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MEMORANDUM

To: Planning and Zoning Commission
From: David C. Gertsch, AICP, Planning Director
Date: November 2, 2023
Re: Vistabeam Variance Presentation

Staff has been approached by representatives of Vistabeam, an internet provider, about presenting information about a property that would require a variance from tower permit standards to site a tower. This request is unorthodox and out of sequence from the process provided in County zoning regulations. However, they have been placed on the agenda as requested.

The Planning and Zoning Commission should avoid making a decision on this discussion until after a formal application has been submitted. Staff would advise that the Planning and Zoning Commission avoid providing any definitive direction other than to follow the proper permitting process. The Planning Department has not been provided an application for review and cannot comment on this proposal. Planning Staff recommends that Vistabeam submit an application and follow the process defined in County zoning regulations if they would like to pursue this project.

Attached: Information provided by Vistabeam

ALBANY COUNTY VARIANCE NARRATIVE
-Wold Association Subdivision-

STATE REGULATION (variance is needed)

Section 9. Tower Permit > G. Minimum Standards for Towers >

1. Minimum setbacks from all property lines for Towers shall be 1 foot for every foot in height of the tower. The Board of County Commissioners can grant a variance from this setback requirement if the applicant can provide structural drawings and plans, produced by an engineer licensed in the State of Wyoming, that certify that in the event the Tower Collapsed, relief from the standard setback requirement would not pose a threat to the health and safety of adjacent property owners.

Vistabeam is willing to provide the structural drawings and plans, produced by an engineer licensed in the State of Wyoming, that will certify that in the event the Tower Collapsed, the tower would not pose a threat or safety to adjacent property owners. We received a quote for the structural drawings and plans, from an engineering firm licensed in the State of Wyoming, in the amount of \$4,800. Before proceeding further in the application for the variance, Vistabeam would like to hear the Board of County Commissioners' opinion on granting this variance.

REASON VARIANCE IS REQUESTED

Vistabeam is participating in the Connect America Fund and won CAF2 for Albany County. Since winning the CAF2 award for Albany County we have been working hard to serve the underserved with reliable internet. Albany County has been a challenge, to say the least. Terry Walling & Kena Walling (landowners) in the Wold Association Subdivision reached out to Vistabeam to offer their land as a building site for a tower. Their main concern was for the WYCO Fire Department. Currently, the Fire Dept's communication system is unreliable and very slow. Terry & Kena's property is the highest point in the district making this an ideal location for a tower. Vistabeam proposes to build a 146' self-supporting tower. The Wallings property is 208' by 176' and the tower being 146 ft tall does not meet the setback requirements even if we placed the tower directly in the center of the property. Not only will the tower serve the Wold Association Subdivision, but it will serve the community within a 10-12 mile radius of the tower. We estimate that 160 property owners would be able to have reliable internet service from this location if approved to build. Vistabeam, if approved, will allow the local Fire Department to co-locate vhf antenna at no cost as well as provide them with an internet connection at the station at no cost. The tower site will be equipped with a battery backup system and set up for generator backup to ensure service continuation during extended power outages.

EXPLAIN HOW VARIANCE STANDARDS WILL BE MET

Variance will not be detrimental to public health, safety, or welfare, or materially injurious to other properties.

Vistabeam feels confident that the proposed tower will not cause any public health, safety, or welfare, or materially injurious to other property owners. We have built 5 of these self-supporting towers and have not had any issues to date.

The variance will not limit the use of other properties in the district.

Granting the variance for Vistabeam to build the tower on the Walling's property, should in no way limit the use of other properties in the district. We believe having access to reliable internet would only improve

ALBANY COUNTY VARIANCE NARRATIVE

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other properties in the district by allowing emergency services to be able to send and receive communications when emergencies arise.

The hardship (basis of variance) is not self-inflicted by the applicant

The tower must be 146 ft tall in order to reach the community and Fire Department. The Walling's property, which is at 9,277 ft in elevation, allows for us to build a much shorter tower.

Granting of the variance is justified for one or more of the following:

- *Result in practical difficulty or unnecessary physical hardship inconsistent with the purpose of the resolution*
- *Strict enforcement of development standards would deprive the applicant of privileges enjoyed by other property owners in the same district.*

There is a shortage of reliable internet in this area and we feel this will benefit all property owners in the district. By approving this variance, we will be able to provide reliable internet access to the community as well as emergency services.



WYCO Volunteer Fire Department

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September 28, 2023

VistaBeam Internet

Attn: Emily Wicker

Via Email: Emily Wicker emily@vistabeam.net

Dear Ms Wicker: Thank you for pursuing the VistaBeam internet in the WYCO service area. Communications has always been a challenge for us in the area due to remoteness. I would anticipate this will help a great deal. The reliability of cell coverage can be spotty and landlines are extremely slow. The opportunity for true broadband in the area is a welcome addition. While we hear a lot about the State and Feds wanting to expand broadband, the luxury has escaped the over 300 property owners in our service area.

Thank you again for working on it and I look forward to seeing the results.

Best Regards,

A handwritten signature in blue ink that reads "James Rinehart".

James Rinehart

Chief, WYCO Volunteer Fire Department.

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"Neighbors Helping Neighbors"