

Planning • Building

MEMORANDUM

то:	Laramie County Board of Commissioners	
FROM:	Bryan Nicholas, Associate Planner	
DATE:	April 3, 2018	
TITLE:	Review and action of a Board Approval for Verizon Wireless WY4 Happy Jack, situated on the King Ranch Property in a portion of the SW1/4, NE1/4, Section 34, T.14N., R.69W., of the 6th P.M., Laramie County, WY.	

EXECUTIVE SUMMARY

Verizon Wireless, on behalf of King Ranch CO. LP., of 10333 Happy Jack Road, Cheyenne, WY has submitted an application for Board Approval for Verizon Wireless WY4 Happy Jack, situated on the King Ranch Property addressed as 944 Road 110. The purpose of the application is to prepare for construction of a wireless telecommunications facility, including a 195' tower with outdoor equipment cabinets and a generator inside a fenced 40' by 60' leased area.

BACKGROUND

The Laramie County Land Use Regulations Section 2-2-123 establishes required criteria and goals for siting Wireless Telecommunications Towers or Antennas. The purpose is to protect residential areas and land uses from potential impacts of towers or antennas, to strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers, and to encourage users of towers and antennas to locate them, to the extent possible, in areas where minimal impact is possible to the community.

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 Rural Agricultural Interface (RAI). The RAI identifies areas within the Land Use Plan Map to be primarily residential with an emphasis on rural. Commercial or retail uses are limited, with development occurring at major intersections with sufficient buffering. All development should provide evidence that the surrounding residential areas will not be significantly impacted.

The property on which the tower will be constructed is outside of the Zoned Boundary, and therefore does not fall under zoning regulation. If approved, all building and grading permits will be required, along with any appropriate access and road construction permits, if necessary.

The primary use of the property is agricultural, with an existing residence on the property. The residence is northeast of the tower and is well outside any possibility of being damaged if the tower were to fall. An existing road accessed off of County Road 110 will be expanded in order to reach the proposed site, crossing into another adjacent property also owned by King Ranch Company. The new access is shown as a 12-foot wide access/utility easement. Utilities for the residence, along with overhead power lines, are shown not to be impacted by construction of the access road or tower.

Per Section 2-2-123 of the Laramie County Land Use Regulations, public notice is required to property owners within ½ mile of the property via certified mail, and shall be made thirty (30) days prior to submission of a building permit application for towers.

Due to the height of the tower, the applicant will need to submit all pertinent forms to the Cheyenne Regional Airport prior to construction.

Section 1-2-100 (a) Findings Necessary 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.

Section 2-2-123 (e) Buildings or Other Equipment Storage states that:

The related unmanned equipment structure shall not contain more than 350 square feet of gross floor area or be more than twenty (20) feet in height, and shall be located in accordance with the minimum property coverage and setback requirements of the zoning district in which it is located.

This proposed use will not have any storage structures/buildings that are enclosed or covered. Therefore this requirement does not apply to this tower site.

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 and the Laramie County Comprehensive Plan.

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.

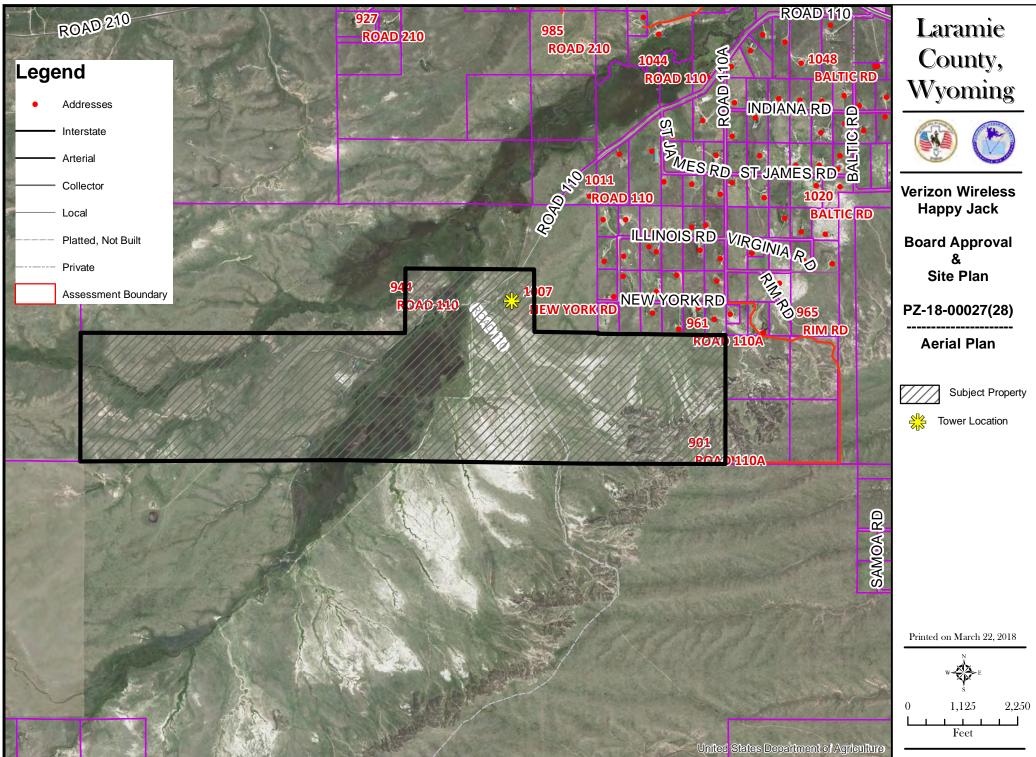
and that the Board grant approval for Verizon Wireless WY4 Happy Jack, situated on the King Ranch Property in a portion of the SW1/4, NE1/4, Section 34, T.14N., R.69W., of the 6th P.M., Laramie County, WY.

PROPOSED MOTION

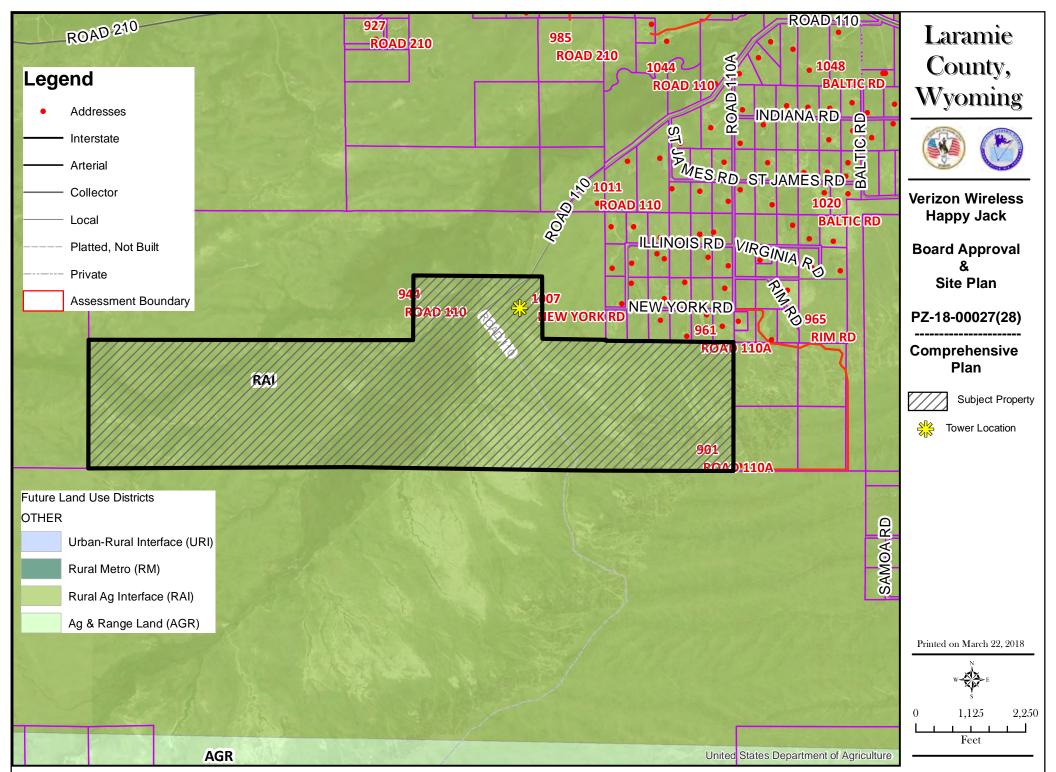
I move to grant Board Approval for Verizon Wireless WY4 Happy Jack and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

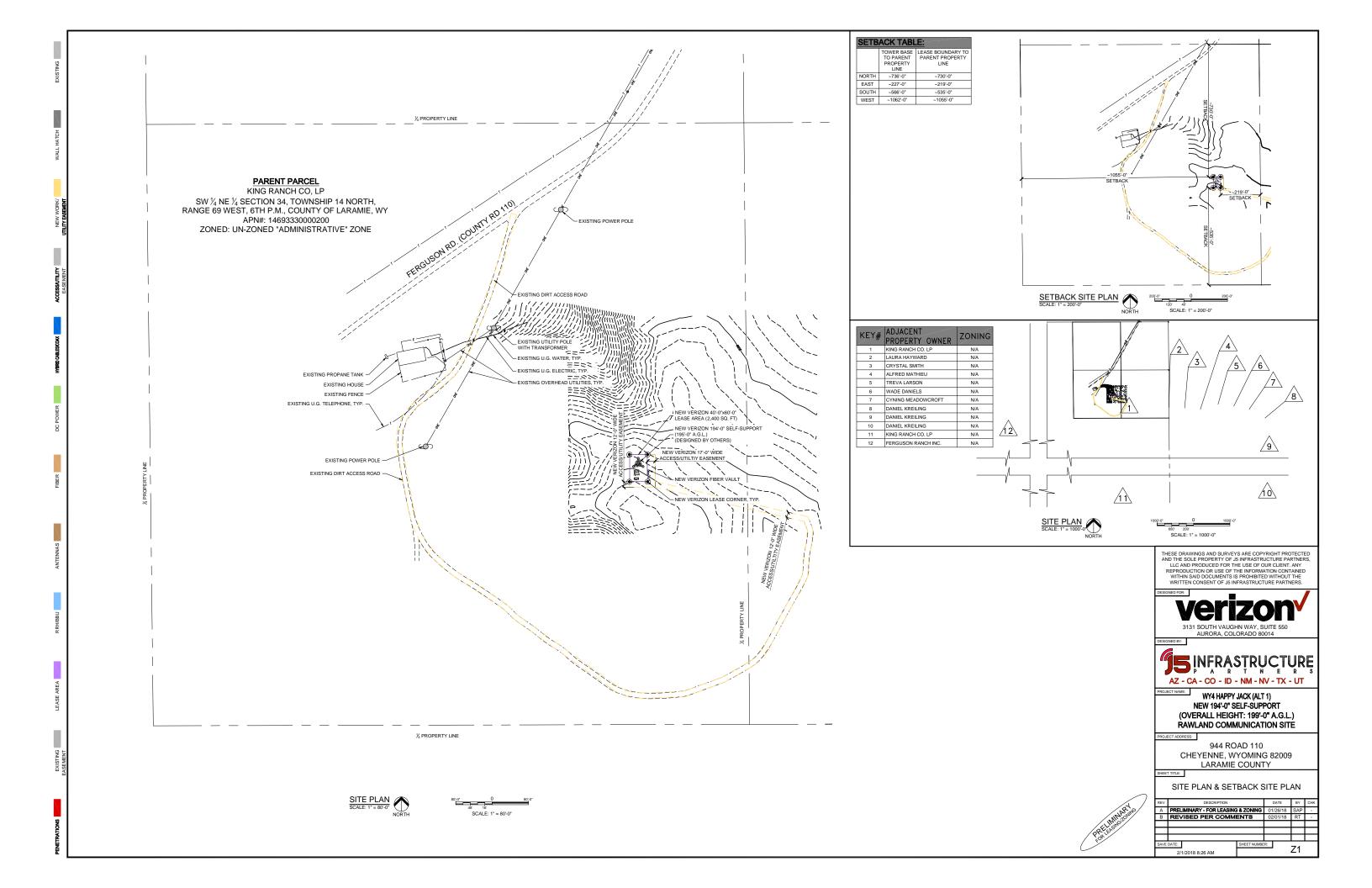
Attachment 1: Aerial Map Attachment 2: Comprehensive Plan Map Attachment 3: Site Plan Maps Attachment 4: Survey Plan Maps Attachment 5: Agency Review Comments Attachment 6: Resolution Attachment 7: Resolution Exhibit 'A'

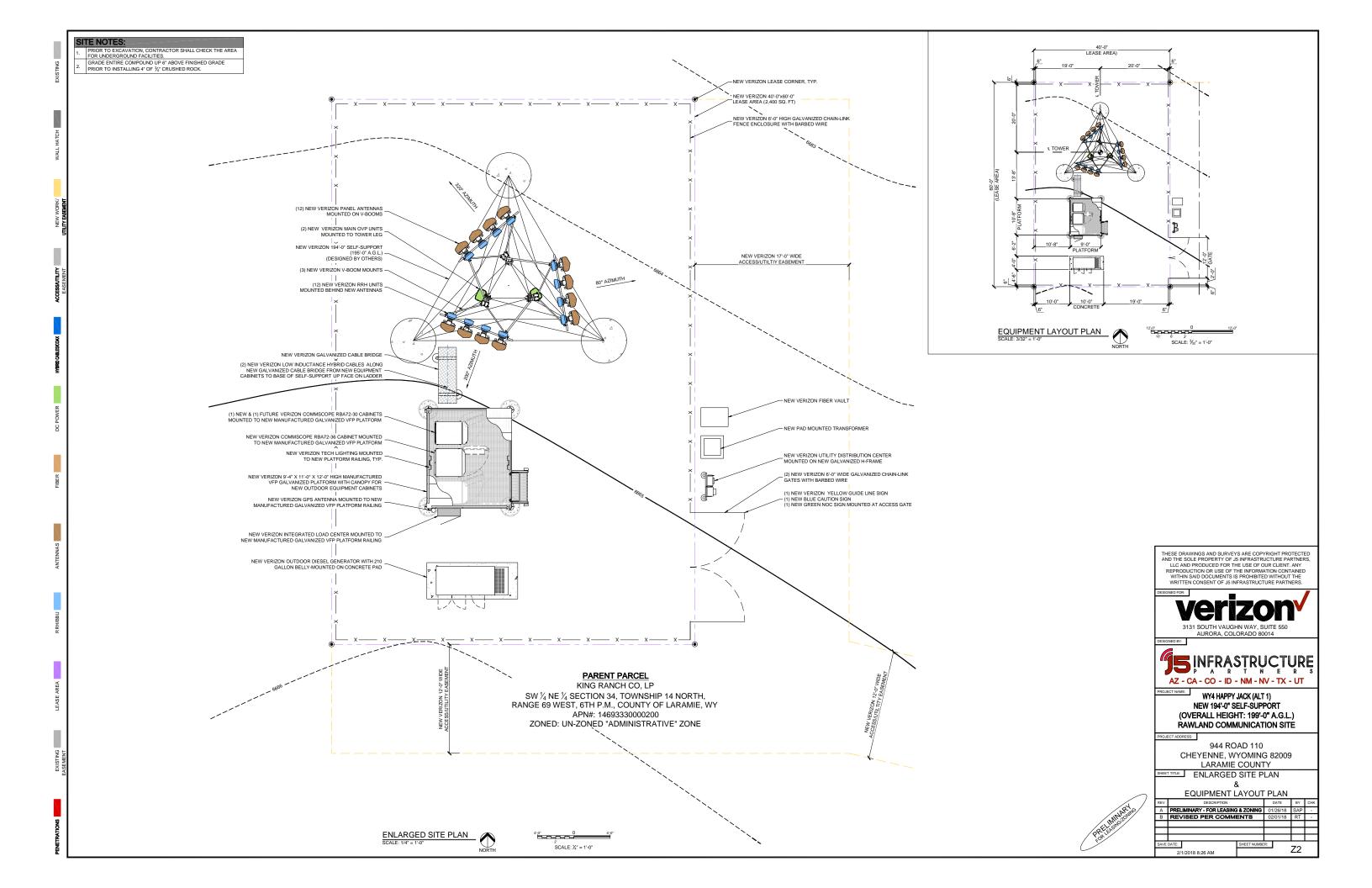


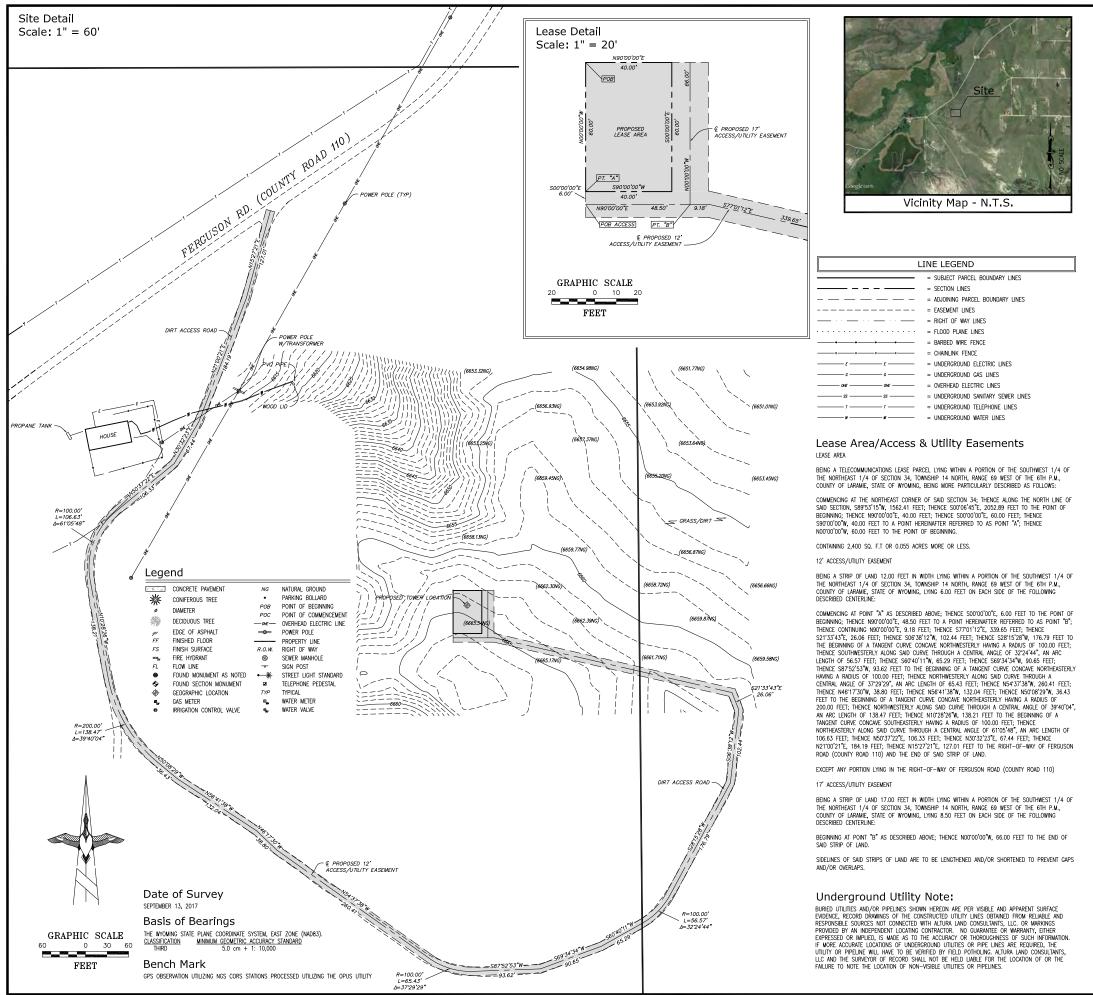
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Legal Description-1 TOWNSHIP 14 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARAMIE COUNTY, WYOMING SECTION 34: SW/4/NE/4

Assessor's Parcel No. 14693330000200 & 14693310000100

9. MORTGAGE AND THE TERMS AND CONDITIONS THEREOF. MORTGAGOR: KING RANCH COMPANY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP MORTGAGEE: FIRSTIER BANK AMOUNT: \$1,650,000.00 RECORDED: APRIL 16, 2015 RECORDING INFORMATION: BOOK 2439, PAGE 706 (BLANKET IN NATURE).

10. ASSIGNMENT OF LEASES AND/OR RENTS AND THE TERMS AND CONDITIONS THEREOF: ASSIGNOR: KING RANCH COMPANY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP ASSIGNEE: FIRSTIER BANK RECORDED: APRIL 16, 2015 RECORDING INFORMATION: BOOK 2439, PAGE 713 (BLANKET IN NATURE).

11. FINANCING STATEMENT, INDICATING A SECURITY AGREEMENT: DEBTOR: KING RANCH COMPANY LIMITED PARTNERSHIP SECURED PARTY: FIRSTER BANK RECORDED: APRIL 16, 2015 RECORDING INFORMATION: BOOK 2439, PAGE 718 (BLANKET IN NATURE).

Certificate of Survey THIS IS TO CERTIFY THAT THIS TOPOGRAPHIC MAP AND IMPROVEMENTS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WILLIAM C. STAMPADOS, PLS 6956

Title Report-1

PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO.: 4529-2916033 EFFECTIVE DATE: JULY 18, 2017

Title Schedule B Exceptions-1 8. MEMORANDUM OF COOPERATION AGREEMENT INCLUDING THE TERMS AND CONDITIONS THEREOF BETWEEN: FRANCIS LIVESTOCK CO. AND: INVENERGY WIND NORTH AMERICA LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED: NOVEMBER 27, 2007 RECORDING INFORMATION: BOOK 2035, PAGE 124 (BLANKET IN NATURE).

Title Report-2 PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO: 4529-2978802 EFFECTIVE DATE: NOVEMBER 21, 2017

Legal Description-2

TOWNSHIP 14 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARAMIE COUNTY, WYOMING SECTION 33: N1/2 SECTION 34: W½NW¼, NE¼NW¼, N½NE¼, SE¼NE¼

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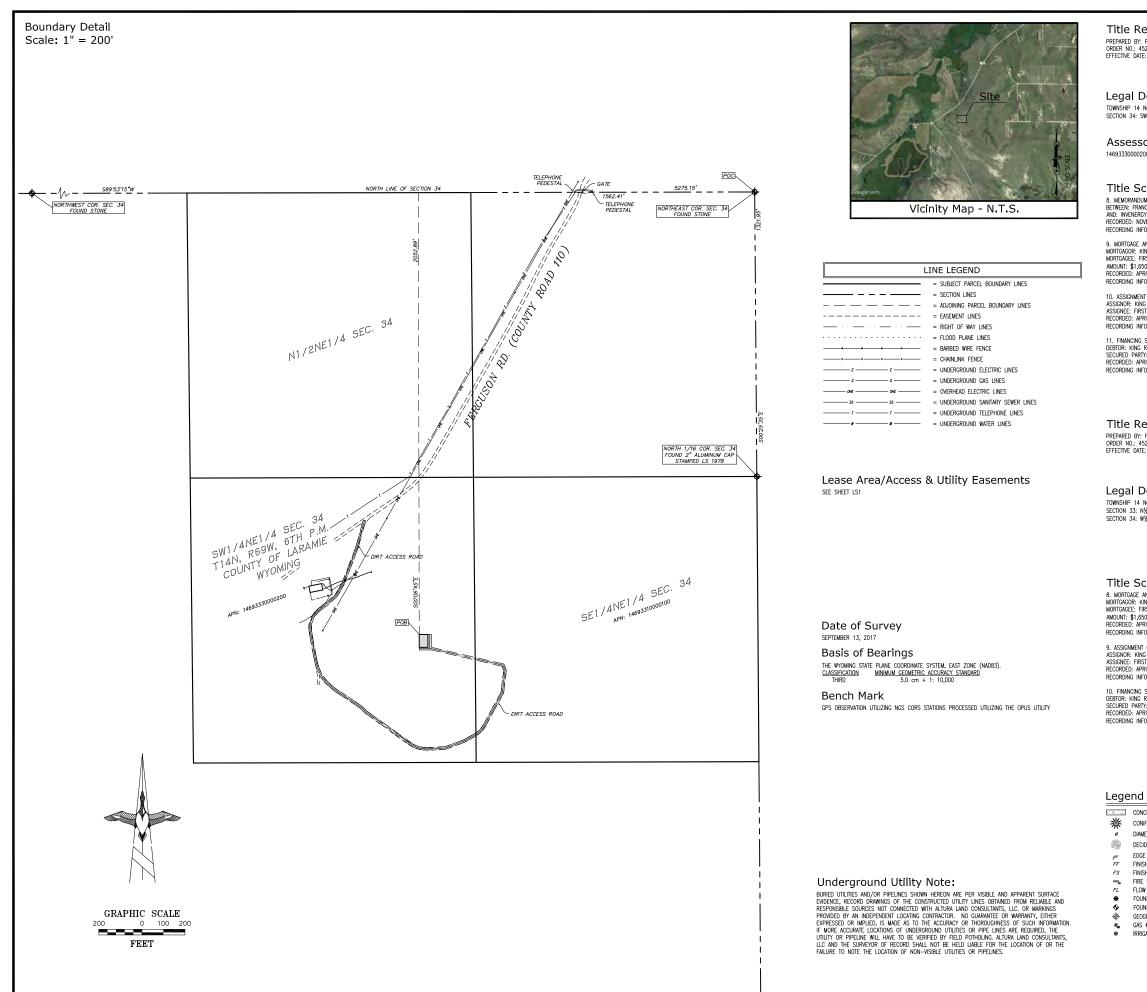
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THIS DOES NOT REPRESENT & MONUMENTED SURVEY. REFERENCE IS MORE TO A COMMINICITY FOR TITLE INSURANCE, NUMBER 4529–2916033 & 4529–2918602, SISUED BY REIST AMERICAN THE INSURANCE COMPANY, AND HAVING AN EFFECTIVE DATE OF JULY 18, 2017 & NOVEMBER 21, 2017. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASELINIS OF RECORD, ENCLUBENCES, RESTRICTIVE COVEMANTS, UNMERSHIP TITLE EMBENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT THE SEARCH WAS DEPENDENT FOR INC. INC. IN COMPANY, AND RECORD COMPANY, AND MORE SEARCH FOR EASELINIS OF RECORD, ENCLUBENCES, RESTRICTIVE COVEMANTS, UNMERSHIP TITLE EMBENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT THE SEARCH MAY DISCLOSE. THE LESSOR'S LEGAL DESCRIPTION AND RECORD BOUNDARY ARE SHOWN HEREON FOR REFERENCE ONL'

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PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO.: 4529-2916033 EFFECTIVE DATE: JULY 18, 2017

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Assessor's Parcel No.

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Title Report-2

PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO: 4529-2978802 EFFECTIVE DATE: NOVEMBER 21, 2017

Legal Description-2

TOWNSHIP 14 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARAMIE COUNTY, WYOMING SECTION 33: N% SECTION 34: W%NW%, NE%NW%, N%NE%, SE%NE%

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1	CONCRETE PAVEMENT	NG	NATURAL GROUND
	CONIFEROUS TREE	•	PARKING BOLLARD
	DIAMETER	POB	POINT OF BEGINNING
		POC	POINT OF COMMENCEMEN
	DECIDUOUS TREE	-ane-	OVERHEAD ELECTRIC LINE
	EDGE OF ASPHALT	=0=	POWER POLE
	FINISHED FLOOR		PROPERTY LINE
	FINISH SURFACE	R.O.W.	RIGHT OF WAY
	FIRE HYDRANT	8	SEWER MANHOLE
	FLOW LINE	-	SIGN POST
	FOUND MONUMENT AS NOTED	• *	STREET LIGHT STANDARD
	FOUND SECTION MONUMENT		TELEPHONE PEDESTAL
	GEOGRAPHIC LOCATION	TYP	TYPICAL
	GAS METER	.	WATER METER
	IRRIGATION CONTROL VALVE	e.,	WATER VALVE



PZ-18-00027 VERIZON WIRELESS WY4 HAPPY JACK BOARD APPROVAL

<u>Chevenne Regional Airport:</u> Tim Barth COMMENTS ATTACHED 02/22/2018 Applicant will be required to submit an FAA Form 7460 for a navigable airspace analysis. Form Attached. Send completed for to : FAA-ADO, Mr. Jesse Lyman, 26805 E. 68th Avenue, Denver, 80249.

**Tower must be equipped with a constant red flashing light at the apex.

<u>Chevenne Regional Airport:</u> Tim Barth COMMENTS ATTACHED 03/22/2018 Please let this memo serve as updated comments as it pertains to the Verizon Cell Tower proposed at King Ranch, also known as VZW WY4 Happy Jack.

Upon further review, it's noted that the applicant, Verizon Wireless, through Irene Cook, had already obtained an FAA Air Space Analysis as required by CFR 14, FAR Part 77, Objects Affecting Navigable Airspace. The results of the analysis were forwarded to the County and I was unaware the Federal Aviation Administration had already determined a "NNR" (No Notice Required) as the proximity of the site is well away from the Cheyenne Regional Airport Terminal Airspace, does not affect Visual or Instrument approaches into the airports runway system and is under 200 feet above ground level.

Based on this analysis, the Cheyenne Regional Airport retracts it's previous comments about an FAR Part 77, via form 7460 Alre Space Analysis. Further, we are removing the requirement for a red obstruction light to be placed at the top of the tower as all applicable elements of FAR Part 77 are satisfied.

Thank you for your attention to this matter. If you should have any questions, please feel free to contact to at 634-7071.

County Engineer: Scott Larson COMMENTS ATTACHED 03/02/2018

1. I concur with the request for a waiver of a detailed Traffic Study and Drainage Study. Based on the information provided and the type of facility, there should be insignificant impacts to either the drainage and/or the traffic.

2. The drawings are sufficient for this type of development and I have no comments regarding the site plan.

3. I have no comments regarding the Board Approval.

Wyoming Game & Fish: Meghan Lockwood COMMENTS ATTACHED 03/01/2018

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed

Kappa Consulting, LLC. Board Approval and Site Plan Application for a Telecommunications

Facility (PZ-I S-00027(28)) located in Laramie County. We offer the following comments for your consideration.

Terrestrial Considerations:

This project is located in crucial mule deer winter range. We recommend no construction activity from November 15 to April 30.

Aquatic Considerations:

We have no aquatic concerns pertaining to this proposed telecommunications facility.

Planners: Bryan Nicholas COMMENTS ATTACHED 03/02/2018 Sections 1-2-100, 2-2-123, and 2-2-133/134 of the LCLUR shall govern this application. Applicant is advised to follow such criteria.

Access to the proposed tower location routed from CR 1110 shall be the coordinated with the property owner.

Building Dept.: Karen Moon COMMENTS ATTACHED 02/21/2018 OWNER/APPLICANT IS ADVISED THAT BUILDING PERMITS WILL BE REQUIRED.

AGENCIES WITH NO COMMENTS:

County Assessor County Public Works Department Sheriff's Office

AGENCIES WITH NO RESPONSE:

County Attorney County Real Estate Office County Treasurer County Conservation District Wyoming DEQ Combined Communications Center Emergency Management Fire District No. 8

RESOLUTION

ENTITLED: A RESOLUTION APPROVING "VERIZON WIRELESS WY4 HAPPY JACK" SITUATED ON A PORTION OF THE SW1/4, NE1/4, SECTION 34, T.14N., R.69W., 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 the Board grants approval for "Verizon Wireless WY4 Happy Jack", Laramie County, WY, as shown on the attached Exhibit 'A' map.

PRESENTED, READ, PASSED, APPROVED AND ADOPTED this _____ day of

_____, 2018.

LARAMIE COUNTY BOARD OF COMMISSIONERS

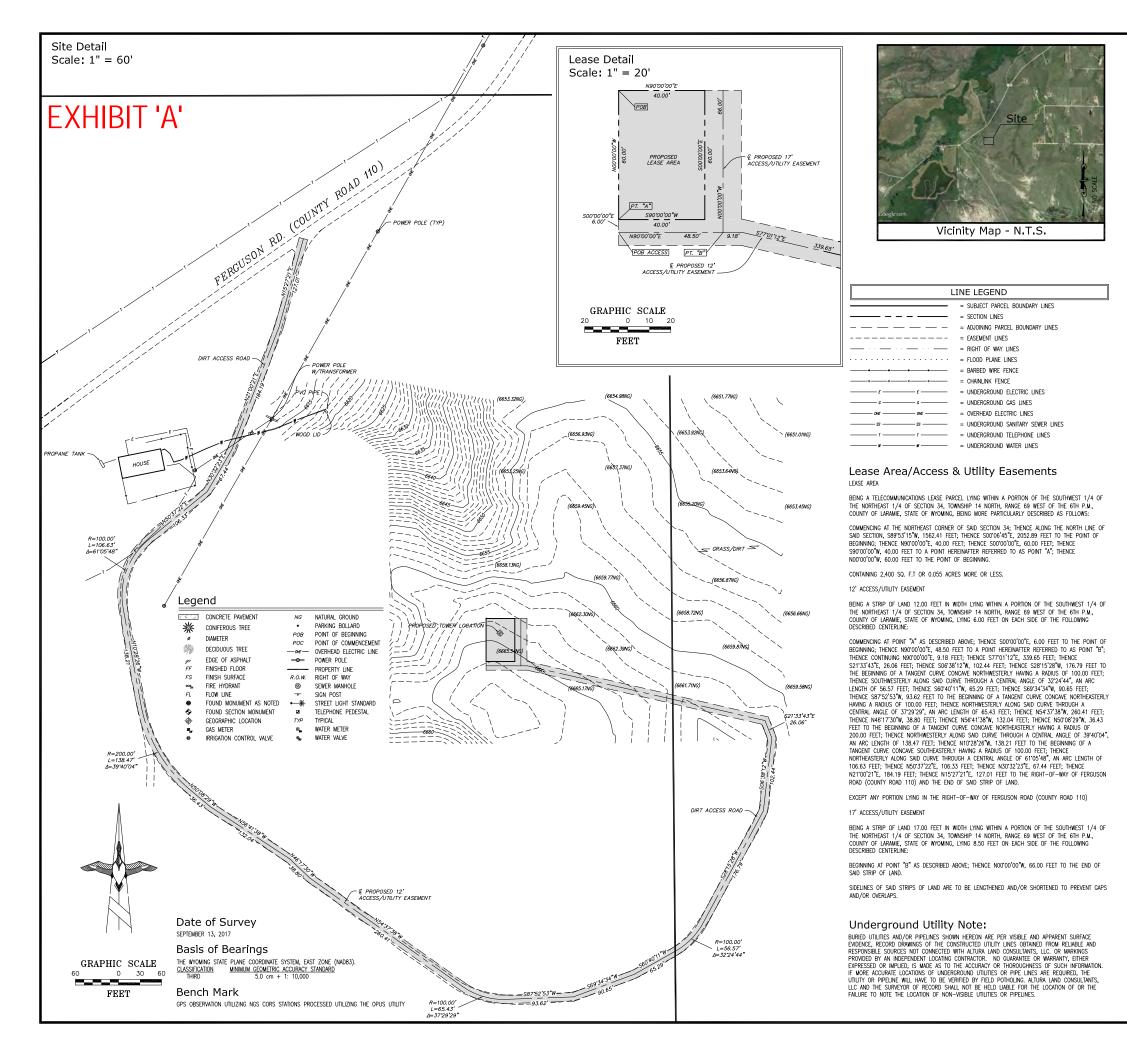
K.N. "Buck" Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Mark T. Noss, Laramie County Attorney



PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO.: 4529-2916033 EFFECTIVE DATE: JULY 18, 2017

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