

PLATTE COUNTY
PLANNING AND ZONING
NOVEMBER 11, 2009

Chairman Marty Shepard called the Platte County Planning and Zoning Commission regular meeting to order at 7:00 P.M. Commission members present were Bill Klein, Sherry Maston and Bob Brockman. Also present were Dan Kirkbride and Tim Millikin, County Commissioners, and Dennis Becker, Clerk to the Planning Commission.

The Planning Commission agreed to have a workshop on Tuesday, November 17, 2009 at 4:00 P.M. in the Commissioners Room to finalize discussion on the bylaws for the Platte County Planning Commission, to discuss the complaint policy and to consider methods to keep the Commission informed on items under consideration.

New Business

Item #1: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit to allow a temporary residence while constructing a permanent residence in an Agricultural District from Tracy & Kellie Preuit, applicants and titleholders.

The applicant is requesting to reside in an existing residence while constructing a new single-family residence with the intent to remove the old residence from the property following the completion of the new permanent residence.

An approved Special Use Permit is required to allow an additional residence, either temporarily or permanently.

The property abuts Agricultural Zoning District on all sides with the exception of some Industrial District on the west side.

ADVANTAGES: The applicant will be able to reside on his property while constructing a new home.

DISADVANTAGES: There are no apparent disadvantages to allowing the temporary residence while constructing a single-family residence as long as construction is completed in a timely manner and the older home is removed from the property upon that completion.

COMPATIBILITY: The temporary nature of an additional residence should have very little effect on neighboring properties.

AGENCY COMMENTS: There has been no comment from County Road & Bridge, the County Attorney or the County Engineer.

Platte County Resource District notes there may be some suitability limitations involved with a soil type associated with dwellings and small commercial buildings and some soil types associated with roads and streets, shallow excavations and lawns and landscaping and some types in regards to sewage disposal. (Please call this office if you would like a copy of the Resource District report.)

OTHER COMMENTS: None received at the time of this report.

ANALYSIS: The presence of the existing residence as a second home will only be temporary and will be removed from the property upon completion of the permanent residence. There have been no objections to this request and the proposed use is allowed with an approved Special Use Permit.

Wyoming DEQ requirements must be met to satisfy State law and to insure that necessary minimum standards of waste/wastewater disposal satisfy Platte County.

Because there will be only one residence, there will be no need to issue a second address.

STAFF RECOMMENDATION: Staff recommends approval of this request to allow temporary residence while constructing a single-family residence with the following conditions:

1. That the home the applicant is currently living in be removed from the property within one year of approval or within one hundred eighty (180) days of inhabiting the new single-family residence, whichever occurs first;
2. That necessary Zoning Certificates be submitted per standard County policies; and
3. That this be reviewed on a complaint basis, if necessary.

Chairman Shepard opened the floor to public comment. Laramie Cole asked why we are still requiring a Special Permit for a second residence. It was explained that per the current regulations this is standard policy until a change in those regulations is made. Mr. Cole and Chris Paulsen both asked how they or a group of citizens could present proposed changes to the Platte County Zoning Rules and Regulations. Commission member Maston said after the bylaws have been finalized then the Commission could consider the regulations. Chairman Shepard agreed that completed bylaws would dictate who you would take proposed changes to.

Hearing no additional comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Maston moved to recommend do pass for the Special Permit to allow a temporary residence while constructing a permanent residence in an Agricultural District with the three (3) staff recommendations in the Staff Report. Commission member Brockman asked the applicant if he understood and agreed to those conditions. Tracy Preuit said he would prefer condition #1

to be one year from inhabiting the new home and not include the 180 days. After some discussion, Commission member Maston amended the motion now to be, to recommend do pass with the three staff recommendations changing condition #1 to read “That the home the applicant is currently living in be removed from the property within one year of inhabiting the single-family residence.” Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #2: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit to allow a wireless communications tower in an Agricultural District from Verizon Wireless, applicant, and Smith Sheep Company, titleholder.

The applicant proposes to construct a wireless communication tower/facility on property owned by Smith Sheep Company in an Agricultural District located west of Interstate I-25 just south of the Platte County-Converse County line.

There appears to be two residences within approximately one mile of the proposed tower both belonging to this property owner. The facility will include a one hundred eighty foot (180’) tower with twelve (12) eight (8) foot antennas and an 11’8” x 26’ equipment building. The applicant proposes to add three additional eight (8’) foot antennas in the future.

ADVANTAGES: Wireless communication towers are necessary and in today’s E911 world, improved communication services are important. The property is zoned Agricultural District, which is where such uses are allowed with a Special Permit.

Call coverage will be improved for emergency services providers, local residents and travelers on I-25. The site is relatively remote.

DISADVANTAGES: In the long run, towers that are abandoned or fall into disrepair can become a liability.

AGENCY COMMENTS: WYDOT comments that there appears to be no adverse impact on Wyoming Department of Transportation facilities and adds no new accesses will be approved for this application, no modifications of any kind may be made to any existing access unless an access permit is submitted and approved prior to any changes being made.

SHPO called to advise they have no comment.

There have been no comments from the County Engineer, the County Attorney or the County Road and Bridge Department.

OTHER COMMENTS: None have been received at this time.

COMPATIBILITY: Much like billboards, compatibility is often in the eye of the beholder. Properties that are zoned Agricultural District and agricultural in use can be compatible with such uses, especially when remote like this site.

ANALYSIS: This type of use is regulated by the County primarily to ensure that inappropriate sites are not chosen and to allow the County to place certain restrictions and conditions on such a use to minimize impact on neighboring properties. With potentially high visual impact and semi-permanent uses of this nature the County should also be considering sites where such uses might be more appropriate than other sites, including where they might be clustered instead of scattered.

Verizon Wireless will be responsible to remove the unused towers, including site rehabilitation should they cease operation of this location.

This would appear to be an appropriate site for such a facility and should enhance communication service.

STAFF RECOMMENDATION: Staff recommends approval of this request to allow a communications tower in an Agricultural Zoning District with the following conditions:

1. That the applicant submits address and Zoning Certificate applications for the new facility prior to construction or initiation of the use;
2. That a copy of the contract with the landowner be submitted to verify responsibility of the company to remove unused structures and to reclaim the site prior to issuance of a Zoning Certificate for the structure;
3. That the tower be located a minimum distance of 110 percent of its height from the nearest property line;
4. That a tower unused as a telecommunication facility for a period exceeding one hundred eighty (180) consecutive days, or fallen into disrepair be required to be removed;
5. That GPS coordinates for the communications tower be provided to the Planning Office.
6. That the facility be constructed to all State and Federal standards and that the facility continually maintain compliance with all State and Federal agencies;
7. That this be reviewed every five (5) years and that Verizon submit a maintenance report prior to that review.

Chairman Shepard opened the floor to public comment. Irene Cooke, Closser Consulting, representing Verizon Wireless referred to condition #1 stating she understands that the address application is now part of the Zoning Certificate application. She also referred to condition #2 asking if the Commission would accept a written document in lieu of a copy of the contract

because of the confidential information contained in the actual contract. She also provided the Commission with some Google maps pinpointing the actual site.

Commission member Brockman stated a letter should be sufficient; Chairman Shepard agreed. Commissioner Kirkbride stated that the written document could be considered as long as it indicates who is to remove unused structures and who is to reclaim the site.

Hearing no additional comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Maston moved to recommend do pass for the Special Permit to allow a wireless communications tower in an Agricultural District with the seven (7) staff recommendations amending condition #2 to state “that a written document be submitted to verify responsibility of the company to remove unused structures and reclaim the site prior to issuance of a Zoning Certificate for the structure”. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #3: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit to allow expansion of a commercial gravel pit/limestone quarry in an Agricultural District from B&D Dozer & Trucking, Inc., applicants, and the Collins Family Trust, titleholders.

In April of 2001 Platte County approved a Special Use Permit to operate a gravel/limestone quarry over two (2) acres. The operation is currently under a ten (10) acre exemption and the applicants desire to expand the business to a small mine permit in order to produce more gravel and road base. The property is zoned Agricultural District and is used for grazing and wildlife habitat. There appear to be no nearby residences. (See the enclosed copy of the applicant’s objective and scope of services for more details.)

ADVANTAGES: The primary benefit would be to allow the applicants to produce additional road base material for which there is an increasing need from many consumers including Platte County Road & Bridge and the State of Wyoming. The expansion might also provide some economic benefit to the area. The site has good access to the State Highway system.

DISADVANTAGES: Mining that is not accomplished with care for the environment can excessively scar the land visually and can damage natural resources like soils and water, as well as cultural resources.

COMPATIBILITY: This type of use can be compatible with agricultural uses, particularly dry land grazing.

AGENCY COMMENTS: WYDOT comments include no new accesses will be approved for this application. No modifications of any kind may be made to any existing access unless an

access permit is submitted and approved prior to any changes being made. The requested change of use of the existing access(es) will require access permits to be submitted and approved as per state statute prior to any changes being made to the access prior to any site construction. All new accesses or access changes may require the applicant to construct at their expense all necessary highway modifications to protect the integrity, function, or safety of the highway facility. The modifications may include, but are not limited to, striping, signage, turn lanes, acceleration/deceleration lanes, drainage culverts, signals, etc. WYDOT will require a traffic impact study in order to assess impacts to WYO 319 and any required intersection modifications. Applicant should be made aware that dependent on quarry traffic drainage to the highway, applicant may be subject to severe load weight and size restrictions and/or seasonal hauling restrictions. WYDOT is skeptical that WYO 319 will withstand numerous truckloads of material to be hauled without causing extensive road damage. Restrictions will be enacted quickly upon initiation of any road damage. (Copy of comments attached.)

Platte County Resource District notes there may be some suitability limitations involved with some soil types associated with dwellings and small commercial buildings, some associated with roads and streets, shallow excavations and lawns and landscaping, some associated with source of reclamation material, road fill and topsoil, some associated with unpaved road constructions and some soil types in regard to source of sand and gravel. (Please call this office if you would like a copy of the Resource District report.)

SHPO comments that the proposed project is in an area of previous disturbance and has a low probability of containing historic properties and no further identification efforts are warranted. There is a possibility that buried prehistoric or historic materials may be discovered during the project and recommend the Department of Environmental Quality incorporate the following stipulation in the project permit: "If any cultural materials are discovered during construction, work in the area should halt immediately, the federal agency and SHPO staff be contacted, and the materials be evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards." (Copy of comments attached.)

There has been no comment from Platte County Road & Bridge, Platte County Attorney, Platte County Engineer or Platte County Weed & Pest.

OTHER COMMENTS: Two neighboring property owners from out of state called the office and expressed concern that expansion could negatively affect property values.

ANALYSIS: Landowners should always have the ability to request a beneficial use of their property, but causing detriment to other landowners should be of equal concern. Small mining operations can be mixed judiciously with other uses, but as they enlarge, the use becomes more industrial in effect. This request will have an impact on future land uses in this area as only industrial type uses and agricultural uses will be compatible on the immediately adjacent areas.

The other primary area of local concern is the potential volume of truck traffic, particularly any impact on public safety.

The Wyoming Department of Environmental Quality does regulate such uses through Land Quality, Air Quality and Water Quality permitting and is responsible for review and enforcement of environmental issues.

Appropriate conditions of approval *could* include limited expansion of acreage, limited expansion of water wells for dust abatement for the operation and a requirement to rezone to Industrial District to reflect the true nature of a larger operation. Restrictions already in the Aggregate Extraction section of the Rules and Regulations do apply.

The County could also consider making formal requests to WYDOT to consider signage and acceleration/deceleration lanes in the interest of public safety and traffic flow if deemed necessary and appropriate.

STAFF RECOMMENDATION: Staff makes no recommendation to approve or deny this request for expansion of this quarry to forty (40) acres; however, does recommend that any approval include consideration of the following condition, plus any others that might be deemed appropriate:

1. Stipulate that the County may review and consider revocation of this Special permit approval if knowledgeable of any State or Federal violations on this property.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion.

Hearing no Board discussion, Chairman Shepard called for a motion. Commission member Klein moved to recommend do pass for the Special Permit to allow expansion of a commercial gravel pit/limestone quarry in an Agricultural District with the one (1) staff recommendation in the Staff Report. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #4: Dennis Becker, Clerk to the Planning Commission, presented a Simple Subdivision Request to divide one parcel into three parcels in an Agricultural District from Lee and Ellen Alley, applicants and titleholders.

The applicants wish to subdivide one parcel into three parcels. Because three parcels are proposed and because each is over five (5) acres in size, this can be processed as a simple subdivision. All proposed parcels will have direct contiguous access to publicly maintained roads; Grayrocks and Ringneck Road, which are County roads.

The property is zoned Agricultural District and is surrounded by Agricultural Zoning.

The Wheatland Irrigation District has approved this proposal including the applicants' water distribution plan (copy attached).

Surveyor delays have made a survey unavailable at this time; the applicants ask that the acreage on parcels A and B be able to vary two or three acres up or down on the final survey.

ADVANTAGES: The proposed lot sizes easily allow for adequate individual water supply and wastewater disposal systems. There is an existing single family residence on the proposed five (5) acre parcel (parcel C) and a cabin on proposed parcel B. The property has good access to a State Highway.

DISADVANTAGES: There appear to be none.

AGENCY COMMENTS: WYDOT comments that there appears to be no adverse impact on Wyoming Department of Transportation facilities and therefore have no problems.

The Platte County Resource Conservation District has submitted comments noting that there may be some suitability limitations involved with some soil types associated with camp areas, picnic areas, and playgrounds, some soil types associated with dwellings and small commercial buildings, some soil types associated with landfills, some soil types associated with paths, trails, and golf fairways, some soil types associated with ponds and embankments, some soil types associated with roads, streets and shallow excavations and lawns and landscaping and some soil types associated with sewage disposal. (Please call this office if you would like a copy of the Resource District report.)

Any comments received after this report has been prepared will be presented at the hearing.

OTHER COMMENTS: As this is not an advertised hearing and as notices are not sent to adjoining landowners there should be no other comments.

ANALYSIS: The proposed lot sizes should easily accommodate on-site wastewater disposal systems and individual water supply systems. All proposed lots will be accessed from County maintained roads.

County subdivision regulations require a sixty foot (60') access and State subdivision regulations require that adequate documentation be provided showing that the proposed subdivision conforms to the minimum roadway standards adopted by the Board of County Commissioners and applied uniformly throughout the County. It is reasonable and proportionate to allow the subdivision with the requirement that a half-share of the lacking right-of-way be obtained from the applicant for the subdivision frontage along Ringneck Road.

In similar instances, this office has noted that the intent of the five acre minimum is still met with the granting of right-of-way to the County and that the applicant should not be penalized for

this type of subdivision requirement. This stance is supported by the County Attorney, the County Engineer and DEQ.

STAFF RECOMMENDATIONS: The Planning Office recommends approval of this subdivision request with the following conditions:

1. That three (3) parcels be created, each being a minimum of five (5) acres;
2. That an access easement be created per the Wheatland Irrigation District water distribution plan to serve Parcel B;
3. That a thirty-foot (30') wide strip of right-of-way be dedicated to the public along the subdivision frontage adjacent to Ringneck Road;
4. That an address application for the cabin on proposed Parcel B be submitted per standard County policies;
5. That a proposed subdivision name be submitted for review and approval prior to filing of a plat;
6. That a plat of the subdivision be filed within one (1) year of approval; and,
7. That the necessary disclosure statements appear on the plat and all other pertinent documents.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Chairman Shepard referred to the verbiage contained in condition #3, clarifying that the right-of-way is thirty feet total, from the centerline of the road.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Maston moved to recommend do pass for the Simple Subdivision Request to divide one parcel into three parcels in an Agricultural District with the seven (7) staff recommendations in the Staff Report. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

The Commission reviewed the minutes from the September 9, 2009 meeting. Commission member Brockman made a motion to accept the minutes from that meeting. Commission member Klein seconded the motion and it carried.

With no further public business Commission member Maston made a motion to adjourn. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; question, there was none. Chairman Shepard then called for the vote and the motion carried. The meeting closed at 8:20 P.M.

Respectfully Submitted, Dennis Becker, Clerk to the Planning Commission