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“The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County.”

## **Communication Towers and Wireless Telecommunication Facilities**

**Adopted by Natrona County Board of County Commissioners  
March 16, 2004  
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## Table of Contents

Overall Policy	3
Definitions	3
Location of Wireless Telecommunications Facilities	5
Shared Use of Wireless Telecommunications Facilities and Other Structures	6
Design Standards	7
Review and Approval Process	8
Application Fee	12
Exemptions	13
Retention of Expert Assistance and Reimbursement by Applicant	13
Performance Security	14
Reservation of Authority to Inspect Wireless Telecommunications Facilities	14
Annual NIER Certification	14
Liability Insurance	14
Indemnification	15
Removal of Wireless Telecommunication Facilities	15
Adherence to State and/or Federal Rules and Regulations	16
Recertification of a Conditional Use Permit for Wireless Telecommunications Facilities	17
Amendments and Exceptions	18

## **Section 15. Communication Towers and Wireless Telecommunication Facilities**

### **A. Overall Policy**

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Resolution, the County hereby adopts an overall policy with respect to a review process for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

(1) Implementing an Application process for person(s) seeking a Conditional Use Permit for Wireless Telecommunications Facilities;

(2) Establishing a policy for examining an application for and issuing a Conditional Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.

(3.) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers;

(4.) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

### **B. Definitions**

(1.) "Accessory Facility or Structure" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

(2.) "Advanced telecommunications capability" – high-speed, switched, broadband telecommunication capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology. The term employed without regard to any transmission media or technology.

(3.) “Applicant” means any Wireless service provider submitting an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

(4.) “Application” means all necessary and appropriate documentation that an Applicant submits in order to receive a Conditional Use Permit for Wireless Telecommunications Facilities.

(5.) “Antenna” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), microwave Telecommunications and services not licensed by the FCC, but not expressly exempt from the County’s siting, building and permitting authority...[‘Wireless Telecommunications Facilities’ are] structure[s] and facilities] intended for transmitting and/or receiving radio, television, cellular, paging 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt for the County’s sitting, building and permitting authority , excluding those used exclusively for the County’s fire, police and exclusively for private citizen’s bands, amateur radio and television reception and private citizen’s bands, amateur radio and other similar commercial and non-commercial telecommunications where the height of the facility is below the height limits set forth in this resolution.”

(6.) “Board” means the Board of County Commissioners.

(7.) “Co-location” means the use of a Tower or structure to support Antennae for the provision of wireless services without increasing the height of the Tower or structure.

(8.) “Commercial Impracticability” or “Commercially Impracticable” means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercial impracticable” and shall not render an act or the terms of an agreement “commercially impracticable.”

(9.) “Completed Application” means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

(10.) “Competitive Local Exchange Carrier (CLEC)” – a local exchange carrier that provides some or all of the interstate exchange access services used to send traffic to or from an end user and does not fall within the definition of “incumbent local exchange carrier” in 47 U.S.C. 251 (h).

(11.) “County” means Natrona County, Wyoming

(12.) "FAA" means the Federal Aviation Administration, or its duly designated and authorized successor agency.

(13.) "FCC" means the Federal Communications Commission, or its duly designated and authorized successor agency.

(14.) "Height" means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

(15.) "Local Exchange Carrier (LEC)" – any person that is engaged in the provision of telephone exchange service or exchange access. The term does not include a person insofar as such person is engaged in the provision of a commercial mobile service, except to the extent, the Federal Communications Commission finds that such service should be included in the definition of the term.

(16.) "Modification" or "Modify" means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment that in the judgment of the County shall require additional review as provided for in these regulations.. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

(17.) "NIER" means Non-Ionizing Electromagnetic Radiation

(18.) "Person" means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.

(19.) "Personal Wireless Facility" See definition for 'Wireless Telecommunications Facilities'.

(20.) "Personal Wireless Services," "PWS," "Personal Telecommunications Service," or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.

(21.) "Telecommunication Site" See definition for Wireless Telecommunications Facilities.

(22.) “Conditional Use Permit” means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the County.

(23.) “Stealth” or “Stealth Technology” means minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

(24.) “State” means the State of Wyoming.

(25.) “Telecommunications” means the transmission and/or reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

(26.) “Telecommunications Structure” means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.

(27.) “Temporary” means, temporary in relation to all aspects and components of this Resolution, something intended to, or that does, exist for fewer than ninety (90) days.

(28.) “Wireless Telecommunications Facilities” means and includes a “Telecommunications Tower” and “Tower” and “Telecommunications Site” and “Personal Wireless Facility” means a structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County’s siting, building and permitting authority, excluding those used exclusively for the County’s fire, police or exclusively for private, non-commercial radio and television reception and private citizen’s bands, amateur radio and other similar commercial and non-commercial Telecommunications where the height of the facility is below the height limits set forth in this resolution.

### C. Location of Wireless Telecommunications Facilities

1. 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) six (6) being the lowest priority.

- a) On County or other publicly owned facilities;
- b) On existing Towers or other structures without increasing the height of the tower or structure;
- c) 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)

2. Applicants proposing to co-locate on existing structures or towers, (1) or (2) above, are exempt from these regulations. Applicants must apply for necessary building, zoning, or other permits. A copy of the antenna FCC license tower registration shall be filed with the Development Department.

3. If the proposed site is not proposed for the highest priority listed above, then the County may request a detailed explanation must be provided 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.

4. 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.

5. 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 deleterious effect on the nature and character of the community and neighborhood.

6. 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.

7. 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:

- (1) Conflict with safety and safety-related codes and requirements;
- (2) Conflict with the historic nature or character of a neighborhood or historical district;
- (3) The use or construction of Wireless Telecommunications Facilities, which is contrary to an already stated purpose of a specific zoning or land, use designation;
- (4) The placement and location 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;
- (5) Conflicts with the provisions of this Resolution.

#### D. Shared Use of Wireless Telecommunication Facilities and Other Structures

(1.) 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.

(2.) 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.

(3.) 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.

(4.) For permitting requirements, see C. (2) Above.

#### E. Design Standards

(1.) Height of Telecommunication Tower(s)

a)The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

b)No Tower constructed after the effective date of this Resolution, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, County, State, and/or any Federal statute, law, local law, County resolution, code, rule or regulation.

(2.) Appearance and Visibility of Wireless Telecommunication Facilities

a)Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law. If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

b)Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Resolution and in compliance with FAA regulations.

c)  
If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

(3.) Security of Wireless Telecommunication Facilities. All Wireless Telecommunications Facilities and Antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access. Specifically:

a)All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

b)Transmitters and Telecommunications control points shall be installed such a manner that they are readily accessible only to persons authorized to operate or service them.

(4.) Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities and shall contain the

name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule, or regulation. No other signage, including advertising, shall be permitted.

(5.) Lot Size and Setbacks.

(a.) All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

(b.) The Board of County Commissioners may grant a variance from this setback requirement if the applicant can provide structural drawings and plans, signed by a licensed engineer in the State of Wyoming that certifies that in the event the tower collapses, relief from the standard setback requirements would not pose a threat to health and safety of adjacent property owners.

F. Review and Approval Process

(1.) Preapplication Conference. An informal preapplication conference will be scheduled and conducted between the Applicant and by the Planning Development Department. The purpose of the conference will include but not be limited to be to facilitate the sharing of information about the proposed application(s), and identify and resolve questions and conflicts, discuss any proposed variances to the requirements contained in this Resolution, and make a preliminary determination as to the amount of escrow required. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the applicant. The County shall make a determination as to whether an informal neighborhood meeting shall be conducted.

(2.) Informal Neighborhood Meeting. At the County's option, property owners within a one-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 applications(s), identify, and resolve questions and conflicts.

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3.) "Balloon Test." In order to better inform the public, in the case of a new Telecommunication Tower, the County may request, applicant shall, prior to the public hearing on the application, that the applicant holds a "balloon test." The

Applicant shall arrange to fly, or rise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum 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 (4) consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. 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."

(4.) Unless otherwise exempted by these regulations, applications for the construction or installation of new Wireless Telecommunication Facilities shall be require Conditional Use Permit review, as set forth in these regulations. All applications for the construction or installation of new Wireless Telecommunications Facilities shall contain the information hereinafter set forth. The application shall be signed by an authorized individual on behalf of the Applicant. Where a certification is called for, such certification shall bear the signature and seal of a Professional Engineer licensed in the State of Wyoming. The Application shall include the following information:

(a) 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;

(b) The Name, address and phone number of the person preparing the report;

(c) The Name, address, and phone number of the property owner, operator, and Applicant and to include the legal form of the Applicant;

(d) The Postal address and tax map parcel number of the property;

(e) The Zoning District or designation in which the property is situated;

(f.) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;

(g.) The Location of nearest residential structure;

(h.) The Location, size and height of all structures on the property which is the subject of the Application;

(i.) The Location, size and height of all proposed and existing antennae and all appurtenant structures;

(j.) The Type, locations and dimensions of all proposed and existing landscaping, and fencing;

(k.) 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;

(l.) The make, model and manufacturer of the Tower and Antenna(s);

(m.) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

(n.) 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);

(p.) Direction of maximum lobes and associated radiation of the Antenna(s);

(q.) 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;

(r.) Certification that the proposed Antenna(s) will not cause interference with other telecommunications devices;

(s.) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

(t.) 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.

(u.) 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 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 responses from the FAA and any related correspondence shall be provided in a timely manner.

(v.) In the case of a new Tower, the Applicant shall be required to submit 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.

(w.) The Applicant shall certify 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.

(x.) The Applicant shall certify that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

(y.) An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and visual assessment will be reviewed at the pre-application meeting.

(z.) The Applicant shall furnish a Visual Impact Assessment, which shall include:

(i.) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen.

(ii.) 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, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

(iii.) 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.

(iv.) 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.

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.

(5.) 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.

(6.) All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the 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.

(7.) 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 require by the County.

(8.) At a Telecommunications Site, an access road turns 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.

(9.) 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 applicable technical, safety and safety-related codes adopted by the County, 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.

(10.) 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.

(11.) An Applicant shall submit to the County the number of completed Applications 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.

(12.) The Applicant shall examine the feasibility of designing a proposed Tower to accommodate future demand for at least five (5) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least five (5) 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:

- (a) The foreseeable number of FCC licenses available for the area;
- (b) The kind of Wireless Telecommunications Facilities site and structure proposed;
- (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
- (d) Available space on existing and approved Towers.

(13.) 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:

- (a.) Respond within sixty (60) days to request for information from a potential shared-use applicant;
- (b.) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

(c.) 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 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.

13. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues, which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

14. 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.

15. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test." The Applicant shall arrange to fly, or rise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum 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 weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

16. 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 Regulation 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.

G. Application Fee

(1.)At the time that a person submits an Application for a Conditional Use Permit for a new Tower, such person shall pay a non-refundable application fee, as determined by the County.

(2.)No application fee is required in order to rectifier-certify a Conditional Use Permit for Wireless Telecommunications Facilities, unless there has been a visible modification of the Wireless Telecommunications Facility since the date of the issuance of the existing Conditional Use Permit for which the conditions of the Conditional Use Permit have not previously been modified. In the case of any modification, the fees provided in Subsection (1) shall apply.

H. Exemption.

(1.) Communication Towers less than or equal to forty-five (45) feet in height and Communication Tower and Antenna combinations less than or equal to seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communication enthusiasts shall be exempt from the requirements of Chapter VII of this Resolution except as otherwise hereinafter expressly provided.

a)Non-commercial users hereunder shall comply with the requirements of Chapter IV, Section 1 of this Resolution in regard to obtaining a Zoning Certificate prior to installation of Communication Towers less than or equal to forty-five (45) feet in height and Communication Tower and Antenna combinations less than or equal to seventy (70) feet in height at locations not less than one (1) mile from any other zoning district, and shall pay applicable fees associated with such Zoning Certificate.

b)Non-commercial users hereunder shall comply with the requirements of Chapter IV of this Resolution in regard to obtaining a Building Permit prior to installation of Communication Tower less than or equal to forty-five (45) feet in height and Communication Tower and Antenna combinations less than or equal to seventy (70) feet in height and shall pay applicable fees associated with such Building Permit.

c)Non-commercial users hereunder shall furnish GPS coordinates for each installed Communication Tower and Communication Tower and Antenna combination to the Natrona County Development Department.

d)Non-commercial users hereunder shall pay a non-refundable registration fee, as determined by the County. This fee shall be in addition to other fees assessed by the County, such as building and electrical permit fees.

e)Non-commercial users hereunder shall comply with the requirements of Section 15-j and 15-o of this Chapter VII.

(2.) Communication Tower and Antenna combinations less than or equal to forty-five (45) feet in height which are owned and operated as Wireless Telecommunications Facilities by a Competitive Local Exchange Carrier (CLEC) shall be exempt from the requirements of Chapter VII of this Resolution, provided that the CLEC fully meets each of the following criteria:

(a)The CLEC provides a fixed location wireless service consisting of traditional landline service to fixed locations;

(b)The CLEC is regulated by the Wyoming Public Service Commission as evidenced by a Certificate of Public Convenience and Necessity;

(c)The CLEC is a contributor to the Federal Universal Service Fund (FUSF);

(d)The CLEC provides full 911 service, including GIS positioning and physical address location together with 911;

(e)The CLEC is neither a cellular nor a Personal Communication System (PCS) provider; and,

(f)The CLEC complies with all applicable provisions of the Wyoming Telecommunications Act (W.S. 37-15-101 *ET seq*).

#### I. RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT.

The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for recertification.

An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500 with the County shall precede the pre-application meeting. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permitted. All such invoices must be approved by the County Development or a Board-appointed designee. If at any time during the process this escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining

balance shall be promptly refunded to the Applicant. The County Development Department or other designee shall review all invoices for approval.

The total amount of the funds needed as set forth in subsection (2) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

If after the pre-application 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.

#### J. PERFORMANCE SECURITY.

The Applicant and/or the owner of record of any all proposed Wireless Telecommunications Facilities for all sites property site 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 (\$1,000) per tower.  
, at its cost and expense,

#### K. RESERVATION OF AUTHORITY TO INSPECT WIRELESS TELECOMMUNICATIONS FACILITIES.

In order to verify that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, resolutions and regulations and other applicable requirements,

the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

#### L. ANNUAL NIER CERTIFICATION.

The holder of the Conditional Use Permit shall, annually, certify to the County that NIER levels at the site are within the threshold levels adopted by the FCC.

#### M. LIABILITY INSURANCE.

(1.) A holder of a Conditional Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Use Permit in amounts as set forth as follows: Commercial General Liability covering personal injuries, death and property damage: \$1,000,000/250,000 per occurrence/\$2,000,000/500,000 aggregate;

a) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;

b) Workers Compensation and Disability: Statutory amounts.

(2.) The Commercial General Liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.

(3.) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least "A."

(4.) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty (30) day's prior written notice in advance of the cancellation of the insurance.

(5.) Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

(6.) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Conditional Use Permit, the holder of the Conditional Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

## N. INDEMNIFICATION.

(1.)Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Resolution, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, boards, employees, committee members, attorneys, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

(2.)Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Conditional Use Permit for Wireless Telecommunications Facilities, unless said facilities are sold to a private party.

## O. Removal of Wireless Telecommunications Facilities.

(1.)Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

a)Wireless Telecommunications Facilities with a permit that have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within ninety (90) days;

b)Permitted Wireless Telecommunications Facilities that have fallen into such a state of disrepair that it creates a health or safety hazard;

c)Wireless Telecommunications Facilities that have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditional Use Permit, or any other necessary authorization.

(2.)If the County makes such a determination as noted in subsection (A) of this section, then the County shall schedule public hearings before the Planning Commission and Board of County Commissioners to determine whether notify the holder of the Conditional Use Permit for the Wireless Telecommunications Facilities

within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the County may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

(3.)The holder of the Conditional Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the County.

(4.)If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Conditional Use Permit holder.

(5.)If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

(6.)Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Conditional Use Permit, subject to the approval of the County, and an agreement to such plan shall be executed by the holder of the Conditional Use Permit and the County. If such a plan is not developed, approved, and executed within the ninety (90) day time period, then the County may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

#### P. ADHERENCE TO STATE AND/OR FEDERAL RULES AND REGULATIONS.

(1.)To the extent that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditional Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

(2.)To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditional Use Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

**Q. RECERTIFICATION OF A CONDITIONAL USE PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES.**

(1.)Between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effective date of the Conditional Use Permit and all subsequent five (5) year anniversaries of the effective date of the original Conditional Use Permit for Wireless Telecommunications Facilities, the holder of a Conditional Use Permit for such Wireless Telecommunication Facilities shall submit a signed written request to the County for recertification. In the written request for recertification, the holder of such Conditional Use Permit shall note the following:

(a) The name of the holder of the Conditional Use Permit for the Wireless Telecommunications Facilities;

(b) If applicable, the number or title of the Conditional Use Permit;

(c) The date of the original granting of the Conditional Use Permit;

(d) Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise visibly modified since the issuance of the Conditional Use Permit and if so, in what manner;

(e) If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise visibly modified, then whether the County approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;

(f) That the Wireless Telecommunications Facilities are in compliance with the Conditional Use Permit and compliance with all applicable codes, Laws, rules and regulations;

(g)Recertification that the Tower and attachments both are designed and constructed and continue to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads. Such recertification shall

be by a Professional Engineer licensed in the State, the cost of which shall be borne by the Applicant.

(h) Requested recertification information and documentation shall be accompanied by a \$500.00 recertification fee, made payable to the Natrona County Treasurer, by each Wireless Telecommunications Facility owner within twelve (12) and six (6) months prior to each successive five (5) anniversary of the effective date of the original Conditional Use Permit for each Wireless Telecommunications Facility.

(2.)If, after such review, the County determines that the permitted Wireless Telecommunications Facilities are in compliance with the Conditional Use Permit and all applicable statutes, laws, local laws, resolutions, codes, rules and regulations, then the County issue a recertification of the Conditional Use Permit for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable statutes, laws, resolutions, codes, rules or regulations. If, after such review it is determined that the permitted Wireless Telecommunications Facilities are not in compliance with the Conditional Use Permit and all applicable statutes, laws, resolutions, codes, rules and regulations, then the County may refuse to issue a recertification Conditional Use Permit for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of the decision by the County until such time as the Facility is brought into compliance. Any decision requiring the cessation of use of the Facility or imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the Facility.

(3.)If the Applicant has submitted all of the information requested and required by this Resolution, and if the review is not completed, as noted in subsection (B) of this section, prior to the five (5) year anniversary date of the Conditional Use Permit, or subsequent five (5) year anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities shall receive an extension of the Conditional Use Permit for up to six (6) months, in order for the completion of the review.

(4.)If the holder of a Conditional Use Permit for Wireless Telecommunications Facilities does not submit a request for recertification of such Conditional Use Permit within the timeframe noted in subsection (A) of this section, then such Conditional Use Permit and any authorizations granted there under shall cease to exist on the date of the fifth anniversary of the original granting of the Conditional Use Permit, or subsequent five (5) year anniversaries, unless the holder of the Conditional Use Permit adequately demonstrates that extenuating circumstances prevented a timely recertification request. If the County agrees that there were legitimately, extenuating circumstances, then the holder of the Conditional Use Permit may submit a late recertification request or Application for a new Conditional Use Permit.

R. The Board reserves the right to amend these regulations, or to allow exceptions for the literal application of these requirements, when the Board determines

it is in the best interest of the public to do so, pursuant to the applicable provisions of the Natrona County Zoning Resolution.

Revised and Adopted June 16, 2009  
Revised and Adopted November 17, 2009  
Revised and Adopted December 4, 2012

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.

**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:

- Recommend approval of the application as submitted to the **Board of County Commissioners**,
- Recommend approval of the application, subject to such modifications or conditions as it deems necessary, to the **Board of County Commissioners**.

- Table the application to a date specific, or
- 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:

- Approve the application as recommended by the **Planning and Zoning Commission**,
- Approve the application as submitted,
- Approve the application on its own conditions,
- Deny the application,
- Remand the application to the **Planning and Zoning Commission** for reconsideration, or
- 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 Land Use Plan or this Resolution.

**APPLICATION INSTRUCTIONS**

This is an application for a conditional use permit for wireless telecommunication facilities on the parcel of land 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 dated 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.

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:

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

## **Technical Information**

Please provide the following:

- 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;
- The make, model and manufacturer of the Tower and Antenna(s)
- A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting
- The frequency, modulation and class of service of radio or other transmitting equipment
- The actual intended transmission and the maximum effective radiated power of the Antenna(s)
- Direction of maximum lobes and associated radiation of the Antenna(s)
- 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
- Certification that the proposed Antenna(s) will not cause interference with other telecommunications devices

- A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities
- 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.
- 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.
- 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.
- 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.
- 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.

### **Environmental Assessment Analysis and Visual addendum**

An, Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum. The County may require submission of a more detailed visual analysis. The scope of the required Environmental and Visual Assessment will be reviewed at the pro-application meeting.

### **Visual Impact Assessment**

Please provide the following:

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

- 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.
- 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.
- 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**

- 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, and make a preliminary determination as to the amount of escrow required. The County shall make a determination as to whether an informal neighborhood meeting shall be conducted.
- 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.

- 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.
- "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 weekday. 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**

- 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.
- 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.
- 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.
- 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.

- 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, 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 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.
- 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.
- 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.
- 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:

- Respond within 60 days to a request for information from a potential shared-use applicant;
- Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
- 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.

- 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.
- 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**

- 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, K@ 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)
- Applicants proposing to co-locate on existing structures or towers, (1) or (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.
  - 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.
  - 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.
  - 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 deleterious effect on the nature and character of the community and neighborhood.
  - 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.

- 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**

- 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.
- 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.
- 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

- \$1000.00 Conditional Use Permit Application Fee
- Zoning Certificate Fee (see County fee schedule)
- Building, electrical and other permit fees (see County fee schedule)
- 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.

#### **Condition Use Permit Impact**

On separate sheets of paper, please respond to the following questions and provide explanations for your answers;

- Will granting the conditional use permit contribute to an overburdening of County services?
- Will granting the conditional use permit cause undue traffic, parking, population density, or environmental problems?
- Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?
- Will granting the conditional use permit detrimentally affect the public health, safety, and welfare?

#### **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.