

BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING

IN THE MATTER OF A CONDITIONAL USE PERMIT)
BY TAYLOR INVESTMENTS, LLC) CU-12-011

APPROVAL OF CONDITIONAL USE PERMIT

THIS MATTER came before the Board of County Commissioners ("BOCC") for public hearing on November 6, 2012, upon the application of Taylor Investments, LLC ("Applicant") for a conditional use permit ("CUP"). The BOCC heard public comment, considered written submissions, and being fully advised herein, finds as follows:

FINDINGS OF FACT

1. On July 19, 2012, Applicant submitted an application for a conditional use permit ("CUP") on property owned by Applicant. The property is zoned Agricultural (A) and consists of approximately 1,134 acres. The site is roughly 800' north of I-90, and accessed via the private road to the Taylor Quarry from State Highway 345. The tower and adjacent equipment shelter would be situated on 40' x 70' lease. The property is located in the:
NW¼SE¼, Section 13, T57N, R85W
2. Applicant paid the application fee of \$475.00.
3. Applicant requests the CUP be approved to erect a cell tower, 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 August 3, 2012.
5. Property owners within ½ mile of the above described property were notified of this application for CU-12-011 via letters prepared and mailed by Public Works Department Staff ("Staff") on August 13, 2012.
6. Staff mailed Applicant a copy of the Planning and Zoning Commission Staff Report on August 27, 2012.
7. A public hearing was held before the Planning and Zoning Commission on September 6, 2012, Verizon representative, Kevin Howell of Digital Skylines, Inc. was present.
8. The Planning and Zoning Commission recommended that the BOCC **GRANT** the CUP with the following three (3) 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; and
 - 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;
9. Notice of the public hearing before the BOCC was published in the Sheridan Press on October 19, 2012.
10. Staff mailed Applicant a copy of the Board of County Commissioner's Staff Report on October 30, 2012.

11. No comments were received by the BOCC regarding the CUP.
12. At the public hearing held before the BOCC on November 6, 2012.
 - a. County Planner, Mark Reid, provided a summary of the written staff report.
 - b. Kevin Howell of Digital Skylines, Inc. was present and spoke on behalf of Verizon Wireless.

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 any 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 three (3) conditions:

1. If applicable, that the Applicant apply for and receive a Building Permit pursuant to Sheridan County's IBC;
2. 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; and
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.

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 15th day of January, 2013
by Steve Maier, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming.

Eda Schunk Thompson, Sheridan County Clerk
Sue Allender, Deputy Clerk
Notary Public



Exp - 1-5-15

NO. 2013-702384 APPROVAL - BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
PLANNING ANDREA