

MEMBERS PRESENT

Hal Hutchinson, Chairman
Jason Gutierrez, Vice Chairman
Chad Ziehl, Member
Matt Mitchell, Member
Robert Grant, Member

MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Megan Nelms, Senior Planner
Holly Wilhelm, Associate Planner
Charmaine Reed, Deputy County Attorney
Lori Hall, Planning Secretary

OTHERS PRESENT

Sarah Neace
Shelly Neace

Chairman Hutchinson called the Natrona County Planning and Zoning Commission meeting to order 5:31 p.m., he lead the Pledge of Allegiance, subsequently introduced himself, all commission members, staff, the applicants and welcomed all. Chairman Hutchinson outlined the meeting procedures and how the commission receives public comment.

APPROVAL OF MINUTES

Chairman Hutchinson asked for a motion to approve the meeting dated January 11, 2022. Mr. Ziehl questioned the second paragraph on page one, concerning public notice related to the proposed mountain development moratorium. Ms. Nelms responded the statutory requirement to notify the public by notice in the newspaper of general circulation, being the Star-Tribune, is 14 days prior to the County Commissioners meeting. Mr. Ziehl also asked if there was a statutory requirement for the presentation of moratorium to the Planning Commission for approval. Ms. Nelms responded it has to be presented and recommended for or against, but there is no statutory requirement to supply notice in advance. Ms. Nelms informed the Commission that the moratorium was not approved at the February 1, 2022 Board of County Commissioners meeting.

Mr. Ziehl then made a motion to approve the minutes from the January 11, 2022 Planning Commission meeting and Mr. Grant seconded the motion. Vice-Chairman, Gutierrez complimented the meeting minutes, as did the Chairman. The chairman then asked for a vote. All in favor 5/0.

Case Number 22.01 CUP- Conditional Use Permit Applicant Everest Infrastructure Partners/Sarah and Shelly Neace

Ms. Nelms presented the staff report for a request for a conditional use permit for a 150' foot monopole tower and associated ground-mounted telecommunications equipment within a 50' by 50' fenced, leased area. The proposed tower location is Lot 7, Westgate Park III (1575 Derrick

Drive) which is currently zoned Light Industrial (LI). The property currently has a vacant shop and is surrounded by Light Industrial (LI) parcels. Staff recommends the approval of CUP 22.01, subject to completion and compliance with all planning considerations. The considerations include a 150' tall monopole communication tower at this location which is number 5 on the location priority list. The tower regulations allow for a deviation from the setback requirement of 110% of the tower height and staff recommends the variance be allowed for 62' to the north parcel boundary line and 69' to the east parcel boundary line. Ms. Nelms referred the Commissions to the information packet which includes the structural engineer's report regarding the likelihood of tower failure.

Vice-Chairman, Gutierrez inquired who received notification of the application, and specifically, if the airport was notified of the tower location. Ms. Wilhelm responded that adjacent property owners were notified and that the airport was not notified.

Mr. Ziehl asked if there were any structures within the 62' north property line or on the property itself. Ms. Nelms responded that one structure was on property located 140 feet away with no structures on the adjacent properties. The letter from design engineer states it is unlikely that the tower will fall and if it does, the monopole has a breakpoint technology design causing it to buckle and fall within the 50-foot lease area. Mr. Mitchell questioned the 'likely' or 'most likely' terms in the engineer's report. He felt there needed to be a stronger statement than a 51% chance of fall radius. He would have liked to have seen a materials testing report reflecting more confidence that the technology will work. He questioned how the engineers came to the conclusion that it will 'most likely' work and possibly a stronger statement of how they arrived at their conclusion. The technical questions were deferred to the applicants.

The applicants, Sarah Neace and Shelly Neace approached the Commission to answer questions. Ms. Neace stated that Everest is a company that builds their own towers and then leases tower space to other carriers such as Verizon, Sprint, T-Mobile and DISH Network. Specifically, DISH Network and Verizon are interested in co-locating and need a tower in the area. She stated that by co-locating on the tower, they can have up to four carriers, which reduces the number of towers in the area. They did search the area for larger parcels in the light industrial area, but the larger property owners were not interested in a lease.

Ms. Neace also explained that towers designed with break point technology are designed to handle more weight than would ever be placed on the tower, she feels with this technology, they qualify for the variance in setbacks. In the event of a bizarre wind storm or some other catastrophic event, the tower has a point at approximately 100 feet high where it is designed to break and fall in on itself, within the 50'x50' leased area. Upon conditional approval, they will have the tower and foundation engineering completed. It is at that point, when applying for a building permit, that more specific data would be available concerning materials tests, structural analysis, and the detailed plans that would meet the commission's engineering concerns.

She also noted that every time a new carrier antenna is added, the structural analysis is repeated on the tower to verify the load capacity, including the verification of the breakpoint technology from the tower manufacturer.

Vice-Chairman Gutierrez questioned if Verizon or another independent tower had been put in nearby, within 1.5 miles from this location? He also asked if they had tried to co-locate on that or other existing towers? He also inquired about how they decided on this site? Ms. Neace responded

that as more people move to an area and as data usage increases, the tower locations also need to increase to keep up with the demand. It is estimated that a tower is needed every mile or so. She stated that they did look at many other locations, however this one stood out as one of the best locations.

Chairman Hutchinson stated the 110% requirement has been a big deal for previous applications. He stated he recalled other proposed towers located in remote, rural locations near a fence holding cows and they were required to move the tower to meet the 110% rule. He felt that since other towers in the past had to meet the requirement, and not knowing who will own the adjacent property in the future, it causes him some grief in this decision to grant the setback reduction. Ms. Shelly Neace stated that the rules allow for the applicant to request a setback reduction and she feels with the breakpoint technology design, which will be certified after the tower is designed, they meet the requirements to be granted the reduction.

Ms. Neace went on to state that the breakpoint technology was not created because towers were falling. It came about to meet requirements such as Natrona's regulations. Many regulations have the 1-to-1 or greater setbacks due to adjacent residential owners concerns that a tower may fall on them. In some locations around the nation, it is just not possible to meet the 1-to-1 setback, hence the breakpoint technology being developed.

Mr. Ziehl asked if there had ever been a variance granted for a tower? Vice-Chairman Gutierrez responded that yes, one that involved the highway right-of-way and it included a consent letter from the highway department stating they were okay with the tower falling in the right-of-way. He stated though, that the permit expired and the tower was never constructed.

There was general discussion regarding tower locations and coverage needs in the county. Ms. Neace also explained the FAA and FCC requirements and that they have already done their preliminary slope checks and will complete the full permitting process with each entity prior to any construction. They also discussed future co-locations and rooftop antennas

The chairman then asked staff if they had received any comment on the tower application? Ms. Nelms stated that staff had received no public comments concerning the tower location.

Chairman Hutchinson then opened the public hearing and asked if anyone wished to speak in favor of the applications. Ms. Neace spoke in favor.

Chairman Hutchinson asked if there was anyone to speak in opposition. There were none. He then closed the public hearing and asked if there were any questions from the Commission.

Ms. Nelms stated that staff is supportive of the tower location and allowed the setback reduction. She gave an overview of the regulations, stating that if the applicant can provide drawings and certification from a licensed engineer that in the event of a structure collapse, the tower will not pose a threat to the health and safety to the adjacent property owner(s). The current engineer's report states that if the tower were to collapse, it would not collapse on any surrounding structures. The chairman then stated that he felt a more strongly worded letter from the engineer was needed that there is more confidence that the tower won't collapse. Ms. Nelms then stated that the engineer's letter states that the pole and foundation are designed for a basic wind speed of 108 mph without ice and 50 mph with ¼ inch of ice, which is standard design that will be reviewed by the Building Department at the time of permit.

Mr. Chairman also wanted to address Vice-Chairman Gutierrez's concerns about the notification of the airport. Megan stated the packet has details and correspondence related to the 1A Elevation FAA Certification. Chairman Hutchinson referred to previous issues with the airport and approved towers and certifications and that they prefer to go above what is required by the FAA. Ms. Nelms stated that she will reach out to the airport prior to the Board of County Commissioners meeting. Mr. Chairman asked what if the airport has issues with the tower. Ms. Nelms stated that they will still take the application the Board of County Commissioners and that they could then either deny the application or remand it back to the Planning Commission for further review.

Ms. Reed stated that the commission could also add airport approval as a condition of the approval.

Mr. Ziehl stated that if setback reductions have not previously been granted, then he has issue with granting one in this case. Ms. Nelms responded that the regulations allow the reduction and that each application should stand on its own information presented and compliance with the regulations.

Ms. Reed noted to the chairman that the application could be approved with conditions and that a setback reduction can be granted on the basis of new technology and that would not be considered arbitrary in relation to previous tower CUPs.

There was general discussion on previous tower applications and data that was provided with those. The Commission discussed additional considerations they would like to add and stated that the following should be required.

- 1) Letter of Consent from the Natrona County Airport
- 2) Letter from the applicant's engineer with definable responsibility in the event of a failure of the structure.
- 3) Consent letter from property owners within the 110% of the site range approving the application.

Vice-Chairman Gutierrez stated the details of the revised engineers letter should contain additional information, beyond the containment area, of structural strength, future life of materials, expected failure rate, safety factor data, experimental design data, and specially, the breakpoint technology data. Chairman Hutchinson and Mr. Mitchell requested a revised engineer letter worded more confidently and with explanation of breakpoint technology and the design standards with wind, ice, the failure rate after so many years and more guarantee of the fall zone.

Ms. Nelms asked if the Commission wanted to see the additional documents being requested, or if staff should review and move the application forward. Vice-Chairman Gutierrez requested to review the consent letters and the revised engineer letter, and subsequently made a motion to table the application. Mr. Ziehl seconded the motion. A table request is with the applicants' consent and requires a date certain for reconsideration.

Ms. Neace came forward again and stated she would like approval with the conditions instead of being tabled and stated when the tower engineering company, probably Saber in this case, designs the tower, they will provide exactly the items the commission is requesting. At this point, the design is speculative as the geo-technical soil report is not completed. They will not have the tower engineered and the foundation designed until the geo-tech is complete. Due to the expense of a

geo-tech, the company doesn't do above mentioned items until the Planning Commission conditionally approves the location. The NEPA, Phase I process is also required prior to construction, which they will not begin until they have some sort of conditional approval that their application will move forward.

Chairman Hutchinson and Ms. Nelms discussed the planning process, using a subdivision Chapter 23 study as a comparison to when documents are required for review by the planning commission or before a case moves forward to the Board of County Commissioners.

Vice Chairman Gutierrez restated his motion to table the case until April 12, 2022 and requiring the additional considerations. Mr. Ziehl seconded. The chairman then called for a vote.

Voting was as follows:

Jason Guterrez	Yes
Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes

Motion carried 5/0

Chairman Hutchinson then opened meeting to public comment, beginning with commissioner comment. Vice-Chairman Gutierrez requested an update on the mountain moratorium details and zoning resolution revision update. He asked when the updated zoning regulations would be available for public review. Ms. Nelms gave an update to the commission on the administrative module 5 for the zoning regulations as well as an upcoming April 6, 2022 zoning steering committee meeting to discuss the release of modules for review.

She went on to state that the Casper Mountain Land Use Plan draft was closed for public comment and the draft will be presented next month in a workshop to the Board of Commissioners. Ms. Nelms also gave an update on the moratorium or the decision not to enact the moratorium.

Mr. Ziehl stated that he would like to be notified of meeting agenda items by the prior Tuesday before meeting.

Ms. Nelms let all the planning commissioners know that they were registered as WyoPASS (Wyoming Planning Association) members and are on their email list. This year's annual spring training will be in Riverton in June. Additionally, the annual Western Planner Conference will be in Bismarck, ND in September. Jason noted a board training that will be held in mid-April. Ms. Nelms stated she would email out information about that training.

Adjournment

There being no further business to come before the Board, Chairman Hutchinson adjourned the meeting at 6:50 p.m.



Hal Hutchinson, Chairman
Natrona County Planning and Zoning Commission



Tracy Good
Natrona County Clerk

NOTE: Natrona County Planning and Zoning Commission meeting minutes contain a summary of discussions and are not intended to be verbatim.