

## **CHAPTER XV – WIRELESS TELECOMMUNICATIONS FACILITY**

### **Section 1. Purpose.**

The purpose of this regulation is to implement standards and establish procedures in order to protect Sublette County from the uncontrolled expansion and siting of towers or wireless facilities in locations that have significant adverse effects and may cause irreparable harm. It is further the purpose of these provisions:

- A. To protect the community's visual quality and safety while facilitating the reasonable and balanced provision of wireless services. More specifically, it is the County's goal to minimize the visual impact of wireless facilities on the community, particularly in and near residential zones and in and along highly visible and scenic corridors;
- B. To establish clear guidelines and standards and an orderly process for review intended to facilitate the deployment of wireless transmission equipment, while providing advanced communication services to the County, its residents, businesses, and the community at large.
- C. To promote and encourage shared use and co-location of towers and other antenna support structures, rather than the construction of additional single-use towers;
- D. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of wireless services, (2) discriminate among functionally equivalent service providers, or (3) regulate wireless facilities and transmission equipment on the basis of radiofrequency emissions as long as such emissions comply with the standards established by the Federal Communications Commission Regulations.

### **Section 2. General Provisions.**

- 1. Wireless Telecommunications Facility or Towers are only allowed by conditional use permits within all Zoning Districts. A Commercial Building permit is required for construction, modification, reconstruction, or addition of equipment to a site, and must demonstrate compliance with current Federal Communication Commission (FCC) Regulations.
- 2. Exempt Facilities. The following facilities are exempt from this section:
  - a. FCC licensed amateur (ham) radio facilities up to seventy (70) feet in height;
  - b. Satellite earth stations, dishes and antennas used for private television reception;

- c. Antennas attached to existing structures (such as commercial buildings, houses or apartments) for the purposes and used solely for occupants of the building to which the antennas are attached as long as the maximum height limits of the zoning district are not exceeded;
  - d. County facilities, equipment and services, including, but not limited to, those involving sheriff, fire, EMS, related to public health and safety;
  - e. A temporary, wireless facility that provides communication for any emergency management services, news coverage, or coverage of special events. These wireless facilities shall be exempt from the provisions of this section for up to one week before and two weeks after the duration of the emergency or event;
3. Applicable Facilities. All towers, poles, support structures, antennas and related equipment shall be subject to the following regulations.
- a. All poles or towers exceeding the maximum height limits of the affected zoning district shall require a height variance.
  - b. All commercial towers, antennas or arrays, shall require a conditional use permit, building & development permit, and, if applicable a height variance.
  - c. All private tower antenna or array, meeting all of the applicable requirements of this section will be permitted with a building & development permit.
  - d. Antennas attached to utility poles and streetlights in the right-of-way shall not extend more than ten (10) feet above the highest point of the pole structure.
4. Effect of Permit. A permit from the County authorizes an applicant to undertake only the activities specified in the application and permit, and in accordance with this Section. A permit does not authorize attachment to or use of existing poles or other structures in the right-of-way.
5. Application Fees and Bonds. All applications pursuant to this Section shall be accompanied by the requisite fees and/or bonds required by the County.
6. Co-location. It is the policy of Sublette County to minimize the number of wireless towers and support structures within the County, by encouraging the co-location of antennas by wireless service providers on a single tower or support structure.
7. Design Justification. At the time of filing an application, an applicant shall provide design and construction drawings that explain how the proposed design complies with the applicable standards under this Section to the maximum extent feasible.

8. General Requirements.

- a. To the extent feasible, antennas shall be placed and colored to reasonably blend into the architectural detail and coloring of the host structure or the natural surroundings. Non-wooden poles shall be painted a color that best allows them to blend into the surroundings.
- b. Security lighting for the equipment shelters or cabinets and other ground ancillary equipment is permitted, as long as the lighting footprint does not leave the facility site.
- c. Equipment shelters and cabinets and other ground ancillary equipment shall be screened.
- d. All towers, poles, antennas and related equipment must meet current standards and regulations of the FAA, the FCC and any other agency of the Federal or State government with the authority to regulate towers, poles, antennas and related equipment.
- e. To ensure the structural integrity of towers and poles, the towers and poles must be maintained in compliance with industry standards and applicable codes.
- f. No facility may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the County.
- g. Highway 191. All support structures, towers, poles, facilities, and equipment lying northerly and easterly of Highway 191 from the East Fork River, north and west to the Sublette County line, and lying Westerly of Highway 189/191 from Daniel north and west to the Sublette County line, or being located within 10 miles of the National Forest Boundary shall be sited and designed to minimize adverse visual impacts on surrounding properties and the public to the greatest extent reasonably possible.
- h. The applicant shall use stealth design to the maximum extent feasible unless otherwise approved by the County. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings.
- i. Antenna arrays are permitted in any zone as long as they are located upon an existing structure (except on single-family houses, apartments or duplexes) that provides sufficient elevation for the array's operation without the necessity of extending the antenna array more than ten feet (10') above the structure. If any extension of more than ten feet (10') is needed to achieve the desired elevation, then a variance to the maximum building height is required.

9. Site Design Flexibility. Individual sites vary in the location of adjacent buildings, existing trees, topography, and other local variables. The tower, pole, equipment and facilities may be installed so as to best camouflage, disguise, or conceal them, to make them more closely compatible with and blend into the setting or host structure, upon approval by the County.
10. Construction Provisions. All structures shall be designed, constructed and installed to the manufacturer's specifications to withstand recommended snow/ice loads and wind speed for the location.
11. Interference. The providers' facilities, equipment and structures shall not physically interfere with any existing facilities, equipment or structures in the right-of-way, and they shall locate their lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abut any right-of-way.
12. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications. The County and its representatives shall be provided access to the worksite and such further information as they may require to ensure compliance with such requirements. All equipment that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this Section, shall be removed at the sole expense of the permittee. The County may stop work in order to assure compliance with the provisions of this Section.
13. Restoration.
  - a. The provider, or its agent or contractor, shall restore, repair and replace any portion of the right-of-way or other public property that is damaged or disturbed by the provider's wireless facilities or work in or adjacent to the right-of-way or other public property as required in this Section and all other applicable laws and County policies.
  - b. If the provider fails to timely restore, repair or replace the right-of-way or other public property, the County or its contractor may do so and the provider shall pay the County's costs and expenses in completing the restoration, repair or replacement, including reasonable attorney fees and expenses.
14. Inspections.
  - a. The County reserves the right to conduct an inspection of new or existing towers, antenna support structures, equipment, and facilities upon reasonable notice to the owner or operator to determine compliance with this Section and to prevent structural

and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with any construction standards set forth in the Sublette County Regulations, Federal and State Laws, and Applicable Industry Standards.

- b. If, upon inspection, the County concludes that a tower, antenna support structure, equipment or facilities fail to comply with regulations or standards and constitute a danger to persons or property, then upon written notice being provided to the owner or operator, the owner or operator shall have sixty (60) days to bring such into compliance with the codes and standards. Failure to bring such into compliance within said sixty (60) days shall constitute grounds for removal at the owner's or operator's expense.
15. Maintenance. The towers, antenna support structures, equipment and facilities shall at all times be kept and maintained in good condition, order and repair so that the same do not constitute a nuisance to or a danger to the life or property of any person or the public.
16. Abandonment. If any tower, antenna support structure, equipment or facilities shall cease to be used for a period of two year (2yrs.), the County shall notify the owner or operator that the site will be considered abandoned. Upon issuance of a notice to show just cause by the County, the owner or operator shall have one hundred eighty (180) days to show by a preponderance of the evidence that the tower, antenna support structure, equipment or facilities have been in use or under repair during the period of apparent abandonment. In the event the owner or operator fails to make such a showing, the County may issue a final determination of abandonment of the site and the owner or operator shall have ninety (90) days thereafter to dismantle and remove the tower, antenna support structure, equipment and facilities.

### **Section 3. Small Wireless Facilities**

- 1. Small Wireless Facilities, towers or support structures as defined, must obtain a conditional use permit and commercial building permit prior to construction within any zoning district.
- 2. Design Standards. The following information must be submitted for review:
  - a. Height, shape, design, and color of the support structures and related equipment;
  - b. Number, location, and styles of support structures that are to be installed or used;
  - c. Construction of each small wireless facility, including powering and metering;

- d. Structural design and specifications;
  - e. Lighting, or marking requirements;
  - f. Proposed use of stealth design, where applicable or necessary;
4. Site Development. All small wireless facilities shall be subject to the following development standards and site plan requirements:
- a. Design and construction drawings showing the proposed site and location of the wireless facility, property lines and building setbacks, easements, power lines, all existing and proposed structures, elevation views, and method of construction and installation, and any existing or proposed landscaping or screening if applicable;
  - b. Photo or graphic representation that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and cabling.
  - c. A height variance shall be required to construct a small wireless facility above forty (40) feet in height in any residential zoning district or above sixty (60) feet in height within all other zoning districts.

#### **Section 4. Macro Cell or Other Towers.**

- A. Macro cell towers, towers or support structures as defined, must obtain a conditional use permit and commercial building permit prior to construction within any zoning district.
- B. Permit(s) Required. No person shall develop, construct, modify or operate a macro cell tower or related equipment for this purpose upon any tract of land (public or private), within any right-of-way or on any building or structure within the jurisdiction of Sublette County prior to the approval of its application and issuance of the required permit(s) by Sublette County.
- C. Codes and Standards. All towers, facilities, equipment and antennas shall conform to the construction standards set forth by Sublette County Regulations, Federal and State Law, and Applicable Industry Standards. Upon completion of construction of a support structure and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all applicable regulatory standards shall be filed with Planning & Zoning Department. (Final Inspection)

D. Compliance. Cell towers used for commercial purposes must meet the requirements of TIA 222 Rev H, as it may be revised from time to time, and documentation evidencing such compliance must be submitted with the conditional use permit application. Included in the submittal shall be a Wyoming, PE stamped foundation and structural drawing as well as a PE stamped structural analysis (the loaded tower drawing with all antennas and hardware in place and the wind loading calculations). Upon completion of construction, the cell tower will be inspected by a third-party professional at the expense of the tower owner.

E. Setbacks and Separation Requirements.

1. Setback requirements shall be measured from the base of the tower to the property line of the parcel/tract of land on which it is located, and to any residential structure located within said property.
2. The tower structure shall be set back from property lines as required by the applicable zoning district in which it is located, or a minimum of one hundred ten percent (110%) of the total tower height, whichever is greater.
3. The tower structure shall be set back from any residential structure which is located within said property, a minimum of one hundred ten percent (110%) of the total tower height.
4. Tower structure must meet the following minimum separation requirements from other cell towers:
  - a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of 1.5 times the height of the tower.
  - b. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 2 times the height of the tower.

F. Illumination and Security Fences.

1. Cell towers, depending upon their height, shall not be artificially lighted except as required by the FAA. In cases where there are residential zoned properties located within a distance of ½ mile of the tower, any tower subject to this Section shall be equipped with lighting that minimizes its effect on residential zoned properties.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole

towers shall be designed and constructed in a manner which will preclude, to the extent practical, unauthorized climbing of said structure.

G. Conditional Use Permit and Height Variance. In addition to other County Regulation requirements, the Board of County Commissioners shall consider the following criteria in determining whether to recommend approval of a conditional use permit and height variance:

1. Nature of uses on adjacent and nearby properties;
2. Surrounding tree coverage and foliage;
3. Whether existing structures are located within the geographic area which meet the applicant's engineering requirements;
4. Whether existing structures do not have sufficient structural capacity to support the applicant's proposed antennas and related equipment; and
5. That the applicant demonstrates that there are other limiting factors not enumerated herein that render existing towers, poles or other structures unsuitable.

## **Section 5. Miscellaneous.**

- A. Compliance with Laws. These regulations shall be subject to all applicable laws. If State or Federal law conflicts with these regulations in any material respect, and if such law preempts a provision in these regulations, then the County shall amend these regulations to comply with such law.
- B. Severability. If any clause, provision, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby and shall remain in full force and effect.
- C. Conflict. These regulations are in addition to other regulations in the County Code. In case of a conflict between regulations, the more restrictive regulation shall apply.