

BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING

IN THE MATTER OF A CONDITIONAL USE PERMIT)
BY GARY & VICKI JO KOLTISKA) CU-14-009

APPROVAL OF CONDITIONAL USE PERMIT

THIS MATTER came before the Board of County Commissioners ("BOCC") for public hearing on September 2, 2014, upon the application of Gary and Vicki Jo Koltiska ("Applicant") for a conditional use permit ("CUP") pursuant to the Rules and Regulations Governing Zoning in Sheridan County, Wyoming ("Zoning Regulations"). The BOCC heard public comment, considered written submissions, and being fully advised herein, finds as follows:

FINDINGS OF FACT

1. On June 2, 2014, Applicant submitted an application for a CUP on property owned by Applicant. The property is zoned Agricultural (A) and consists of approximately 3,200 acres, the site is roughly 1.6 miles north of US Highway 14/16, and is accessed via a private road through the Koltiska ranch. The property is located in the:

NE¼SE¼, Section 23, T55N, R79W
2. Applicant paid the application fee of \$475.00.
3. Applicant requests the CUP be approved to erect a cell tower, to be owned and operated by Verizon Wireless.
4. Notice of a public hearing before the Planning and Zoning Commission was published in the Sheridan Press on July 3, 2014.
5. Property owners within ½ mile of the above described property were notified of this application for CU-14-009 via letters prepared and mailed by Public Works Department Staff ("Staff") on July 2, 2014.
6. Staff mailed Applicant a copy of the Planning and Zoning Commission Staff Report on July 29, 2014.
7. A public hearing was held before the Planning and Zoning Commission on August 7, 2014.
8. The Planning and Zoning Commission recommended that the BOCC **GRANT** the CUP with the following four (4) conditions:
 - a. If applicable, that the Applicant apply for and receive a Building Permit pursuant to Sheridan County's IBC.
 - b. The tower and shelter shall be removed and the area reclaimed by the Applicant within one year should the tower no longer be in use for a continuous one-year period.
 - c. That in the event the tower is lighted for aircraft collision prevention, a dark-hours, non-strobe, FAA approved alternative lighting system be used.
 - d. That any lighting for the equipment shelter or ground activities be fully shielded to minimize glare.
9. Notice of the public hearing before the BOCC was published in the Sheridan Press on August 15, 2014.



10. Staff mailed Applicant a copy of the Board of County Commissioner's Staff Report on August 26, 2014.
11. No comments were received by the BOCC regarding the CUP.
12. At the public hearing held before the BOCC on September 2, 2014, Mark Reid, County Planner, provided a summary of the written staff report dated September 2, 2014.

CONCLUSIONS OF LAW

13. Applicant properly applied for a CUP, proper notice was given, public hearings were properly held;
14. Applicant's proposed conditional use is in conformance with Sheridan County's current land use regulations and is compatible with existing and permitted uses in the area of the request;
15. There will be no significant negative impact from the proposed use in the area;
16. The location, lighting and signage and the relation of signs to traffic control will not have an adverse effect on adjacent properties;
17. The safety and convenience of vehicular and pedestrian circulation and traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area will not be affected;
18. The proposed conditional use is compatible with the health, safety, and general welfare of the community; and
19. To the extent necessary, any conclusion of law herein is also deemed to be a finding of fact.

NOW THEREFORE, THE BOCC HEREBY **GRANTS** the CUP with the following four (4) conditions:

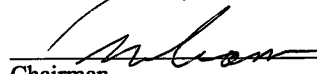
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3. That in the event the tower is lighted for aircraft collision prevention, a dark-hours, non-strobe, FAA approved alternative lighting system be used.
4. That any lighting for the equipment shelter or ground activities be fully shielded to minimize glare.

Pursuant to W.S. 16-3-114 and Rule 12 of the *Wyoming Rules of Appellate Procedure*, any person aggrieved or adversely affected by this decision may seek judicial review in the appropriate district court by filing a petition for review within 30 days of the date of approval of this Permit.



BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING

BY:


Chairman

STATE OF WYOMING)

County of Sheridan)

This instrument was acknowledged before me on the 21st day of October, 2014
by Terry Cram, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming. Eda Schunk Thompson, Sheridan County Clerk
See Allender, Deputy Clerk

Notary Public



exp. 1-5-15

NO. 2014-715459 APPROVAL - BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
COUNTY PLANNING - ANGIE