



**PLANNING AND ZONING COMMISSION**  
**MEETING AGENDA**  
September 11, 2019  
7:00 p.m.

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ROLL CALL

APPROVAL OF MINUTES

1. Review and approval of the July 10, 2019 Planning & Zoning Commission Meeting Minutes.

ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE

1. Review and acceptance of all staff reports and correspondence into the record.

PUBLIC HEARINGS

1. Petition for **Zoning Ordinance Language Amendment 13-814 – Wireless Telecommunications** to consider amending the setback requirements to allow for a 1:1 setback for the deployment of wireless facilities on rooftops in all zoning districts and amending the wireless code to conform to the FCC's Reports and Orders issued in 2009, October 2014, and September 2018, submitted by Melissa Reagan (Sherman & Howard L.L.C.) representing Verizon Wireless.  
(Project #: PZ-19-00239, Staff Representative: Paul D. Kauchich, Director of Engineering/Operations & Public Services)
2. Petition for **Zoning Ordinance Language Amendment 13-906 – Administrative Procedures** to consider amending to correct numbering errors, submitted by Paul D. Kauchich (City of Rock Springs).  
(Project #: PZ-19-00249, Staff Representative: Paul D. Kauchich, Director of Engineering/Operations & Public Services)

UNFINISHED BUSINESS

None

NEW BUSINESS

None

NOTIFICATION OF MINOR SITE PLANS AND STAFF APPROVED CONDITIONAL USE PERMITS

1. PZ-19-00216 Amended Site Plan Fire Station 3 – Minor Site Plan, replacement of deck and stairs.
2. PZ-19-00223 Doody Oversize Structure - Conditional Use Permit (Staff), detached structures at 1346 square feet.
3. PZ-19-00224 Special Purpose Fence – Conditional Use Permit (Staff), 6' cedar fence in front yard per site plan.
4. PZ-19-00227 Accessory Structure Exceeding Height of Principal Structure – Conditional Use Permit (Staff), detached garage 5 feet 3 inches taller than house.
5. PZ-19-00240 WyoLink Blairtown Tank Hill Site – Wireless Telecommunications Facility, WYDOT Communications Tower.
6. PZ-19-00243 Smooth Illusionz – Minor Site Plan, organic smoothies, wraps, merchandise art gallery.
7. PZ-19-00241 Bad Joker Brewing Company – Minor Site Plan, brewery / winery with tap room.

PETITIONS AND COMMUNICATIONS

1. Written petitions and communications.
  - a. Update on City Council actions
2. Petitions and communications from the floor.

ADJOURNMENT

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**PLANNING AND ZONING  
COMMISSION MINUTES**  
**July 10, 2019**  
**Wednesday, 7:00 p.m.**  
**City Hall, Rock Springs, Wyoming**

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Commissioners Present:	Chairperson Tim Sheehan Vice-Chairman Matt Jackman Gary Collins Dan Kennedy	Sue Lozier Kevin Hardesty Emily Lopez Ken Fortuna
Commissioners Absent:	Lauren Schoenfeld resigned July 2, 2019	
Staff Present:	Cindy Sheehan, Planning Technician Cathy Greene, Senior Administrative Assistant	

**CALL TO ORDER**

Chairman Sheehan called the meeting to order at 7:00 p.m.

**ROLL CALL**

After roll call it was determined that a quorum was present to proceed.

**APPROVAL OF MINUTES**

Chairman Sheehan asked the Commission for any corrections or additions to the Minutes from the June 12, 2019, Planning and Zoning Commission Meeting.

With no corrections or additions, Chairman Sheehan asked for a motion to accept the Minutes as presented.

Commissioner Collins: Motion to approve the Minutes as presented.

Commissioner Lozier: Second.

Vote: All in favor. Motion carried unanimously.

**ACCEPTANCE OF STAFF REPORTS AND CORRESPONDENCE**

Chairman Sheehan asked for a motion to accept all correspondence and Staff Reports into the record.

Commissioner Jackman: Motion to accept all correspondence and Staff Reports into the record.

Commissioner Hardesty: Second.

Vote: All in favor. Motion carried unanimously.

**CHANGES TO THE AGENDA**

None.

Mr. Gary Collins and Mr. Dan Kennedy both abstained from the following agenda item.

### **PUBLIC HEARINGS**

1. Petition for a **Major Amendment to the Sweetwater Station Phase II Final Development Plan** filed by JFC Engineers and Surveyors on behalf of Sweetwater Station, LLC. Sweetwater Station Phase II is located on Federal Lot 4 in the Northwest Quarter of the Northwest Quarter of Section 16, Township 19 North, Range 105 West. (Project: PZ-19-00196; Staff Representative: Cindy Sheehan, Planning Technician)

#### **Staff Report**

Ms. Sheehan presented the Staff Report dated July 5, 2019, and updated Staff Report dated July 10, 2019, to the Commission.

Ms. Sheehan proposed a 9<sup>th</sup> recommendation that was not included on the staff report;

“Set-backs for accessory structures will be three feet from side and rear lot lines and will match the set-backs for the principal structure on all corner side lot lines.”

Commissioner Jackman: motion to add the ninth item to the staff recommendations.

Commissioner Lozier: seconded.

All in favor (Collins and Kennedy abstaining).

#### **Commissioner Questions for Staff**

There were none.

#### **Commissioner Questions for Applicant**

Chairman Sheehan asked the applicant or a representative for the project to come forward.

Mr. John Eddins, with JFC Engineers & Surveyors came forward to review the compromises that were made to try and address the concerns that were heard from the rezoning meeting held in April. Mr. Eddins discussed the lot sizes, home sizes, and set-backs. He thinks with these lot sizes, the owners will be able to fully landscape or hardscape the entire lot helping with dust control and making for a very nice subdivision. He has worked with the developer and they are committed to doing a really nice development. He appreciates the Commission's consideration, this application does comply with the City Ordinances and Master Plan, so he thinks the responsible thing to do is for the commission to take consideration and approve it.

Commissioner Fortuna asked Mr. Eddins if all lots were three quarters of an acre in size, would it be economically viable to go forward; Mr. Eddins would have to talk to the developer.

Commissioner Jackman asked if any other changes were made to address previous issues; Mr. Eddins said they are proposing additional larger lots on the easterly boundary and larger set-backs than what R-1 would be.

Chairman Sheehan asked Mr. Eddins if he knew what the general lot size was in some of the other subdivisions being built; Mr. Eddins said in Gunsight, they probably range anywhere from 7,500 square feet up to maybe half an acre.

## **Public Hearing**

Chairman Sheehan opened the Public Hearing and asked for any in favor of the proposal to come forward, and notified all that letters that were submitted are part of the record, please do not read them into the record.

**Chairman Sheehan asked for anyone in favor of the proposal to come forward.**

Mr. Tom Spicer, one of five principals of Sweetwater Station, LLC, he came mostly thinking he would answer questions or concerns. He does think this development fills the need of having places to build homes, if you talk to construction people or real estate people there are just not lots available. This would satisfy that need and it does it without sacrificing. He stated you will hear comments about lots being downsized and characterized as being lots for single wides or something. The one mistake he made designing phase one, was that he made the lots to big as everyone develops about a third of the lot and then they have junk in the back. One of the interesting things to him, was when he first started talking to Rob DeBernardi about this he could not imagine that they would think this was a bad thing. This is going to be a great wind break, it was a mistake on his part to be so naïve. These aren't going to be slum lots with goats and chickens, they are going to be really nice housing lots, like Gunsights variety and bigger.

Commissioner Fortuna asked about his statement that he should've made smaller lots in phase one, would he have made it the same exact plan as you have for phase two or very similar; Mr. Spicer stated when they did phase one, they did phase two as a mirror and he would not do that again and he just wanted to say those lots are too big and they stick their trailers and building materials back there. This is a project that is good for Rock Springs and he hopes the Commission feels that way too.

Commissioner Lopez called for order regarding background noise while others are at the podium.

Mr. Justin Lemon with Smart Dwellings a local builder who does about a dozen homes a year, they have built over 60 homes in Rock Springs. He currently has no lots by July of 2020 and will have to go elsewhere for buildable lots, and he is ecstatic with the size of the lots. They have only had 20 homes over \$500,000, when you put a home on a \$150,000 lot, you are immediately pricing out the vast majority of buyers who are between \$200,000 and \$350,000; so a large number of buyer will actually be able to maintain their lots. More common of what he sees in his homes, the customers with the largest lots also do the least landscaping. He has a number of homes in the county where they have two acres and like Mr. Spicer said, it turns into a big messy storage yard. He has done quite a few homes on 5,000 or 6,000 square foot lots, which are way smaller than what is being proposed and the customers take care of the lot as they only have what they need and they are able to maintain and beautify it. He is very much in favor of it and hopes the Commission will support it and approve it, to help sustain the economy here in town.

Someone from the audience asked if they were allowed to ask a question; Vice Chairman Matt Jackman said, no they had to come forward to the podium.

Mike Haden with Haden Construction stated that Rock Springs has always had a lot of small builders and it makes for a diverse subdivision, if you have many builders building in a subdivision you have different houses and it makes a nice neighborhood. You have already heard tonight that there are very few lots available, he has about 20 calls a year and he doesn't have lots for them. In Gunsights right now there are quite a few lots that are 7,000 square feet. Gunsights was proposed phases one, two and three for big lots; then it was brought to this board and City Council to reduce the lot sizes in phases two and three. This is

comes back to the customer too, small lots need less money for the cost of their lots, then they can build a bigger home with that money, landscaping is better. This is about the 70 people that can build homes in this subdivision, because there is nothing out there for the small builders. It is good for all small businesses that have anything to do with construction, for him it's a good project all the way around. The one thing he does agree with the home owners of phase one is that Mustang should not be a through street, as it will be a lot more traffic. He can relate as he lives on Affirmed Drive and when the BLM land was sold to the school district the neighborhood raised concerns about added traffic dropping kids off. They were assured that that would not happen, he promises that it does so he understands the homeowners concerns about it. So he feels there must be a way to develop it so Mustang is not a through street, they don't get the traffic and people taking their kids to school using the shortcut. His main point this is about 70 families that will get to build their dream homes in this subdivision. They are big lots most of these lots are between fourteen and nineteen thousand square feet and they have about eight, three quarter acre lots that are adjacent to phase one. The developers have at least put the big lots next to phase one to reduce the homeowners concerns.

Chairman Sheehan asked what the lot sizes were where he was building on in Gunsights Phase One; Mr. Haden said most of them were between ten and twelve thousand square feet, he went on to say he talked to Planning and Zoning Commissioners and City Councilors when that was changed, he had a lot of customers build in Phase One of Gunsights, he can assure them that they were very upset when the smaller lots went in that you can't build a larger home on as it won't fit within the setbacks. Most of the homes in Phase One are pretty good sized homes so he talked to people on both boards, but they passed it and he didn't understand why at the time.

Chairman Sheehan asked about Oregon Trails where he used to set gas meters, what size were those; Mr. Haden said those were around eleven thousand.

Tim Montgomery with Quality Builders out of Green River said he is in favor of the subdivision. He served on the Green River Planning and Zoning Commission and he understands how difficult being a Commissioner is, making difficult decisions and he understands the decisions affect a number of people and they can last for years and years. He thinks the subdivision that is proposed offers a good buffer zone to the existing subdivision that is currently there. He understand some of the concerns with the proposed subdivision, such as the inconvenience of digging dirt during construction. He feels the public as a whole deserves options, not every house fits in a certain subdivision. He thinks the City of Rock Springs needs to offer a myriad of different subdivisions to fit the needs. As a smaller builder it is nice to have options for lots and difference tiers of buyers.

**Chairman Sheehan asked for any opposed to the proposal to come forward.**

Jay Sneiders, he lives at Lot 19 in phase one of Sweetwater Station, he stated they weren't given a lot of time to prepare, he has a lot of questions and confusion about the proposal. Where this is a public hearing he is very confused about the notification requirements, there was no letter like the one sent in March, he found out via email on July 4th, the package was released yesterday and modified today, so there was zero time to react to this thing. He asked the Commission what is the notification requirement for this thing?

Chairman Sheehan asked Cindy to respond to that; Ms. Sheehan said the notification requirement in the regulations is there really isn't one for amendments to major changes to an approved PUD. What the regulations state is that the applicant submits an application to make the changes, it goes to the P&Z, they recommend to the City Council and then it's acted on. The one thing she will note is that the Zone Change

is probably the most restrictive, with the most notification for the Zone Change is the regulations are written so there is public notices, letters to the neighboring and there is a percentage of neighbors that can comment on it and after that there is a percentage of the City Council that can vote on it to pass. So it is probably the most restrictive of the notifications and processes in the book and this is probably the loosest one. It went from one extreme to another and that is probably the biggest difference in it and the most confusion for it.

Jay Sneiders followed up saying that the realtors got notification, the developers have been working on it for months, but the community that is most impacted finds out on July 4th. He stated if you look at the plat 89% of the lots are non-conforming to RE, 8 of them are in the guidelines. They are claiming it is not a zoning change, but it sure looks like a zoning change. If this board recommends this and it goes to City Council and they approve it, all the variances are approved. So your subterfuging the zoning change process, which seems highly unethical. Mr. Sneiders distributed some handouts to the Commissioners and addressed his next item; the myth about not having available land to develop or lots to build. The comprehensive plan states there are no issue in term of available land to develop and the percentage of lots that is up around 50%, so he asks the commission rhetorically, is the master plan right or is the realtors and developers and if the plan is not right, why was it adopted. It even talks about annexing this area, the initial 80 acres, but it wasn't necessary based on the current land that is available.

Mr. Sneiders feels there are flaws with the analysis and distributed another handout (the City zoning map), the comprehensive plan shows low density covers this area, but it's designated Rural Estates (RE), which supersedes the broad plan. Is it appropriate to approve a plan that has 90% of the lots not conforming to R-E? Last point major changes to a PUD allow for the following, he feels it is a very misleading statement, as the ordinance states these types of changes must be referred to the Planning and Zoning Commission. He also handed out information about PUD from another area and discussed it. Once a PUD is approved it stays with the land through changes of ownership, amendments should be subtle changes 28 homes to 73 homes density change is insane. He believes the notification process was violated by Planning and Zoning Department and is unethical. He sees it as an underhanded way to get around the zoning change, which is required in a PUD and is set in stone that could be challenged in court. Thanked the commissioner for listening.

Chairman Sheehan said..... with the development why haven't.....he knows several subdivisions and to get water into them is the first million bucks, so he doesn't think they are just out there, you have to find the right place to make money per lot. To develop it, the growth is going to have to come out, but to bring all the infrastructure and everything out, he doesn't think it was malicious of Mr. DeBernardi to say "hey I want to do it here", there is a lot of vacant land around Rock Springs; Cost analysis he doesn't think it is feasible.

Mr. Sneiders responded to Chairman Sheehan stating that water is another issue for phase one and phase two, as they still have pumps to get their irrigation to work; Chairman Sheehan asked if their water system was City of Rock Springs and if the new subdivision would be White Mountain Water & Sewer. Someone from the audience answered saying it's actually Rock Springs, but they have to buy it from White Mountain Water & Sewer and sell it to these homes. There was a lot of side bar conversations to and from the audience.

Mr. Sneiders stated he would like to know what number Mr. Spicer was thinking of when he said you made the lots too big and how many he was thinking for phase two, instead of the 28, was he thinking 33-34 and not 74 lots.

Commissioner Fortuna asked Mr. Sneiders if he was to build phase two, how many lots would he build; Mr. Sneiders said he would build out phase two the way it is structured in the PUD and maybe look to see if they could come up with some modifications, but every lot would conform to the RE minimums.

Commissioner Lopez asked Ms. Sheehan if RE minimum lot size was two acres; Ms. Sheehan said correct, when phase one was platted it was two acres minimum, since then the RE has changed the minimum lot size to three quarters of an acre.

Ms. Sheehan clarified the document Mr. Sneiders handed out was not the City's regulations, she read our regulations into the record, which included:

"Major changes such as alterations in structural types, shapes and arrangements of lots and blocks in the allocation of open space or other land uses which increase density and or intensity of the project and all other changes which will significantly change the project shall be referred to the Planning and Zoning Commission for report and recommendation to the Council after which the City Council shall hold a public hearing and shall either approve or deny the changes in the final detailed development plan."

Ms. Sneiders asked what the criteria to make the decision, when you have a plan like this to refer to Planning & Zoning, how do you decide how to put that forward? He thinks this is an abomination to the current PUD as it's filed currently as half of the PUD is built out and he doesn't think that writing a letter to withdraw the preliminary PUD, there is no preliminary, it is final and recorded. He handed the document out from another area so they could see a community that is further along in dealing with PUD's.

Chairman Sheehan asked about tweaking it for a larger home, started out with two acre lots then tweaked to three quarter of an acre. Mr. Sneiders said if you go back to 2002 and look at the ordinances, Mr. Spicer spent a lot of time with the annexation and developing Rural Estates. It started out as two acres and then it was down sized, but the 80 acre minimum for a section of Rural Estates still stands. He then mentioned the first attempt to rezone using the land to the south to keep the 80 acres minimum, but that didn't work. The PUD is planned and recorded and signed off on by the City.

Commissioner Lozier asked Ms. Sheehan about the PUD recorded, Ms. Sheehan explained how this plan would be processed and recorded.

Mr. Sneiders handed out another document, the front page is the final plat for phase one, the second page is the final PUD that is recorded. This is also the sales tool that was used to sell lots, as selection of lots is very personal to each person. You can tweak it, but not make wholesale changes to it, the last page is what is proposed as the current plan.

Commissioner Lopez asked if they needed to make a motion to accept the handouts; Ms. Greene said they become part of the record.

Fed Von Aren from Arabian Circle, first he thanked the Commission for serving on the board and the hard decisions. How many homes have been built in Rock Springs this year; Ms. Greene said it's been anywhere 5 to 10 permit a month recently. He was insulted with the statements about people having junk in their backyards, he said the houses are beautiful. He is present as a resident, homeowner and business man from one of the largest employers in the area. He discussed the builders concerns and his opinion on that. He is concerned with 80 – 90% variance being proposed for phase two. What is the current City plan, is it built out? What is wrong with RE Zoning, are residents complaining about it?

He also brought up the short notice given to such major changes. Is this opportunistic for realtors, developers, and builders. Was RE a new development plan to attract people from places like the county into Rock Springs. We need to work on a City plan for the long term, not short term solutions

Commissioner Fortuna asked from a business, economic, and cost margin basis, what did he feel was a good size lot that still economically feasible but doesn't impede on where you live; Mr. Von Aren said he truly doesn't understand the financials and costs and can't speak on it, some tweaking to phase two they are open to that. His opinion is they should have done better marketing and phase two would be sold out by now.

Commissioner Lozier how will this affect you personally; Mr. Von Aren, if not for wife's studio and this goes through, he'd be gone. After the first meeting, he bought \$4,000 of trees to block the view of whatever goes back there. If he can find a way to move to the county he'd be there. He encourages 80-90 people a year to move to Rock Springs. He again thanked the Commission for their time.

Ryan Greene from Clydesdale Drive stated this is an important issue for all of them, it's his 15th wedding anniversary and he choose to be here. He believes in Mr. Eddins opening statement that they did compromise going from 78 to 73 lots, however almost 90% of them do not meet the RE and a significant number are a quarter of an acre. However what it comes down to if you peel back the layers is an investment grab. Fourteen years ago he made an investment and similar to what these guys are after, it's a return on investment. What many of us believe will be the largest investment of our lives is our homes and he did that with the understanding that Phase 2 was going to build out very similar. Everyone that is against this, they don't live there stand to financially gain from this investment, we pride ourselves on pride and trust here in Wyoming. Dr. Spicer said he made a few mistakes and if he had to develop this again he wouldn't build those lots. If I understood we'd be in this situation 14 years later I wouldn't have bought there. The truth is we did and they can't take their investments back, so he asks all of the Commissioners to take a look and deep down if they owned a home there, would you be in favor of this. He stated they had members that are for this, that have told them if they did not financially benefit from it they would not be for it. They are completely open to compromise and sit down to and figure out how to make this work, however three times the number of homes with no traffic study or financial impact report. We don't have trash in our backyards, we have nice homes and take care of our places. Kids on bikes are out playing, they ride their four wheelers right out to White Mountain. It was a quality of life that we purchased, it's not that they don't want to see this developed, not that they don't want Rock Springs to prosper, but this is a short term solutions to a long term problem. If you were in our shoes and you made this purchase 14 years ago under the agreement, under the contract and under the Wyoming code of ethics would you be okay with moving this forward.

Commissioner Fortuna asked if he would be okay with say 50 lots; Mr. Greene said you know he would have to take a look at that, but let's have that discussion of what makes sense from an economic standpoint for the City, homeowners, and everyone involved shareholders alike. They stated 3,500 to 4,000 square foot homes will be accommodated on these lots, he said his cousins home next to him is 2500 square feet and he had to extend it 400 square feet to meet the covenants. So people will build out there and the opportunity is there.

Kerry Osborn from Clydesdale Drive, he wanted to make a couple of comments, we are all here because we feel like we are being negatively impacted by this, we are not against progress, development or growth. It is really sad that it is being portrayed that the building for places for people to live in Rock Springs is being put on their backs. Mr. Spicer keeps talking about lot sizes being too big, construction debris, he has

none. When Mr. Spicer built these lots, he planned and zoned this for horse property, you can't put horses on a 7,000 square foot lot, and you originally planned a horse arena. So to come back and say the lots are too big, he doesn't understand why when they bought their lots everything was okay, now Mr. Spicer is saying they are too big.

Commissioner Fortuna would a compromise be half an acre lots on average be adequate, where in his opinion where is the good break over median; Mr. Osborn said that is way out of his expertise, however if it's developed as an RE which was zoned for two horses and the lots sizes are down to where you can't have two horses, then we are defeating the purpose. We are saying one thing but portraying another thing.

Kreston Cross from Morgan Circle, he addressed Commissioner Fortuna's questions stating that Mr. Spicer called a homeowners meeting to talk over some things and it was asked of Mr. Kennedy what size or how many lots would they need to make it economical, nobody had an answer. They aren't against the development, but against the density. Phase one and two were 54 lots originally, now you are talking about phase two being 73 lots total, that's not what they signed up for. He spoke at the last meeting and reiterated his comments from there that he moved out here to get away from the higher density neighborhood. He is concerned about increased traffic flow of people cutting through going to Northpark and would like the Commission to take that into consideration.

Commissioner Fortuna asked about the 54 lots that he mentioned if that would be okay; Mr. Cross said they have all talked and that has been a part of the conversation if the three quarter an acre in size would give them 40-50 lots, again he doesn't know what is feasible, that is the question they keep asking. Again none of them are against the development of it, just the density and they would like to work with the developer to come to some sort of compromise.

Cesar Diaz lives on lot six (Mustang Drive) in phase one, he asked the commission to consider what Mr. Spicer proposed for phase two, as that was one of the reasons he and others purchased. We are all hardworking people and choose to live out there as they like the space, the nature of Wyoming is the trailers and they do own trailers, there is not trash. They have campers and atv's and that's their stuff they have. He is deeply concerned about rezoning this area, he has kids and there are lots of kids out there and nice to be able to let them all run around with no traffic. Please consider that if you live there. Mr. Diaz told Mr. Spicer that he respects him and feels he has done so much for the community with practicing medicine, but he feels like he is being betrayed, but he understands his point of view. He then asked Mr. Spicer what it would take for him to continue to build phase two: Chairman Sheehan told Mr. Diaz that he would have to wait for Mr. Spicer to answer. Mr. Diaz said he feels like they were caught, he never got a notice about this meeting and what is going on behind it, especially since it was 4<sup>th</sup> of July. Please consider us we all bust our chops to own our piece of property we are all working guys we support of development, but if this is the only lot to build on in Rock Springs then we are going to be screwed. He closed that he votes no for this and encourages the commission to do the same.

Daniel Pedri lives at Mustang, this is the third time that he has seen a proposal of this nature, and he commends the group that is presenting it as he does see the changes. He doesn't see a map of what's being discussed up front, but it's been solicited out to people that have a financial gain in it and they are here to try and defend that. He knows Dr. Spicer has been pointed at a time or two tonight, but he built out there to support his vision, it was a struggle, but he is making progress. He had a cement contractor out there today developing the backyard but he is spending the best time of his life with his family and it's taking his heart and soul. If he is not meeting the expectation of the time it takes he is sorry, but it's 30 to 40 thousand dollars every year to develop it, but he is committed to it and Mr. Spicer did too. We have to preserve the

RE zone to attract people that want that kind of land, there is a lot of R1. It may take a little more work or a little more time to get it into the hands of developers. He addressed Commissioner Fortuna's repetitive question about compromise, the compromise that he has seen is less than ten percent. They are trying to give their input as far as infrastructure and development and it is way out of their jurisdiction and control. We want to see growth and development, but we also want to rest easy at night they entered a deal they have signed papers and documentation. He went to everyone's home and had the petition signed, it's not the size of the home it's the freedom that's in the RE and the space, but staying in Rock Springs and having their taxes going to the City. He again addressed Commissioner Fortuna's economical breakeven point saying it is having a developer that is educated in developing that land to make that number work. That number for them is what they committed to, the financials worked on phase one. He feels the price of the undeveloped land is priced so high that the cost of the water, sewer is at their mercy but if they are all looking for the better of Rock Springs, then everyone has to compromise. He reiterated what Cesar addressed they are all working people out there.

Jason Ferrericks from Clydesdale feels he was insulted that they are using some of them that have undeveloped land, campers, rv's in the backyard against them. He is one of them, they are using his land as an example, he has been there a year and half, he is just starting landscaping, he has future plans for shops in the backyard. In five to ten years his will look as beautiful as the others. Another issue that he wanted to bring up that hasn't been addressed, he and Cesar can't take any more water out there, with large rain storms they flood. Their houses are raised to address the drainage issues, but they can't take any more water there is no drainage. The sidewalk was sinking and where the utilities were, he had to replace the handicap sidewalk. He too would like to see development above them to address the dust, but 72 lots with traffic and other issues. He doesn't worry about his kid walking out for the bus the children are safe and this will create a potential hazard. That is all he had and thanked the commission.

Rick Greene from Clydesdale, he and his son were two of the first lots out there, he could have picked anywhere in Rock Springs, he has been here 45 years with a majority of his time north in the County. This had all the City amenities, he owns one of the biggest lots out there. He was very offended with Mr. Spicer's comment about the junk, as he has spent more money on landscaping than these people have spent on their homes. When he first built his home everything went through Mr. Spicer for approval, the design of the house the folding garage doors, no front facing garage doors (this was changed). The west side of his house he had to put the roof on three times as the wind took it off twice before it was completed. At that point he should have stopped, but he was bound and determined to build that house where it was because he wanted the view and the open space of the big lot. It was close to his work, he is an employer here of Greene's Energy Services, at one point he had 270 employees. He has spent a lot of money and tax dollars in Sweetwater County and the City of Rock Springs. He believes this is jeopardizing the quality of life he choose where he built his house there and he believes it will devalue the amount of their property. They have a lower income subdivision to the east of them on the other side of Northpark School, if this goes they will be sandwiched between two lower income developments and he doesn't see how it won't affect the value of their property. This is their home, they all choose to build there for the quality of life.

Commissioner Fortuna asked how he would feel if there was 50 lots there vs 72 being proposed; Mr. Greene wouldn't be opposed, one of his questions if they remove sage to dirt who is going to clean his house for the next two years while the subdivision develops.

Dan Pedri from Mustang, lot one phase one – you have heard enough about the problems with too many lots out there. If you look at his lot, it is about the same size as what they are putting on the east side and four lots on the north side of the property. Now he thinks they could get enough lots of that same size in

that area to make it a desirable subdivision adjacent to theirs. He has plenty of room and is about three quarters of an acre. He thinks all the mixed lots is a cobbled up mess, he has a developer that wants to buy it and what a great deal it is, you have realtors and contractors saying there aren't any lots anywhere, but they haven't shown anything to prove that. We didn't have a second last time we were here and he doesn't think that anything has changed except bigger lots on the east side, but that is six lots out of 73, so take that into consideration.

Kara Grenier from Mustang she would like to say she moved into her home a year ago and that was a main reason she bought it was because of the low traffic area, a big lot, nice neighborhood and no worries. They don't have kids but they do have pets and she isn't afraid to let them out of the garage into the front yard safely. 73 houses is a lot, the road she drives on every day will turn her road into a main road. If each home has two cars that is 146 vehicles going down her road at least once a day.

John Hay from Clydesdale, thanked the Commission for hanging in for the night. He said they did have a meeting with Mr. Spicer and they did ask how many if they stay in that RE requirements, and they are still waiting for that answer. If there is 40 or 50 lots that he thinks would be a good middle ground, it still helps everybody realtors and builders. He told Mr. Spicer not to sell himself short he thinks he did a wonderful job on phase one and loves it out there. He would like to see a mirror for the other side we need to grow the right way according to the plan that we already have. Regarding a letter from a real estate agent he quoted "their clients want more mountain views, less traffic on their streets, proximity to a school and larger lot size", he couldn't agree more that is why he is out there. As well as this place has sold, Mr. Spicer sold them on the cusp of the second largest economic recession this country has ever seen, so you have to take a little grain of salt there. He would like to see it on paper and all come together and compromise and see it be beautiful and see if the three quarters of an acre works and it would give job opportunities for everyone around. Thanked the Commission for hearing him.

**Chairman Sheehan opened it for anyone that wanted to speak for or against one last time.**

Justin Lemon talked about numbers and it being economically feasible, he has been working on a lot of numbers. He has talked to no less than six people that own land it would like to develop it in this last year and they offsite improvements, puts it over the tipping point. The national average for developers of net profit would be between 5 to 10 percent. So, Mr. Spicer would have made money on the last one or two lots and he would have had to carry the cost of the development until then. With this new phase he will make money on the last 5 to 7 lots. The perception that there is all this money in construction for builders and developers, but 94% of his money comes in and goes out and they make about 6%. He has been trying to find other options for more lots, but so far hasn't been able to secure any scenario where he can make it work on paper.

Mike Haden said many of these people he considers friends and he doesn't like being at odds with them. His original statement of this subdivision being completely separate will address a majority of their concerns. If this subdivision is 15 years old and people wonder why it hasn't sold out more, most people can't afford to build there. He has been in business for 34 years and tried to develop many times. There are not lots available to him, he guarantees his business is down and the lots are a real problem. Where else is a better place, he agrees with Mr. Lemon's statement about developing. Mr. Spicer was looking at and approving everything and they are very nice homes. The perception that this is going to be lower end homes is not true. He wants to stand up for Mr. Spicer as things change over the last 12 to 15 years. There aren't many people willing to put their money on the line to develop it and have the vision and the cash to do it.

He doesn't think it's a one year solution, there was 26 built over 14 years. If this is cut to 50 lots, he doesn't think it will be feasible for the developer nor will it happen. He appreciated their time.

Ryan Greene asked if he could ask Mike Haden a question; Ms. Sheehan informed the Chairman that he could come up to the podium and ask the commission and they could redirect.

Ryan Greene came forward, the current plan you would not move forward with Mustang Drive going through. The other question is how many lots is enough, it sound like if we can't get all seventy we don't want any.

Mike Haden came back forward and said he is okay if there are 30 lots to build, but he doesn't think it is feasible for the developer.

Fred Von Aren came back forward and said you don't have a phase two problem, the City needs lots long range problem. We have a bigger problem once this is laid out and built where will they go next?

Mandy Allred with Remax Realty lives up north in the County, she wrote the letter to Ms. Sheehan and is in favor of the subdivision. She finds it offensive that a business man like Mr. Von Aren would want to limit what Mr. Spicer can make. We have a demand and a need to have land to sell, 4D Development should be commended as phase two was no secret regardless if it was RE.

John Eddins thanking the Commission and total emphasize with those opposed, but he is there to support those that are for it and his client 4D Development. He would make the appeal to the Commission that it is a very well written staff report and what's being proposed is within the City ordinance. Thank you.

**Chairman Sheehan then closed the Public Hearing at 9:22 p.m.**

#### Staff Recommendation

Chairman Sheehan asked for a staff recommendation, Ms. Sheehan had nothing to add.

Commissioner Jackman asked Ms. Sheehan why after we went through to rezone to R1 is this now appropriate to be able to change all the lot sizes; Ms. Sheehan said with any development there are different ways to go about it, you can zone change, you can change the PUD, you can subdivide, you can lot split. There is always difference processes that a developer that wants to do anything from their land can choose from. It's not necessarily that one was better than the other, it's just what that applicant chooses to go through. Usually when she meets with somebody she gives them the different choices they have, because it all depends on what their personal preference is to do with their land. Usually there are two or three choices for anybody wanting to do anything with their land.

Commissioner Jackman then asked about Mustang Drive being connected was brought up at the last meeting, is there any reason based on City ordinances that it couldn't be addressed; Ms. Sheehan said there wasn't much discussion about that particular point, that can be something they can address. She doesn't know if the Engineering department required it or just the developer proposed it.

Chairman Sheehan asked is there a way we can modify this site plan with Mustang Drive tonight or would that require engineering; Ms. Sheehan couldn't answer that the amount of design time put into that, it is

something the developer would need to talk to his engineer. Chairman Sheehan then asked about the process from here and how it was handled; Ms. Sheehan said any recommendation goes to the Council.

Commission Vote

Commissioner Jackman: Motion to approve with staff recommendations and to have Mustang Drive addressed before it goes to Council.

Commissioner Hardesty: Second with Mustang being addressed.

Roll Call Vote:

Commissioner	Yea	Nay	Abstain
Ken Fortuna		X	
Emily Lopez	X		
Kevin Hardesty	X		
Sue Lozier		X	
Dan Kennedy			X
Gary Collins			X
Matt Jackman	X		
Chairman Sheehan	X		

With four yea's and two nay's motions passes.

**UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

Notification of approved applications by Cindy Sheehan.

**PETITIONS AND COMMUNICATIONS**

**1) Written petitions and communications.**

**a. Update on City Council Actions**

Date of Council Meeting	P&Z Item	Council Action
June 18, 2019	1) Doak Subdivision – Final Plat Approval 2) Language Amendments to the Subdivision Regulations (Articles 16-1,16-3,16-4,16-5,16-6,16-7)	1) Approved Res.2019-96 2) Passed 1 <sup>st</sup> Reading Ord. 2019-14
July 2, 2019	1) Language Amendments to the Subdivision Regulations (Articles 16-1,16-3,16-4,16-5,16-6,16-7)	1) Passed 2 <sup>nd</sup> Reading Ord. 2019-14

**2. Petitions and communications from the floor.**

Commissioner Jackman asked Ms. Greene to double check Roberts Rules regarding pass or fail; Ms. Greene said we already reviewed this with the City Attorney before the meeting tonight.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 9:31 p.m..

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These minutes approved by the Rock Springs Planning and Zoning Commission by vote this

\_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Paul Kauchich, Secretary, Planning & Zoning Commission



## **Planning & Zoning Commission Staff Report**

**Project Name:** Wireless Telecommunications 13-814 – Zoning Ordinance  
Proposed Language Amendment  
**Project Number:** PZ-19-00239  
**Report Date:** September 6, 2019  
**Meeting Date:** September 11, 2019

### **Applicant**

Melissa Reagan (Sherman & Howard L.L.C.) representing Verizon Wireless

### **Property Owner**

N/A

### **Project Location**

N/A

### **Zoning**

N/A

### **Public Notification**

- Public Hearing Notice Printed  
8/24/19 – *Rocket Miner*

### **Previous P&Z Action**

None

### **Ordinance References**

13-814.

### **Staff Representative**

Paul D. Kauchich, Director of  
Engineering/Operations & Public  
Services

### **Attachments**

- Application
- Proposed language for Ordinance Amendment
- Public Notice
- Utility Review Comments

### **Request**

Petition to considering amending 13-814 – Wireless Telecommunications Zoning Ordinance, to amend the setback requirements to allow for a 1:1 setback for the deployment of wireless facilities on rooftops in all zoning districts and amending the wireless code to conform to the FCC's Reports and Orders issued in 2009, October 2014, and September 2018.

### **Background**

The Rock Springs Wireless Telecommunications Zoning Ordinance was adopted October 6, 2009, with no amendments to date. The proposed changes have been reviewed the City Attorney

### **Utility Review Comments**

Utility Review Comments are attached.

### **Public Hearing Notification**

A Public Hearing Notice was duly published in the Rock Springs Rocket Miner on August 24, 2019

### **Public Comment**

Staff will advise the Commission of any further comments received at the meeting.

### **Staff Recommendation**

Paul D. Kauchich will provide his recommendation after the public hearing.



# CITY OF ROCK SPRINGS LANGUAGE AMENDMENT APPLICATION

Planning & Zoning Division  
212 D Street  
Rock Springs WY 82901  
307.352.1540 (phone)  
307.352.1545 (fax)

### City Use Only:

Date Received 8-1-19 File Number: P2-19-00239  
Meeting Dates: Utility Review \_\_\_\_\_ P&Z \_\_\_\_\_ Council \_\_\_\_\_  
Resolution # \_\_\_\_\_ Ordinance # \_\_\_\_\_  
Date of Action: \_\_\_\_\_ By: \_\_\_\_\_

☒ \$200.00 Application Fee

### CONTACT INFORMATION

Petitioner: Name: Melissa Reagan Phone: (303 ) 299-8310  
Company Name: Sherman & Howard L.L.C.  
Street Address: 633 17th Street, Suite 3000  
City: Denver State: CO Zip Code: 80202  
Email Address: mreagan@shermanhoward.com

### AMENDMENT INFORMATION

1. Article and Section Number to be amended (The Rock Springs Ordinances are available online at [www.rswy.net](http://www.rswy.net)):

13-814 - Wireless Telecommunications

2. Proposed Amendment (attach a separate sheet if necessary):

A clean draft of Verizon Wireless's proposed amendments to Sect. 13-814 (Wireless Telecommunications) are attached along with a redline comparison to the City's current wireless ordinance so the City may easily review and analyze the proposed changes.

3. Describe the need for and purpose of the Proposed Amendment:

To amend the setback requirements to allow for a 1:1 setback for the deployment of wireless facilities on rooftops in all zoning districts and amending the wireless code to conform to the FCC's Reports and Orders issued in 2009, Oct. 2014 and Sept. 2018.

### SIGNATURE(S) REQUIRED:

*I acknowledge that I have read and understand this application and the pertinent Zoning Ordinance amendment regulations (Sections 13-901 of the Rock Springs City Ordinances).*

Signature of Petitioner [Signature]

Date 7/30/19

Signature of Petitioner \_\_\_\_\_

Date \_\_\_\_\_

*(If the petition includes multiple petitioners, all petitioners must sign the application. Attach a separate sheet if necessary.)*

## PUBLIC HEARING NOTICE

**TAKE NOTICE** that the Rock Springs Planning and Zoning Commission will hold a public hearing in the Rock Springs City Hall Council Chambers at 7:00 p.m., September 11, 2019, where all interested parties will have the opportunity to appear and be heard regarding the following:

An application submitted by Melissa Reagan of Sherman & Howard, L.L.C. to consider amending Chapter 13 (ZONING) of the Ordinances of the City of Rock Springs to amend the setback requirements to allow for a 1:1 setback for the deployment of wireless facilities on rooftops in all zoning districts and amending wireless code to conform to the FCC's Reports and Orders issued in 2009, Oct. 2014 and September 2018, pertaining to **WIRELESS TELECOMMUNICATIONS**. The following section is proposed for amendment:

Section 13-814

Wireless Telecommunications

You may view a copy of the proposed amendments at the Rock Springs Planning Department Office, 212 'D' Street, Rock Springs, Wyoming or on the City's website at: [www.rswy.net](http://www.rswy.net).

Dated this 20<sup>th</sup> day of August 2019.



Cathy Greene, Sr. Administrative Assistant  
Department of Engineering / Operations &  
Public Services

Publish: August 24, 2019  
Bill To: City of Rock Springs

**Rock Springs, WY**  
**13-814 Wireless Communications.**

**A. Purpose.**

The purpose of this Chapter is to establish regulations for the siting of wireless communications towers and antennas in order to:

- (1) protect residential areas and land uses from impacts of towers and antennas;
- (2) encourage location of antennas and towers in nonresidential areas;
- (3) encourage collocation of new and existing tower sites; and
- (4) minimize impacts of towers and antennas on the community.

**B. Applicability**

- (1) The requirements set forth in this Chapter 13-814 shall apply to all applications for WCFs as defined in Subsection C and further addressed herein.
- (2) The requirements set forth in this Chapter 17.60 shall not apply to:
  - a. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive only antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met.
  - b. Miscellaneous Antennas. Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) antennas, television broadcast band antennas, and broadcast radio antennas. The City has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
  - c. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City.
  - d. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event.
  - e. Antennas attached to existing structures (such as commercial buildings, houses or apartments) for Internet purposes and used solely by occupants of the building for which the antennas are attached as long as the height limitations of the zoning district are not exceeded, and the antenna design is satisfactory to the City.
  - f. Routine maintenance and repair of WCFs.

### **C. Definitions.**

Accessory equipment: Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Alternative tower structure: Manmade trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole (including a replacement pole) in the right-of-way that accommodates small cell facilities.

Antenna: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services. Antennas used by amateur radio operators are excluded from this definition.

Antenna height: Vertical distance from the finished grade of the parcel at the base of the antenna support structure to the highest point on the structure, including the highest antenna.

Base station: A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

- (1) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the city pursuant to this section has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the city pursuant to this section has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

Base Station does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in sub-paragraphs 1. and 2. above.

Collocation: The use of a single Antenna Support Structure by more than one wireless communications provider.

Director: The city's planning director or such person's authorized designee.

Eligible facilities request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) colocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

Eligible support structure: Any tower or base station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the city under this Chapter 13-814.

Equipment Shelter: The structure in which the electronic receiving and relay equipment for a Wireless Communications Facility is housed.

Existing: A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Guyed tower: A tower that is supported by use of cables (guy wires) that are permanently anchored to the ground.

Lattice tower: A type of tower that is self-supporting with multiple legs and steel cross-bracing.

Monopole: A single, freestanding pole-type structure supporting one or more antennas.

Pole-mounted small cell facility: A small cell facility with antenna that are mounted and supported on an alternative tower structure, which includes a replacement pole.

Related accessory equipment: Transmission equipment customarily used with, and incidental to WCF antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Replacement pole: A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or to accommodate collocation and remove the pre-existing pole or structure.

Right-of-way: As used within this Chapter 13-814, the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the City.

Site: The area comprising the base of the structure and other related accessory equipment deployed on the ground.

Small cell facility: A WCF that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted –
  - a. Is 50 feet or less in height, or
  - b. Is no more than 10 percent taller than other adjacent structures, or
  - c. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna (excluding associated antenna equipment) are cumulatively no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the WCF (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The WCF does not require antenna structure registration under 47 CFR Part 17; and
- (5) The WCF is not located on Tribal lands, as defined under 36 CFR § 800.16(x); and
- (6) The WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

Substantial change: A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- (2) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (3) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

- (4) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (5) It entails any excavation or deployment outside the current wireless communications facility site;
- (6) It would defeat the concealment elements of the eligible support structure; or
- (7) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (1)-(4) above.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communications facilities including self-supporting lattice towers, guyed towers or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures and any tower support.

Transmission Equipment: Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility pole: A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting. Such term shall not include structures supporting only wireless facilities.

Wireless communications services: Any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless communications facility ("WCF"): Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small cell facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a

building, used for serving that building only and that is otherwise permitted under other provisions of the Code.

Wireless infrastructure provider: Any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

Wireless provider: A wireless infrastructure provider or a wireless services provider.

Wireless services: Any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless services provider: A person or entity who provides wireless services.

#### **D. Operational Standards**

(1) Federal requirements. All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs.

(2) Signal interference. All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications.

(3) Operation and maintenance. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the city concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the city's building official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the city may remove such WCF at the owner's expense.

(4) Discontinuance of Use.

(a) Providers planning to discontinue utilizing WCF(s) shall provide written notification to the City Planner. Said notification shall include contact name and phone number for the party responsible for the WCF(s) and the date of discontinuance.

(b) Discontinued use of WCF(s) for more than 180 days following notice shall result in the WCF(s) being officially designated as abandoned. The City Planner shall notify the owner/operator of said abandoned designation in writing. The owner/operator

shall have 180 days from the date of the City Planner's notice of abandoned designation to dismantle or reactivate the WCF(s).

(c) Failure to dismantle/ reactivate the WCF(s) within 180 days of the date of notice of abandoned designation shall be grounds for the City to dismantle the WCF(s). The City may assess costs associated with dismantling the WCF(s) to the owner/operator or other responsible party.

## **E. Design Standards**

The requirements set forth in this section shall apply to the location and design of all WCFs governed by this section; provided, however, that the Director may waive these requirements if it determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the city, consistent with other provisions of the Code.

(1) General Requirements. The following requirements shall be met by all WCFs:

a. Collocation.

i. Applicants requesting permission to install a new tower or alternative tower structure not in the public ROW shall provide an exhibit showing all existing towers located within 1500 feet of the proposed new tower facility. The applicant shall inquire about potential collocation at all technically feasible locations within the 1500 feet radius and shall provide written proof of said inquiries, as well as responses received. This provision shall not apply to small cell facilities or towers or alternative support structures for small cell facilities.

ii. Excluding alternative tower structures, monopoles, replacement poles, or utility poles for small cell facilities, WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the city approves an alternative design to the extent such design is reasonably feasible based upon construction, engineering and design standards. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence demonstrating why collocation is not possible at a particular facility or site.

b. Site Design.

i. Each WCF and its appurtenances shall be completely contained within a single recorded property boundary, lot or tract.

- ii. WCFs shall not negatively impact other ROW uses, such as underground utilities, site lines, pedestrian and bicycle access, or create a roadside hazard, as determined by the City.
- c. Setbacks. The following minimum setbacks shall apply to all WCFs and related accessory equipment. A WCF shall meet the greater of the following minimum setbacks from all property lines:
  - i. For WCFs located outside of the ROW:
    - 1. The setback for a principal building within the applicable zoning district.
    - 2. Twenty-five percent (25%) of the WCF height.
    - 3. The Tower height, including antennas, if the Tower is in or adjacent to a residential district.
  - ii. For WCFs located inside of the ROW. WCFs shall meet all setback requirements set forth in the WYDOT Roadway Design Manual, or the AASHTO Roadside Design Guide. For facilities using existing structures or poles in ROW, such set back requirements shall apply only to the extent technically feasible.
- d. Advertising. No advertising shall be permitted anywhere on the WCF other than identification signage.
- e. Lighting. WCFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on an Alternative Tower Structure such as a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light trespass on surrounding properties, particularly residences. Security lighting around the equipment shelter shall be permitted.
- f. Security. "No trespassing" signs shall be posted around the facility with a contact telephone number for emergencies.
- g. Access roadway. The access roadway to the WCF shall be paved with asphalt or concrete unless the WCF is an accessory use. WCFs that are accessory uses may have unpaved, gravel access roadways, provided the access to the facility is via a private, paved surface (not directly onto a public street).

- h. Adjacent to single family residential uses. WCFs shall be sited in a manner that considers the proximity of the facility to residential structures and residential district boundaries. When placed by residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. If these requirements are not reasonably feasible from a construction, engineering or design perspective, the applicant may submit a written statement to the director requesting the WCF be exempt from these requirements.
  - i. WCFs as Accessory Uses. WCFs shall be permitted as an accessory use on a site provided:
    - i. The WCF complies with this Chapter.
    - ii. The existing use on the property is a permitted, conditionally permitted or lawful nonconforming use.
    - iii. Placement of the WCF shall not require the addition of an access drive onto a public street.
    - iv. Vehicular access to the WCF shall not interfere with existing parking or vehicular circulation on the site.
  - j. Hazardous Materials. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.
- (2) Specific Design Requirements. Additional design requirements shall be applicable to the various types of WCFs as specified below:
- a. Base stations.
    - i. If WCF is installed on a structure other than a tower, alternative tower structure or pole, such as a base station (including, but not limited to the antennas and accessory equipment), it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and accessory equipment to match the structure.

- ii. The maximum height of a WCF shall not exceed 20 feet or 20% of the existing base station, whichever is greater.
- iii. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be limited to 6 feet.
- iv. Roof-mounted Antennas
  - 1. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
  - 2. Roof-mounted panel antennas shall extend no more than ten (10) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
  - 3. Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
- v. Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse.
- vi. Any ground-mounted equipment shall be located, based upon the reasonable discretion of the city, in a manner necessary to address both public safety and aesthetic concerns.
- vii. WCFs shall not be permitted on properties designated as single-use residential property.
- b. Alternative tower structures and small cell facilities located outside of the public ROW:
  - i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area.
  - ii. Be camouflaged/concealed consistent with other existing natural or manmade features in the immediate proximity of the location where the alternative tower structure will be located.
  - iii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet for alternative tower structures and 50 feet for small cell facilities.

- iv. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
  - v. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
  - vi. Shall be compatible with the surrounding topography, tree coverage, and foliage.
  - vii. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - viii. Visual impacts of the proposed ingress and egress shall be minimized.
- c. Alternative tower structures and small cell facilities located in the right-of-way
- i. Any new pole for an alternative tower structure, replacement pole, utility pole or small cell facility shall not exceed the greater of (i) ten feet in height above the tallest existing utility pole in place as of the effective date of this Chapter located within 500 feet of the new pole in the same ROW; or (ii) 50 feet above ground level.
  - ii. Any new pole for an alternative tower structure, replacement pole, utility pole or small cell facility shall be separated from any other existing WCF facility by a distance of at least 200 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director.
  - iii. Shall be the color for the antenna and related equipment that is consistent with or most blends into the alternative tower structure, utility pole or alternative support structure on which they are installed, unless a different color is needed for public safety or service reliability reasons.
  - iv. Shall to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure.
  - v. Shall when located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.

- vi. Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered.
- vii. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter.
- viii. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way and shall comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations.

d. Towers

- i. Towers shall be painted a non-contrasting gray or similar color to minimize visibility unless otherwise required by the FCC or FCC. Applicants shall utilize alternative design structures in order to minimize impacts of new towers on existing viewsheds wherever feasible.
- ii. Monopole support structures shall taper from the base to the tip.
- iii. All towers, excluding alternative tower structures in right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material.
- iv. Towers shall be subject to the maximum height restrictions as follows:
  - 1. I-2: 200 feet
  - 2. I-1: 150 feet
  - 3. B-2: 75 feet
  - 4. R-1, R-2, R-3 and B-1: 60 feet
  - 5. R-4, R-5 and R-6: 75 feet
  - 6. O-1: 60 feet
- v. For towers located in residential zones, the applicant shall provide written notice to all property owners located within 200 feet of the boundaries of the property where the proposed WCF will be located.

- vi. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible.
- vii. Towers shall be a minimum distance of the height of the tower from any residential zoned districts.
- viii. Visual impacts of the proposed ingress and egress shall be minimized.
- ix. Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 feet in height, unless the applicant has shown to the satisfaction of the city that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- x. Towers shall not be permitted in Central Business District (B-3), Business Residential District (B-3) or Rural Estate District (RE).
- e. Related accessory equipment. Accessory equipment for all WCFs shall meet the following requirements:
  - i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
  - ii. The total footprint coverage area of the WCFs accessory equipment shall not exceed 500 square feet;
  - iii. No related accessory equipment or accessory structure shall exceed 12 feet in height;
  - iv. Accessory equipment shall meet the minimum setbacks from the property lines associated with the zoning district excluding Accessory equipment for WCFs in the public ROW; and
  - v. Accessory equipment, including but not limited too remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

**F. Review procedures and requirements.**

- (1) No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the city in accordance with this Chapter. All WCFs shall be reviewed pursuant to the following procedures:

a) Administrative Review

- i. In all zoning districts, each application for any base station, eligible facility request, alternative tower structure or small cell facility shall be reviewed and considered for approval by the Director for conformance with this Chapter.
- ii. In industrial, commercial and business districts, each application for a tower shall be shall be reviewed and considered for approval by the Director for conformance with this Chapter.
- iii. Applicants may appeal the Director's decision by submitting a written notice of appeal to the City Manager within ten (10) calendar days from the date of the Director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant.
- iv. The city manager shall within ten (10) business days of receipt of the notice of appeal and review of all documentation submitted by the applicant and the Director's decision issue a final decision which may affirm, overturn or modify the Director's decision.

b) Conditional Use Permit

- i. For new towers in residential and open space districts, the applicant shall be required to file an application for a conditional use permit and follow the procedures set forth in Chapter 13-905.

- c) Historic review. Any application to locate a WCF on a building or structure certified by the Certified Local Governance (CLG) Committee as Historic shall be reviewed by the CLG. Said committee's recommendations will be provided to the Planning & Commission.

- (2) Submittal requirements. In addition to an application form and payment of all application and review fees, as established by resolution of city council, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this Chapter. Documents requiring signatures and seals by appropriate qualified professionals shall be provided by applicant after approval of the application by the Director.

(3) Review procedures for eligible facilities requests.

- a) Application. In all zoning districts, eligible facilities requests shall be considered a use by right subject to administrative review. The city shall

prepare, and make publicly available, an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:

- i. Would result in a substantial change; or
  - ii. Violate a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety. The application may not require the applicant to demonstrate a need or business case for the proposed modification or colocation.
- b) Type of review. Upon receipt of an application for an eligible facilities request pursuant to this Chapter, the director shall review such application to determine whether the application so qualifies.
- c) Timeframe for review. Subject to the tolling provisions of subparagraph d. below, within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the city shall approve the application unless it determines that the application is not covered by this subsection.
- d) Tolling of the timeframe for review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is incomplete:
- i. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application;
  - ii. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness; and
  - iii. Following a supplemental submission, the city will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d)(1). In the case of a second or subsequent notice of incompleteness, the city may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- e) Failure to act. In the event the city fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for

review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(4) Review of Small Cell Facility Applications.

- a) Application. In all zoning districts, small cell facilities shall be considered a use by right subject to administrative review. The city shall prepare, and make publicly available, an application form.
- b) Timeframe for Review. All applications shall be processed on a nondiscriminatory basis, and the City shall approve or deny an application for: (i) collocation of Small Cell Facility on an existing structure within 60 days of receipt of the application, or (ii) within 90 days for applications to deploy a Small Cell Facility using a new structure.
- c) Tolling of the timeframe for review. The review periods begin to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is incomplete:
  - i. Within ten days of receiving an initial application, the City will determine and notify the applicant whether the application is materially complete.
  - ii. If an application is materially incomplete, the City will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such documents or information.
  - iii. The shot clock set forth in subsection (b) shall restart at zero on the date which the applicant submits all the documents and information identified by the City to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the City notifies the applicant within 10 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock set forth in subsection (b) shall be tolled until the applicant provides the missing documents and information. The shot clock resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the City to render the application complete.
- d) Failure to Act. If the City fails to issue a decision on an application for a Small Wireless Facility within the required time periods set forth in this section, it shall constitute a "failure to act" within the meaning of 47 U.S.C. § 332(c)(7)(B).

- e) Denial. A City may deny a proposed small wireless facility only if the proposed application:
    - i. Materially interferes with the safe operation of traffic control equipment.
    - ii. Materially interferes with sight lines or clear zones for transportation or pedestrians.
    - iii. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
    - iv. Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the ROW and that concern the location of ground-mounted equipment and new alternative tower structures. Such spacing requirements shall not prevent a small wireless facility from serving any location.
    - v. Fails to comply with applicable codes.
    - vi. Fails to comply with the requirements in this Chapter.
  - f) The City must document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee. The City shall approve or deny the revised application within 30 days. Any subsequent review shall be limited to the deficiencies cited in the denial.
- (5) Review Procedure for WCFs excluding Small Wireless Facilities and Eligible Facilities Requests
- a) Application. The city shall prepare, and make publicly available, an application form for WCFs.
  - b) Timeframe for Review. All applications shall be processed on a nondiscriminatory basis, and the City shall approve or deny an application for: (i) collocation of WCF within 90 days of receipt of the application, or (ii) new WCFs within 150 of recent of the application. Upon receipt of an application for a request pursuant to this section, the City shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

- c) Tolling of the timeframe for review. The review periods begin to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is incomplete:
    - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
    - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
    - iii. Following a supplemental submission, the City will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
  - d) Failure to Act. In the event the City fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.
- (6) Decision. Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.



## UTILITY REVIEW - COMMENT SHEET

To: Utility Review Committee  
From: Cathy Greene  
Date: August 15, 2019  
Project #: PZ-19-00239  
Project Name: Zoning Ordinance Language Amendment  
Project Address: N/A  
Location Description: City Wide  
Project Description: Ordinance Amendment Proposed by Verizon Wireless



**Please submit this comment sheet no later than 2:00 p.m. on the due date referenced in your email notification.**

I have reviewed the plans on behalf of (Dept. or Org:) WRF for the above-referenced project.

Name: Justin Stewart Phone #: (307) 352-1466

Please check as applicable:

☒ No issues - plans approved as submitted.

☐ Revisions required to the Site Plan/Plat/Drawing:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

☐ Other Comments/Issues:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

Justin B Stewart  
Signature of Reviewer

8/26/19  
Date

☐ Please provide me with a copy of the Revised Plans for review.



Department of Public Services  
212 D Street, Rock Springs, WY 82901  
Office [307] 352-1540 • FAX [307] 352-1545

## UTILITY REVIEW - COMMENT SHEET

To: Utility Review Committee  
From: Cathy Greene  
Date: August 15, 2019  
Project #: PZ-19-00239  
Project Name: Zoning Ordinance Language Amendment  
Project Address: N/A  
Location Description: City Wide  
Project Description: Ordinance Amendment Proposed by Verizon Wireless



**Please submit this comment sheet no later than 2:00 p.m. on the due date referenced in your email notification.**

I have reviewed the plans on behalf of (Dept. or Org:) Engineering Dept for the above-referenced project.

Name: Meghan Jackson Phone #: 307.352-1540

Please check as applicable:

☒ No issues - plans approved as submitted.

☐ Revisions required to the Site Plan/Plat/Drawing:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

☐ Other Comments/Issues:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

NAIT  
Signature of Reviewer

8/20/2019  
Date

☐ Please provide me with a copy of the Revised Plans for review.



Department of Public Services  
212 D Street, Rock Springs, WY 82901  
Office [307] 352-1540 • FAX [307] 352-1545

## UTILITY REVIEW - COMMENT SHEET

To: Utility Review Committee  
From: Cathy Greene  
Date: August 15, 2019  
Project #: PZ-19-00239  
Project Name: Zoning Ordinance Language Amendment  
Project Address: N/A  
Location Description: City Wide  
Project Description: Ordinance Amendment Proposed by Verizon Wireless

COMMENTS  
ONLY –  
NO MEETING

**Please submit this comment sheet no later than 2:00 p.m. on the due date referenced in your email notification.**

I have reviewed the plans on behalf of (Dept. or Org.): RS Water for the above-referenced project.

Name: Clint Zamboni Phone #: 307-352-1405

Please check as applicable:

☒ No issues - plans approved as submitted.

☐ Revisions required to the Site Plan/Plat/Drawing:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

☐ Other Comments/Issues:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

Clint Zamboni  
Signature of Reviewer

8/20/19  
Date

☐ Please provide me with a copy of the Revised Plans for review.



Department of Public Services  
212 D Street, Rock Springs, WY 82901  
Office [307] 352-1540 • FAX [307] 352-1545

## UTILITY REVIEW - COMMENT SHEET

To: Utility Review Committee  
From: Cathy Greene  
Date: August 15, 2019  
Project #: PZ-19-00239  
Project Name: Zoning Ordinance Language Amendment  
Project Address: N/A  
Location Description: City Wide  
Project Description: Ordinance Amendment Proposed by Verizon Wireless



**Please submit this comment sheet no later than 2:00 p.m. on the due date referenced in your email notification.**

I have reviewed the plans on behalf of (Dept. or Org.) Dominion Energy for the above-referenced project.

Name: Josh Sargent Phone #: 307-708-0860

Please check as applicable:

☒ No issues - plans approved as submitted.

☐ Revisions required to the Site Plan/Plat/Drawing:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

☐ Other Comments/Issues:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

Signature of Reviewer

8-20-19  
Date

☐ Please provide me with a copy of the Revised Plans for review.



## **Planning & Zoning Commission Staff Report**

**Project Name:** Administrative Procedures 13-906 – Zoning Ordinance  
Proposed Language Amendment  
**Project Number:** PZ-19-00249  
**Report Date:** September 6, 2019  
**Meeting Date:** September 11, 2019

**Applicant**

City of Rock Springs

**Property Owner**

N/A

**Project Location**

N/A

**Zoning**

N/A

**Public Notification**

- Public Hearing Notice Printed  
8/24/19 – *Rocket Miner*

**Previous P&Z Action**

None

**Ordinance References**

13-906.

**Staff Representative**

Paul D. Kauchich, Director of  
Engineering/Operations &  
Public Services

**Attachments**

- Application
- Proposed language for  
Ordinance Amendment
- Public Notice

**Request**

Petition to considering amending 13-906 – Administrative Procedures - Zoning Ordinance, to correct numbering errors.

**Background**

During a recent project review, the numbering errors were discovered and caused confusion, therefore we are looking to correct the errors.

**Public Hearing Notification**

A Public Hearing Notice was duly published in the Rock Springs Rocket Miner on August 24, 2019

**Public Comment**

Staff will advise the Commission of any further comments received at the meeting.

**Staff Recommendation**

Paul D. Kauchich recommends approval.



# CITY OF ROCK SPRINGS LANGUAGE AMENDMENT APPLICATION

Planning & Zoning Division  
212 D Street  
Rock Springs WY 82901  
307.352.1540 (phone)  
307.352.1545 (fax)

## City Use Only:

Date Received 8-20-19 File Number: P2-19-00249  
Meeting Dates: Utility Review N/A P&Z 9-11-19 Council 10/1, 10/15, 11/5  
Resolution # \_\_\_\_\_ Ordinance # \_\_\_\_\_  
Date of Action: \_\_\_\_\_ By: \_\_\_\_\_

☐ \$200.00 Application Fee

## CONTACT INFORMATION

Petitioner: Name: PAUL KAUCHICH Phone: (307) 352-1540  
Company Name: CITY OF ROCK SPRINGS  
Street Address: 212 D ST.  
City: ROCK SPRINGS State: WY Zip Code: 82901  
Email Address: paul-kauchich@rswy.net

## AMENDMENT INFORMATION

1. Article and Section Number to be amended (The Rock Springs Ordinances are available online at [www.rswy.net](http://www.rswy.net)):

ARTICLE 13-9, SECTION 13-906D

2. Proposed Amendment (attach a separate sheet if necessary):

SEE ATTACHED MEMO AND ORDINANCE AMENDMENT

3. Describe the need for and purpose of the Proposed Amendment:

CORRECT A NUMBERING ERROR

## SIGNATURE(S) REQUIRED:

I acknowledge that I have read and understand this application and the pertinent Zoning Ordinance amendment regulations (Sections 13-901 of the Rock Springs City Ordinances).

Signature of Petitioner Paul D. Kauchich

Date 8/20/19

Signature of Petitioner \_\_\_\_\_

Date \_\_\_\_\_

(If the petition includes multiple petitioners, all petitioners must sign the application. Attach a separate sheet if necessary.)

## MEMORANDUM

To: Rock Springs Planning and Zoning Commission

cc: Paul Kauchich, Director of Engineering and Operations and Public Services, Zoning Administrator

From: Richard W. Beckwith, City Attorney

Re: Proposed Amendments to Article 13-9

Date: Wednesday, August 21, 2019

---

The purpose of this brief memorandum is to recommend certain changes to Article 13-9 and to explain the reasons therefor. As you may or may not be aware, a recent application for major changes to a P.U.D.'s Final Development Plan was submitted and approved by the Commission some weeks ago. In the course of processing the application, staff became aware of three typographical errors that have resulted in a noticeable amount of confusion for the City Council as well as for the public. Essentially, Section 13-906 D contains two paragraphs enumerated as "(2)". As a result, the second section currently designated as Section 13-906 D. (2) should in fact be enumerated as section 13-906 D. "(3)" and the current Section 13-906 D.(3) should be enumerated as Section 13-906 D."(4)".

Section 13-906 G.(2) addresses applications for major changes to a Final Development Plan. Under that section, the applicant must undergo a hearing before the City Council after approval of the application by the Planning and Zoning Commission. The applicant is then directed to 13-906 G.3. (sic). The current Section 13-906 D.(3) outlines the hearing process before the City Council for review of a Preliminary Development Plan. Unfortunately, the section leaves applicants with no guidance regarding what steps to take after the City Council has heard and approved the application for major changes to the Final Development Plan. The issue is easily resolved by a simple correction of the apparent typographical errors. By re-designating the current, second Section 13-906 D. (2) to 13-906 D.(3), applicants for major changes to a Final Development Plan will be directed to the Platting Process, which would be, in fact, the next logical step following the City Council's approval of an application major changes under Section 13-906 G.(2).

I have attached the proposed changes to this memorandum for your review. I strongly recommend approval of the changes at the Commission's earliest convenience.

/s/ Richard Beckwith, City Attorney

**ORDINANCE NO. 2019- \_\_\_\_\_**

**AN ORDINANCE AMENDING ARTICLE 13-9 OF THE ZONE DISTRICT REGULATIONS OF THE ORDINANCES OF THE CITY OF ROCK SPRINGS, ENTITLED "ADMINISTRATIVE PROCEDURES".**

WHEREAS, after notice given in the manner and for the time required by law, the Planning and Zoning Commission of the City of Rock Springs held a public hearing on the \_\_\_\_\_th day of \_\_\_\_\_, on proposed amendments to Article 13-9 of the Ordinances of the City of Rock Springs; and,

WHEREAS, the Planning and Zoning Commission of the City of Rock Springs, Wyoming, voted to recommend approval of amendments to Article 13-9 of the Ordinances of the City of Rock Springs as outlined below; and,

WHEREAS, notice of hearing before the Governing Body of the City of Rock Springs, Wyoming, has been given as required by law, and the Governing Body has determined that said amendments should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That Section 13-906 D. of the Ordinances of the City of Rock Springs be amended as follows:

13-906 D. Preliminary Development Plan

(1) Submittal Requirements.

\*\*\*

(2) Planning Commission Review and Hearing.

\*\*\*

(~~23~~) Platting Requirements.

\*\*\*

(~~34~~) City Council Review and Hearing.

Section 2. That Section 13-906 G. (2) of the Ordinances of the City of Rock Springs be amended as follows:

Major changes, such as alterations in structural types, in the shapes and arrangements of lots and blocks, in the allocation of open space or other land uses which increase density and/or intensity of the project, and all other changes which significantly affect the overall design of the project shall be referred to the Planning and Zoning Commission for report and recommendation to the Council after which the City Council shall hold a public hearing and shall either approve or deny the changes in the Final Detailed Development Plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes. Requirements of Section 13-906.D.(~~3~~). shall apply to requests for

Major Changes. Applications for a Major Change shall be made on forms supplied by the Zoning Administrator and shall be accompanied by the required fee and exhibits as required by the Zoning Administrator.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

## PUBLIC HEARING NOTICE

**TAKE NOTICE** that the Rock Springs Planning and Zoning Commission will hold a public hearing in the Rock Springs City Hall Council Chambers at 7:00 p.m., September 11, 2019, where all interested parties will have the opportunity to appear and be heard regarding the following:

An application submitted by Paul D. Kauchich, Director of Engineering / Operations & Public Services to consider amending Chapter 13 (ZONING) of the Ordinances of the City of Rock Springs to correct numbering errors pertaining to **ADMINISTRATIVE PROCEDURES**. The following sections are proposed for amendment:

Section 13-906.D.	Preliminary Development Plan
Section 13-906.G.(2)	Amendments to P.U.D. Approval, Major Changes

You may view a copy of the proposed amendments at the Rock Springs Planning Department Office, 212 'D' Street, Rock Springs, Wyoming or on the City's website at: [www.rswy.net](http://www.rswy.net) .

Dated this 20<sup>th</sup> day of August 2019.



Cathy Greene, Sr. Administrative Assistant  
Department of Engineering / Operations &  
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