potential licenses without Wireless Telecommunications Facilities Spaces/sites

- Available space on existing and approved Towers

The owner of the proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

- o Respond within 60 days to a request for information from a potential shared- use applicant;
- o Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
- o Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of the site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference and to allow a reasonable profit.

Failure to abide by the conditions outlined above may be grounds for revocation of the Conditional Use Permit for the Tower.

- o The holder of a Conditional Use Permit shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate, or rebuild a Wireless Telecommunications Facility.
- o The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulations Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

Location of Wireless Telecommunications Facilities

- o Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and eight (8) being the lowest priority.
 - 1) On County or other publicly owned facilities;
 - 2) On existing Towers or other structures without increasing the height of the tower or structure;

- 3) On Casper Mountain in existing tower sites – Tower Hill, K2 Tower and Micro Road.
 - 4) On Properties in areas zoned HI (Heavy Industrial)
 - 5) On properties in areas zoned LI (Light Industrial)
 - 6) On properties in areas zoned C (Commercial)
 - 7) On properties in areas zoned RAM (Ranching, Agricultural and Mining)
 - 8) On properties in areas zoned UA (Urban Agricultural)
- o Applicants proposing to co-locate on existing structures or towers, two (2) above, are exempt from these regulations. Applicants must apply for necessary building, zoning, or other permits. A copy of the antenna FCC tower registration shall be filed with the Development Department.
 - o If the proposed site is not proposed for the highest priority listed above, then the County may request a detailed explanation as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
 - o An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.
 - o Notwithstanding the above, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a harmful effect on the nature and character of the community and neighborhood.
 - o The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application, if requested by the County.

- o Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons:
 - Conflict with safety and safety-related codes and requirements;
 - Conflict with the historic nature or character of a neighborhood or historical district;
 - The use or construction of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers;
 - Conflicts with the provisions of this Resolution.

Shared Use of Wireless Telecommunications Facilities and Other Structures

- o Locating on existing Towers or others structures without increasing the height, shall be preferred by the County, as opposed to the construction of a new Tower. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within four (4) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- o An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- o Such shared use shall consist only of the minimum Antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable unless good cause is shown.

Any and all representations made by the Applicant to the County on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the County.

Pursuant to W.S. 16-16-4-203(a), confidential information or trade secrets submitted as part of the permit application will not be considered as part of the public record in the matter, and will, to the extent allowed by Wyoming statute, be exempt from public disclosure. Applicant shall clearly label such information as confidential or trade secret. This information, while not released to the public, may be exchanged and considered by

and among the Development Department, the Planning Commission, and/or the Board of County Commissioners, their employees, agents, and contractual experts.

Required Fees and Performance Security

- o \$1000.00 Conditional Use Permit Application Fee
- o Zoning Certificate Fee (see County fee schedule)
- o Building, electrical and other permit fees (see County fee schedule)
- o Performance security – The Applicant and/or owner of record of all proposed Wireless Telecommunications Facilities for all sites shall escrow sufficient funds or provide a letter of credit, or execute and file with the County a bond or other form of security acceptable to the County to cover the cost of removal of such tower. “Such other form of security” shall be in the amount of One Thousand Dollars (\$1000) per tower.

Other Requirements

The information required to be submitted for this application is in addition to any other applicable federal, state, or local requirements. Additional County requirements will include review and approval pursuant to the adopted building codes of Natrona County.