

# LARAMIE COUNTY CLERK BOARD OF COUNTY COMMISSIONERS AGENDA ITEM PROCESSING FORM

1. **DATE OF PROPOSED ACTION:** September 5, 2017

<b>2. AGENDA ITEM:</b>	<input type="checkbox"/> Appointments	<input type="checkbox"/> Bids/Purchases	<input type="checkbox"/> Claims
<input type="checkbox"/> Contracts/Agreements/Leases	<input type="checkbox"/> Grants	<input checked="" type="checkbox"/> Land Use: Board App/Subdivision/ZC	
<input type="checkbox"/> Proclamations	<input type="checkbox"/> Public Hearings/Rules & Reg's	<input type="checkbox"/> Reports & Public Petitions	
<input type="checkbox"/> Resolutions	<input type="checkbox"/> Other		

3. **DEPARTMENT:** Planning & Development Office

**APPLICANT:** Duck Creek Grazing Association      **AGENT:** Roundhouse Renewable Energy LLC

**4. DESCRIPTION:**

Consideration of a Board Approval for Met Tower RHW-2, situated on the Duck Creek Ranch in a portion of Section 29, T. 13 N., R. 67 W., of the 6th P.M., Laramie County, WY.

RECEIVED AND APPROVED AS  
TO FORM ONLY BY THE  
LARAMIE COUNTY ATTORNEY



Amount \$ \_\_\_\_\_ From \_\_\_\_\_

5. **DOCUMENTATION:**      1 Originals      0 Copies

<u>Clerks Use Only:</u>	
<u>Commissioner</u>	<u>Signatures</u>
Thompson _____	Co Atty _____
Kailey _____	Asst Co Atty _____
Ash _____	Grants Manager _____
Heath _____	
Holmes _____	
Action _____	Outside Agency _____



# LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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Planning • Building

## MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Brad Emmons, Planning Director  
Bryan Nicholas, Associate Planner

**DATE:** September 5, 2017

**TITLE:** Review and action of a Board Approval for Met Tower RHW-2, situated on the Duck Creek Ranch in a portion of Section 29, T. 13 N., R. 67 W., of the 6<sup>th</sup> P.M., Laramie County, WY.

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### EXECUTIVE SUMMARY

Roundhouse Renewable Energy LLC, on behalf of Duck Creek Grazing Association, Inc., has submitted an application for Board Approval for Met Tower RHW-2 situated in a portion of Section 29, T. 13 N., R. 67 W., of the 6<sup>th</sup> P.M., Laramie County, WY, located northwest of I-25 and the Colorado Border. The purpose of the application is for approval to place one (1) meteorological tower for assessment of wind resource on the property.

### BACKGROUND

The Laramie County Land Use Regulations do not call out meteorological towers separately. Towers are defined as “any structure that is designed and constructed primarily for the purpose of supporting one or more antennas [... which] includes but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and any tower support.” This application is being reviewed under the tower regulation section and Board Approval.

### **Pertinent Regulations**

**Section 1-2-100** of the Laramie County Land Use Regulations, governing the Board Approval process.

**Section 2-2-123** of the Laramie County Land Use Regulations, governing Wireless Telecommunications Services.

## **DISCUSSION**

The Laramie County Comprehensive Plan describes this area as best suited for Urban Rural Interface (URI), which are intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access, and a greater overall level of community services. While some of these areas may include existing agricultural uses, it is anticipated they are more service-oriented and may change and develop over time. The Plan does not identify goals related to towers.

PlanCheyenne designates portions of this property as areas for Agricultural/Rural use. The Agricultural/Rural category gives priority to primary uses such as farming, ranching, and other agricultural uses. Other secondary uses appropriate to the property include agricultural-related business, very low density residential, and in some cases wind energy generation or other energy production facilities.

The placement of tower RHW-2 will be located in the (A2) Agricultural zoning district, with adjacent lands located in the (PUD) Planned Unit Development zoning district. Agricultural (A2) zoning does not specify Meteorological Towers as a use by right, but can be comparable to a Small Wind Energy System, which are allowed.

The placement of the proposed MET tower would not preclude other uses on the Duck Creek Ranch property. The proposed locations meet the required 100% height setback from adjacent property lines.

Additionally, public notice is required to be mailed to property owners within ½ mile of the property prior to building permit application for towers.

As an adjacent landowner, the Wyoming State Lands Office noted that any access across state lands or work performed on state lands will require prior authorization from the state.

Section 1-2-100 (a) states that:

Before any application for a Board Approval can be granted, the Board shall find:

- i. The proposed use is permitted by Board approval in the proposed location and in conformance with all applicable development standards.  
*True. See narrative for details.*
- ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.  
*True. Necessary building permits will be applied for.*
- iii. There is no defined negative impact to the community.

*No evidence had been provided that the towers would create negative impacts.*

Section 2-2-123 (b) General Requirements states that:

- i. Principal or Accessory Use  
Commercial Mobile Radio Service (CMRS) facilities may be considered for either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- ii. Aesthetics  
Towers and antennas shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- iii. Lighting  
Towers may not be artificially lighted, unless required by public safety, the FAA or other applicable authority.
- iv. State or Federal Requirements  
All towers must meet current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and any other agency of the local, state or federal government with the authority to regulate towers and antennas.
- v. Building Codes and Safety Standards  
To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is maintained in compliance with applicable state and local building code standards and the applicable standards for towers published by the Electronic Industries Association, as amended. Each tower shall require an approved building permit.
- vi. Required Application  
A building permit, plot plan and copy of any executed lease agreement is required for each proposed tower. The plot plan shall clearly show the location and distance of the tower and associated structures from property lines. The plot plan shall also indicate where access to the tower site is proposed.
- vii. Public Notice  
Public notice is required to all property owners of record within one half mile of the lot where the proposed tower and/or temporary tower is to be located. Notice shall be via certified mail. Notice shall be made thirty (30) days prior to submission of a building permit.
- viii. Setbacks  
Towers must be set back a distance equal to at least 100 percent of the height of the tower from any adjacent property line.

The applicant is in compliance with all applicable items above. Staff finds the proposal to be in general conformance with the plans and policies of the Laramie County Land Use Regulations, the Laramie County Comprehensive Plan, and PlanCheyenne.

### **RECOMMENDATION and FINDINGS**

**Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:**

- a. This application is in compliance with section 1-2-100 of the Laramie County Land Use Regulations.
- b. This application is in compliance with section 2-2-123 of the Laramie County Land Use Regulations.

**and that the Board grants approval for Met Tower RHW-2, situated on Duck Creek Ranch in a portion of Section 29, T 13. N, R 68. W, of the 6<sup>th</sup> P.M., Laramie County, WY, with no conditions.**

### **PROPOSED MOTION**

**I move to grant Board Approval for Met Tower RHW-2, and adopt the findings of facts a and b of the staff report.**

### **ATTACHMENTS**

**Attachment 1: Aerial Map**

**Attachment 2: Comprehensive Plan Map**

**Attachment 3: PlanCheyenne Map**

**Attachment 4: Zoning Map**

**Attachment 5: Plot Plan with Tower Locations**

**Attachment 6: Applicant Project Letter with Tower Coordinates**

**Attachment 7: Agency Comments Report**

**Attachment 8: Resolution**



# Laramie County, Wyoming



Met Tower  
RHW-2

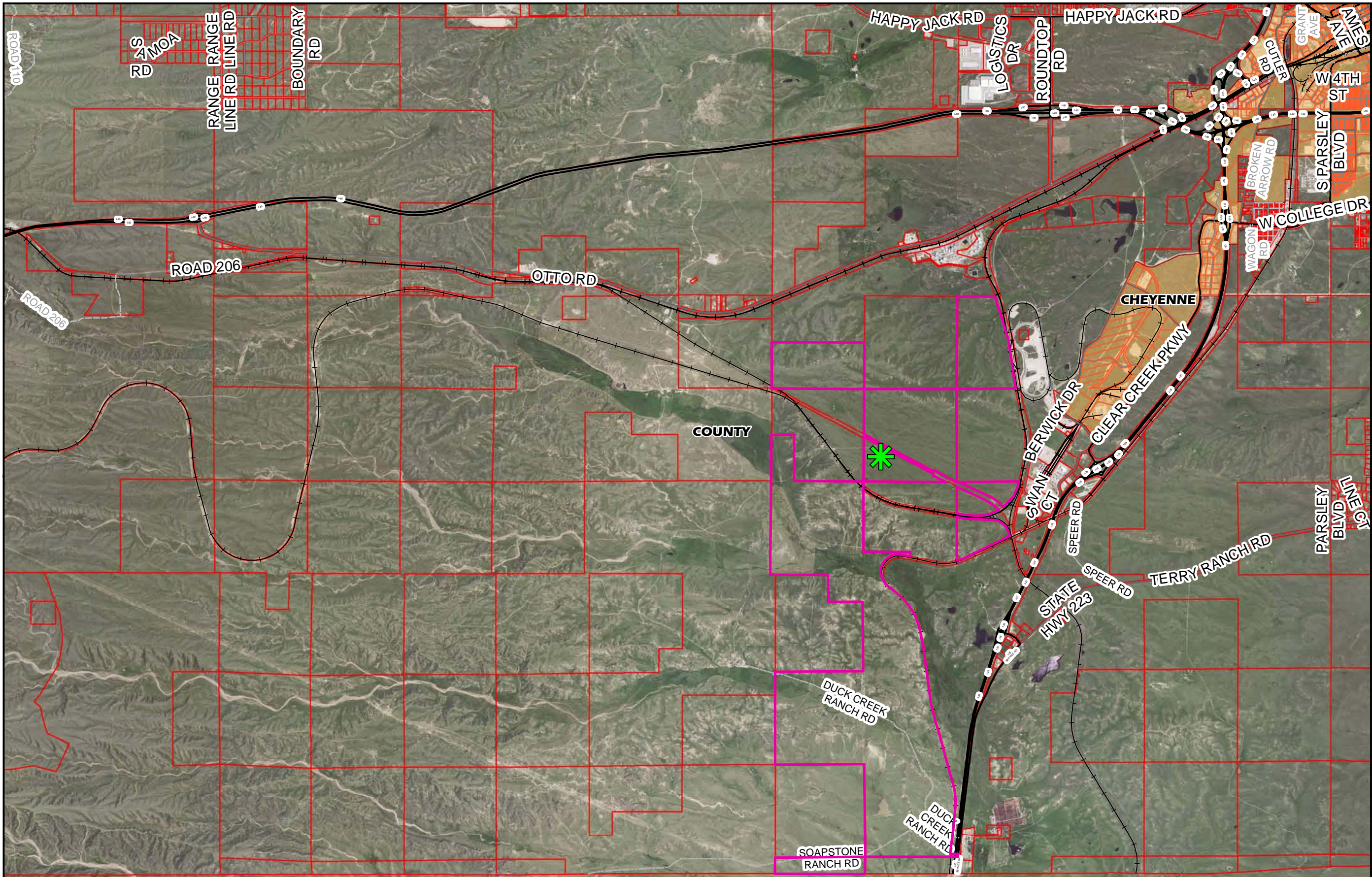
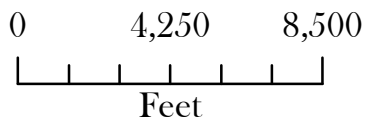
PZ-17-00135

Aerial Map

## Legend

- Streets**
- Classification**
- Interstate
  - Arterial
  - Collector
  - Local
  - - - - Platted, Not Built
  - - - - Private
  - + + + + Rail Road
  - Assessment Boundary
  - Subject Property
  - ✱ Approximate Tower Location

Printed on Jun 12, 2017



United States Department of Agriculture

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# Laramie County, Wyoming



Met Tower RHW-2

PZ-17-00135

## Comprehensive Plan Map

### Legend

#### Streets

#### Classification

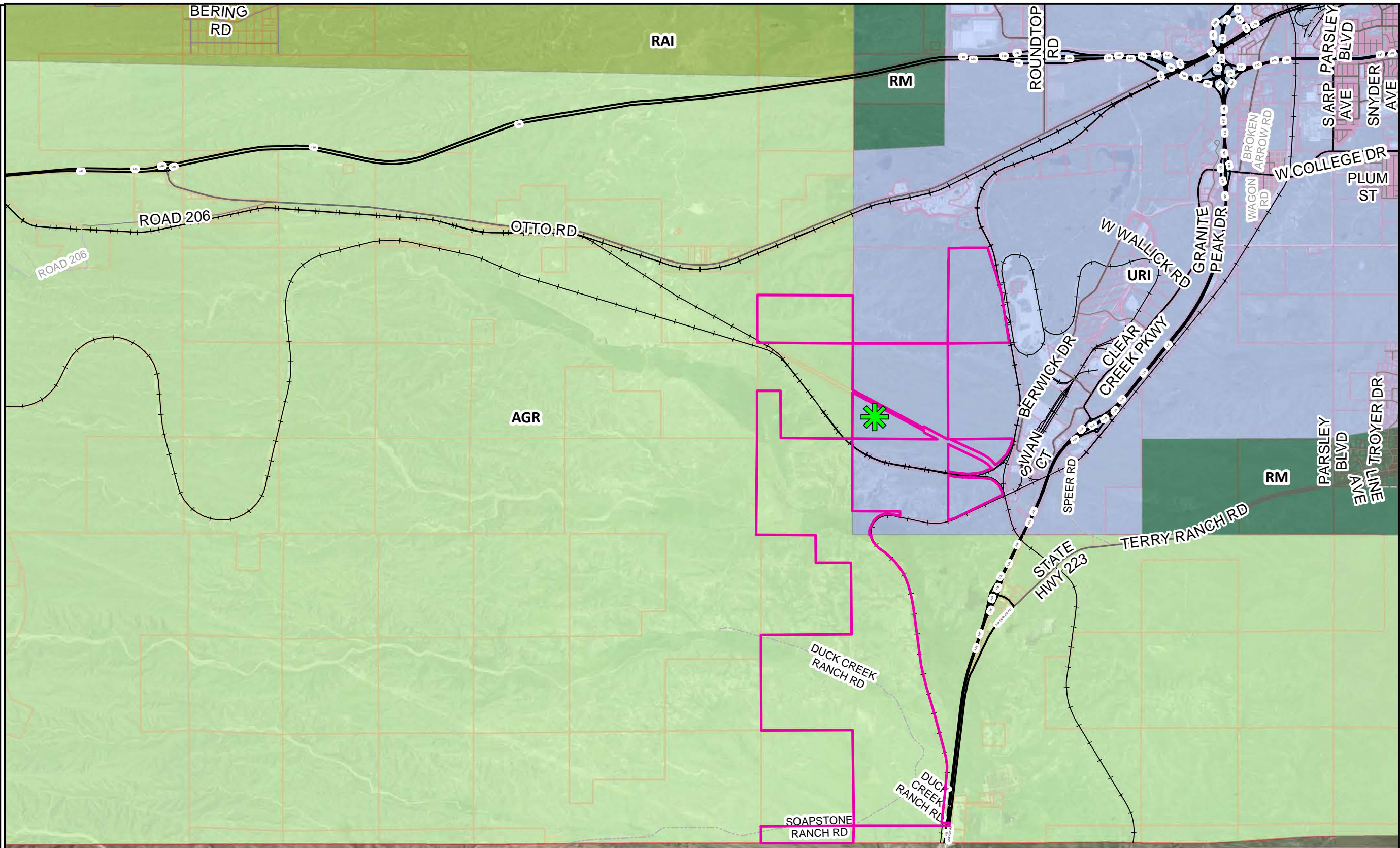
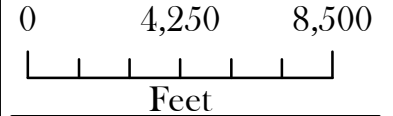
- Interstate
- Arterial
- Collector
- Local
- Platted, Not Built
- Private
- Rail Road

#### Future Land Use Districts

#### OTHER

- Urban-Rural Interface (URI)
- Rural Metro (RM)
- Rural Ag Interface (RAI)
- Ag & Range Land (AGR)
- Subject Property
- Tower Location

Printed on Jun 12, 2017



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# Laramie County, Wyoming



Met Towers  
RHW-2

PZ-17-00135

## Plan Cheyenne Map

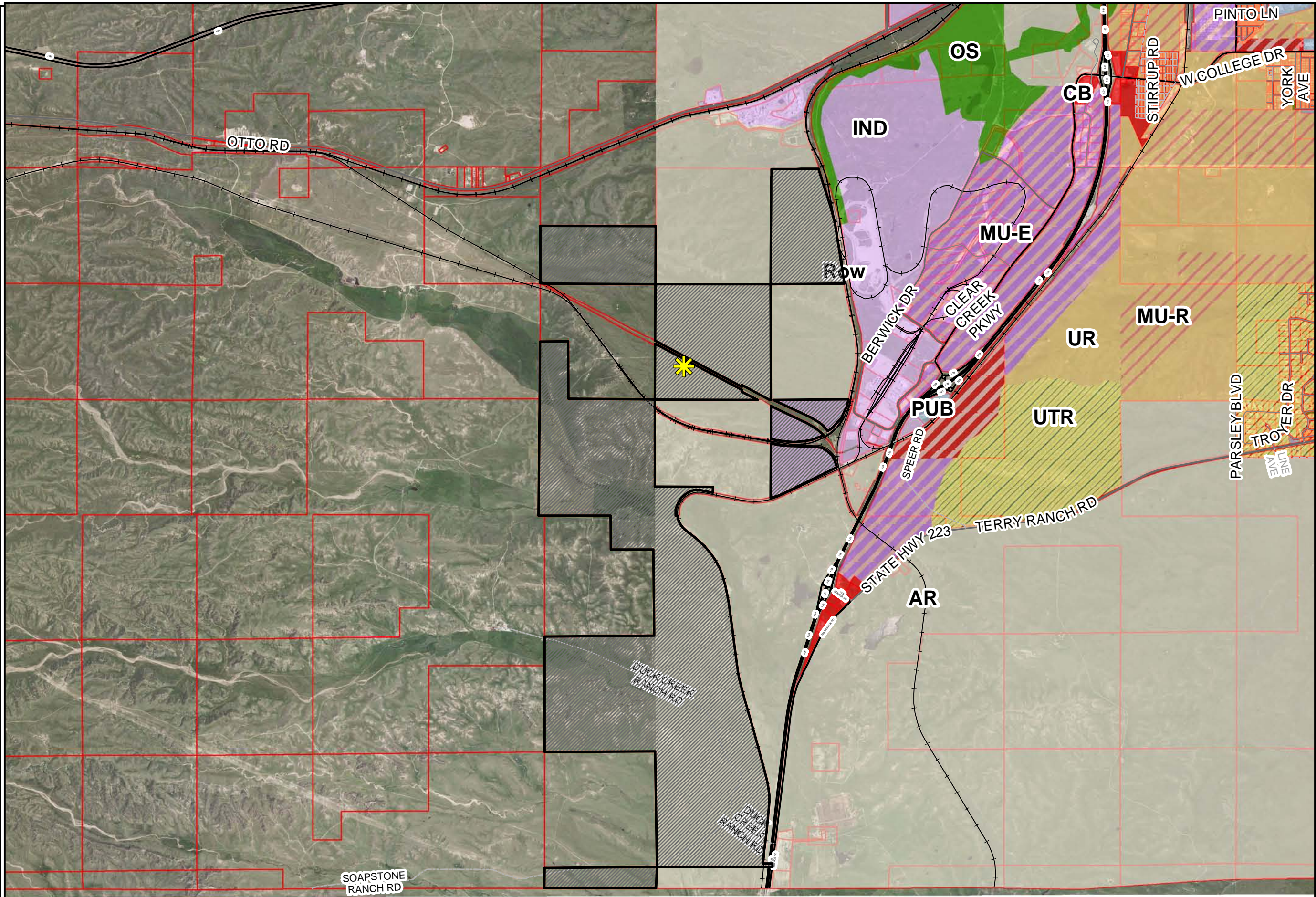
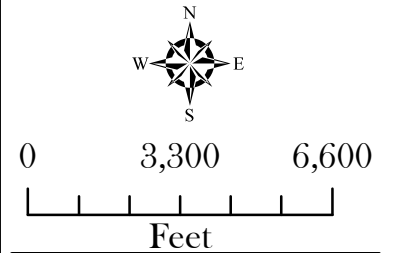
PlanCheyenne (2014)

NEW\_FLUP

-  Agriculture/Rural
-  Rural Residential
-  Urban Transition Residential
-  Urban Residential
-  Mixed-use Residential
-  MU-E
-  Industrial
-  Mixed-use Commercial
-  Community Business
-  Central Business District
-  Public and Quasi-Public
-  PUB-FED
-  Open Space and Parks
-  ROW
-  Subject Property

 Tower Location

Printed on Jun 12, 2017



United States Department of Agriculture

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# Laramie County, Wyoming



**Met Tower  
RHW-2**

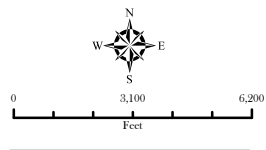
**PZ-17-00135**

**Current Zoning Map**

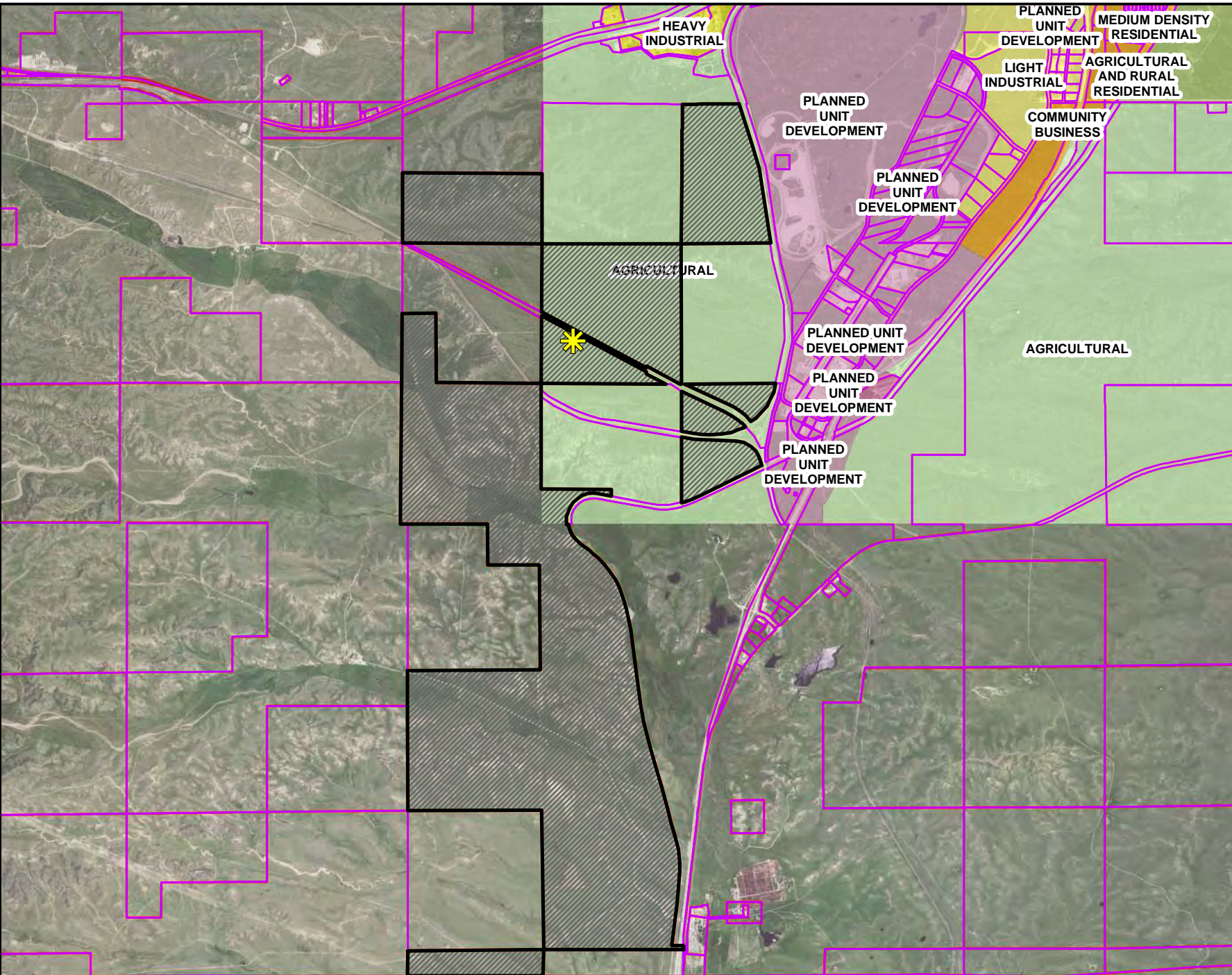
## Legend

- Property Lines
- Subject Property
- All Other Values
- Archer Special Use District (ASU)
- Agricultural (A-2)
- Agricultural and Rural Residential (A-1)
- Agricultural Residential (AR)
- Low Density Residential - Established (LR-1)
- Low Density Residential - Developing (LR-2)
- MR
- Medium Density Residential - Established (MR-1)
- Medium Density Residential - Developing (MR-2)
- High Density Residential - Established (HR-1)
- High Density Residential - Developing (HR-2)
- MU
- Mixed Use with Residential Emphasis (MUR)
- Mixed Use with Business Emphasis (MUB)
- Neighborhood Business
- Community Business (CB)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Public (P)
- Planned Unit Development (PUD)
- Military (M)

Printed on August 16, 2017



United States Department of Agriculture



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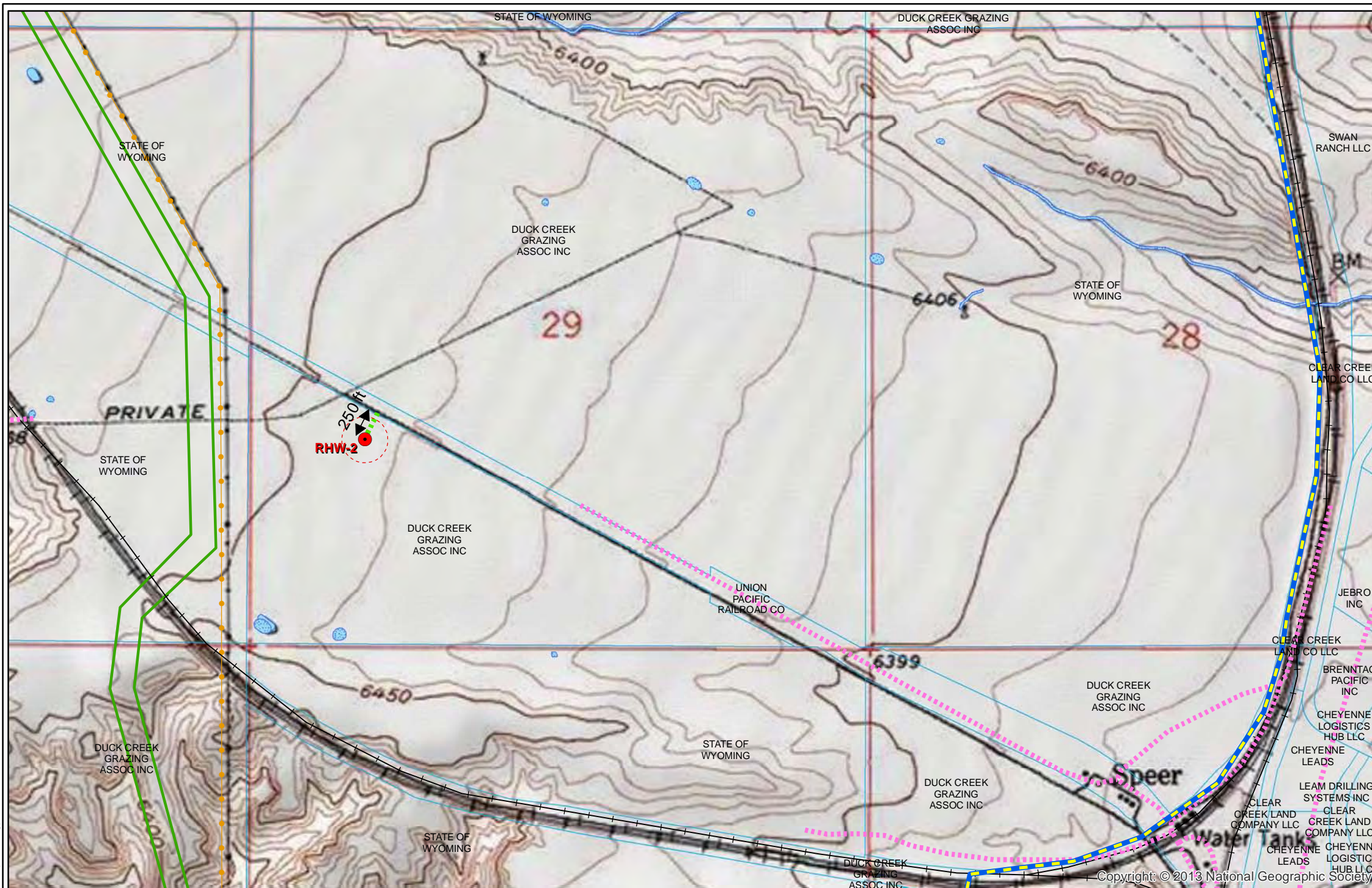
Figure 5

# Enyo Energy Round House Wind Met Tower RHW-2 Location Detail

Laramie County, WY  
July 20, 2017

### Legend

- Proposed Met Towers
  - MetTower\_60m\_radius
  - RHW\_Project Area
  - 4x4\_Access
  - Private Ranch Roads
  - NTAD\_Railway
  - Ventyx15\_e\_transln\_polyline
  - natural\_gas\_pipeline
  - NWL\_Wetlands\_clip
- FCODE**
- Perennial
  - Intermittent
  - Ephemeral
  - Artificial Path
  - Canal/Ditch
  - Water Pipeline
  - NHD Waterbody
  - S\_FLD\_HAZ\_AR
  - States
  - Assessor Parcels



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO,

C:\GIS\_Projects\Enyo\_Energy\MXD\RoundHouse\MetTowers\RHW\_MetTowers\RHW\_MetTowers\_Detail\_20170720.mxd - Last Saved 7/21/2017



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Board Approval Application  
Laramie County, Wyoming

For Proposed  
Meteorological Tower  
RHW-2

July 20, 2017



**Project Summary:**

The Applicant, Roundhouse Renewable Energy, LLC, proposes to install a group of five 60 meter meteorological (met) towers, within the 24,000 acre Duck Creek Ranch, located southwest of the City of Cheyenne see **Figures 1 and 2**. The ranch is comprised approximately half of property owned by the Duck Creek Grazing Association, Inc., and half of Wyoming State Trust lands under lease to the Duck Creek Grazing Association; see **Figure 3**. All five proposed met tower locations are on parcels owned by Duck Creek Grazing Association. Pursuant to direction from the county planning staff, the five towers are to be processed under two applications, one for each of the two parcels involved. Four of the towers are to be located on one tax parcel, and the last on a second tax parcel. An application form has been provided for each location in **Attachment A**; this application package addresses only tower RHW-2, while the other four will be covered in a separate application. **Figures 4 through 8** provide tower location detail maps.

<b>Met Tower ID</b>	<b>Parcel</b>	<b>Location</b>	<b>Latitude Longitude</b>	<b>Distance to Nearest Property Line</b>	<b>Zoning</b>
RHW-1	12680110000100	T12N R68W Sec 14	41°0'14.40" N 104°57'54.00" W	1,430 ft	None
RHW-2	12670520000100	T13N R67W Sec 29	41°3'50.40" N 104°55'15.60" W	250 ft	Agricultural (A2)
RHW-3	12680110000100	T12N R68W Sec 9	41°1'15.60" N 105°0'36.00" W	2,190 ft	None
RHW-4	12680110000100	T12N R68W Sec 5	41°2'21.12" N 105°2'16.80" W	240 ft	None
RHW-5	12680110000100	T12N R 68W Sec 3	41°2'33.72" N 105°59'27.60" W	850 ft	None

The five met towers are part of a campaign to measure the potential for the area for future wind energy development. The met towers are expected to remain in place for up to seven years, then be removed.

Each met tower will stand 60m ((197 ft) tall. The NRG XHD TallTower is a monopole design, approximately 10 inches in diameter, supported by a system of guy wires extending out approximately 50m in four directions from the base of the tower. **Attachment B** provides a simple schematic and typical site plan for the XHD-60 tower. The tower components will arrive on site in pieces packed into the space of a single large shipping pallet, which can fit in the back of a heavy-duty 4x4 pickup truck, for assembly and erection by a crew of 4 workers. A second truck will carry tools and equipment needed for assembly, as well as meteorological equipment to be installed. Component delivery, assembly and erection generally takes only one day for each met tower. NRG's XHD TallTower product booklet provides a full description of the tower assembly and erection process; see **Attachment C**. The tower will be installed and maintained by NRG under contract to the Applicant.

The met tower to be installed is temporary in nature; there is no foundation. The base of the tower is supported by a metal plate staked into the earth, while tower guy lines are attached to soil augurs or similar anchors which can be removed when the tower is taken down. All equipment is mounted on the

met tower; there are no other structures or enclosures. Equipment includes several weather measurement devices (anemometers, barometers, etc.) mounted at multiple heights on the tower. A data logger, a small solar panel and a power pack will also be mounted near ground level. The tower will include lightning protection.

The tower and equipment are designed to require minimal attention once installed and operating. The data logger monitors all equipment operation, and includes a satellite link for wireless data transfer, while the solar panel provides all the power the system needs. In general, the towers are only visited in the event of an equipment failure identified in the data log, for an annual structural inspection, or for inspection following an unusual weather event. Visits to the met towers are likely to occur only a few times each year, at most.

No signage is proposed. No subdivision or residential development of the land is proposed. No permanent structures are proposed. The met towers make no noise, and even construction is a quiet affair. No substantive earthwork is anticipated, though there may be some minor ground disturbance associated with anchor installation, depending on ground conditions.

### **Access**

There are several points of access to the Duck Creek Ranch; existing ranch roads lead near each of the five met tower sites. No new roads will be constructed as a part of this proposal; the existing roads and tracks are sufficient to allow access by the four-wheel-drive trucks used for met tower installation.

Access to the northeastern part of the ranch and met tower RHW-2 is via Speer Road. This road may also be used to access the remainder of the ranch; alternatively, and perhaps more likely, the sites would be accessed via Duck Creek Ranch Road or Soapstone Ranch Road, which enter the ranch near its southeastern corner. Duck Creek Ranch Road links up to Goose Creek Road, allowing access to RHW-4, while an unnamed ranch road leads from there to allow access to RHW-5. Soapstone Ranch Road provides access to RHW-1, and links up with Upper Duck Creek Road for access to RHW-3. Figure 2 identifies existing ranch roads that may be utilized for met tower construction and maintenance.

### **Water/Sanitation**

Neither water nor sewer/septic system are needed for this use.

### **Visual Effect**

In order to make the tower visible to pilots, and pursuant to state law, the met towers will be painted with alternating bands of red and white, orange marker balls will be installed on the uppermost guy lines, and orange sleeves on the guy lines will mark the anchor points; see Appendix O, page 159 of Attachment B.

There will be no lighting of the met tower.



The towers are likely to be visible from I-25 and some segments of I-80, as well as from some local roads and developed areas in southeastern Cheyenne. However, the nearest tower would be seen at a distance of at least 1.5 miles; the others would be farther away. At this distance, the towers are not particularly visually intrusive or eye-catching, and would appear quite small in the landscape.

### **Airspace Concerns**

The height of the tower (197 ft) is below the minimum height above ground level (200 ft) at which the Federal Aviation Administration (FAA) would require filing of a Notice of Proposed Construction, and would require a light to be mounted on the tower (see 49 CFR Part 77). As noted above the tower will be marked for visibility to pilots flying at low elevations under visual flight rules. Aircraft flying on instruments must maintain a minimum altitude of 1000 ft above ground level, except within a designated takeoff/landing route of an airport; the met tower is located far from any airport and would not interfere with designated flight routes or air navigation.

### **Setbacks**

The Laramie County Code establishes setbacks for structures throughout the county; however, those setbacks are not fully appropriate for the proposed use. Each proposed met tower is located to exceed fall-down distance (200') to all property lines and from all mapped streams or wetlands, far exceeding the County's minimum standards.

### **Development Code Compliance Assessment**

The following provides an assessment of the proposal for compliance with the general approval criteria for a Board Approval permit, found in Section 1-2-100 of the Laramie County Land Use Regulations.

#### *a. Findings Necessary*

*Before any application for a Board Approval can be granted, the Board shall find:*

- i. The proposed use is permitted by Board approval in the proposed location and in conformance with all applicable development standards.*

**Response:** The proposed met towers meet all applicable development standards. Each met tower is located more than 60 meters, or greater than fall-down distance, from any property line, road, or mapped water or wetland feature. The met towers do not require water supply or sanitation, and existing public and private roads provide access to the met tower sites with no road improvements needed.

- ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.*

Response: This proposal does not conflict with any land use or other policy of Laramie County, including those outlined in the 2016 county Comprehensive Plan and the 2014 Plan Cheyenne. In particular, the proposed uses are consistent with agricultural land conservation policies, in that the uses do not constrain ongoing agricultural use, and do not require subdivision or further development of the subject lands.

*iii. There is no defined negative impact to the community.*

Response: The proposed met towers will have no adverse effect on the community. The met towers generate only occasional traffic, do not require extension of utilities or improvements to roadways, do not require additional public services, do not divide the land, and do not preclude the continuing use of the land for ranching. The towers are located far from any residential or other uses. Though the towers may be visible from public roadways, they would be at a distance from which they would not be particularly eye-catching or visually disruptive.



**County Assessor:** Clarice Blanton COMMENTS ATTACHED 08/01/2017

This equipment will be taxable as of January 1, 2018. We request the owner of the equipment report this equipment pursuant to W.S.39-13-103(b)(v).

**County Engineer:** Scott Larson COMMENTS ATTACHED 08/10/2017

The proposed development action is temporary in nature, I do not see any significant changes to traffic and/or drainage/runoff as a result of this development, and therefore I have no comments regarding this application.

**Wyoming Game & Fish:** Meghan Lockwood COMMENTS ATTACHED 08/08/2017

The staff of the Wyoming Game and Fish Department has reviewed the proposed PZ-17-00134/135 Roundhouse Met Towers 1-5 located in Laramie County. We recommend the tower placements avoid riparian areas, burrowing owl nesting and roosting sites, raptor nests, swift fox den sites and prairie dog colonies.

**PLANNERS:** Nancy Trimble COMMENTS ATTACHED 08/07/2017

Pursuant to LCLUR Section 2-2-123 (b., vi) "The plot plan shall clearly show the location and distance of the tower and associated structures from property lines. The plot plan shall also indicate where access to the tower site is proposed." Met Tower RHW-2 is located within the A2 Zone District. According to LCLUR 4-2-102, staff finds this use similar to "Small Wind Energy Systems", which does require Board Approval.

**BUILDING DEPT:** Karen Moon COMMENTS ATTACHED 08/16/2017

BUILDING PERMITS WILL BE REQUIRED FOR CONSTRUCTION OF THIS PROJECT.

**County Public Works Department:** David Bumann NO COMMENTS 08/07/2017

**Cheyenne Regional Airport:** Dave Haring NO RESPONSE 08/16/2017

**County Real Estate Office:** Laura Pate NO RESPONSE 08/16/2017

**County Treasurer:** Trudy Eisele NO RESPONSE 08/16/2017

**County Conservation District:** Jeff Geyer NO RESPONSE 08/16/2017

**Wyoming State Engineer's Office:** Lisa Lindemann NO RESPONSE 08/16/2017

**Wyoming DEQ:** Kevin Schwaiger NO RESPONSE 08/16/2017

**Fire District No. 10:** Paul Pomeroy NO RESPONSE 08/16/2017

**Rockies Express Pipeline:** Tom Tripp NO RESPONSE 08/16/2017

RESOLUTION # \_\_\_\_\_

**ENTITLED: A RESOLUTION APPROVING "MET TOWER RHW-2" SITUATED ON THE DUCK CREEK RANCH PROPERTY IN A PORTION OF SECTION 29, T. 13 N., R. 67 W., OF THE 6TH P.M., LARAMIE COUNTY, WY.**

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, The Laramie County Board of Commissioners have previously adopted the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for a Board Approval pursuant to section 1-2-100 of the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for Wireless Telecommunications Services pursuant to section 2-2-123 of the Laramie County Land Use Regulations; and

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:**

The Laramie County Board of Commissioners finds that:

- a. This application is in compliance with section 1-2-100 of the Laramie County Land Use Regulations.
- b. This application is in compliance with section 2-2-123 of the Laramie County Land Use Regulations.

and that the Laramie County Board of Commissioners grants approval for "Met Tower RHW-2" situated on the Duck Creek Ranch property, Laramie County, WY, with no conditions,

**PRESENTED, READ, PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

LARAMIE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Troy Thompson, Chairman

ATTEST:

\_\_\_\_\_  
Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

  
\_\_\_\_\_  
Mark T. Voss, Laramie County Attorney