PLATTE COUNTY

PLANNING AND ZONING

SEPTEMBER 15, 2010

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, Bob Brockman Sherry Maston and Dan Offe. Also present was Dan Kirkbride, County Commissioner and Dennis Becker, Clerk to the Planning Commission.

The Commission reviewed the minutes from the August 11, 2010 meeting. Commission member Brockman made a motion to accept the minutes from that meeting. Commission member Dan Offe seconded the motion and it carried.

New Business

Item #1: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit Request to allow the installation of one anemometer for wind monitoring in an Agricultural District from Pathfinder Renewable Wind Energy LLC, applicant, and White Tail Ranch LLC, titleholder.

Before reading the staff report the Clerk presented the Commission copies of an email clarification from the applicant regarding the specific site for the anemometer request. The Clerk also presented the Commission copies of a letter of concern from a neighbor regarding access from Deadhead Creek Road.

The applicant desires to construct anemometers on property southwest of Wheatland.

There appear to be residences located approximately one to two miles to the north, south and west of the proposed sites. A future wind farm might have more impact on these residences than the anemometer.

The anemometer is sixty meters in height. Pathfinder Renewable Wind Energy, LLC has stated that they will remove the structure to the satisfaction of the property owners.

ADVANTAGES: Anemometers/met towers are necessary for collection of information, this site would appear to have little impact on residences and the site is moderately remote.

DISADVANTAGES: This site has not previously been utilized for similar uses. In the long run, anemometers that are abandoned or fall into disrepair can become a liability.

AGENCY COMMENTS: Wyoming Game & Fish state that some sections have both mule deer and pronghorn crucial winter range and others only pronghorn and others only mule deer. To

protect wintering pronghorn and mule deer they recommend no human activity occur in winter ranges from November 15 through April 30. They recommend the anemometer tower guy wires to be fitted with bird deflectors to reduce bird/guy wire collisions. They have no aquatic concerns pertaining to this application. (Copy of comments attached.)

The County Engineer has no comment on this application.

Platte County Resource District has no comment on this application.

The matter was routed to F.E. Warren Air Force Base.

OTHER COMMENTS: No other comments have been received.

COMPATIBILITY: Much like billboards, compatibility is often in the eye of the beholder. Properties that are both zoned Agricultural District and agricultural in use can be compatible, especially when moderately 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.

The general site area has not been utilized for this type of use, but the site is significantly distanced from existing non-compatible uses, which gives this site merit as an appropriate area to consider initiation of such a use by permitting this tower. Any proposed wind farm will require application for a Special Permit with appropriate review at that time.

STAFF RECOMMENDATION: Staff recommends approval of this request to allow an anemometer/met tower in an Agricultural Zoning District, with the following conditions:

1. That a Zoning Certificate application be submitted, with fee based upon cost of the structure;

2. That this approval be voided if the anemometer is not constructed within two years;

3. That an anemometer unused as an active facility for a period exceeding one hundred eighty (180) consecutive days, or fallen into disrepair be required to be removed;

4. That the guy wires be made highly visible;

5. That the facility be constructed to all State and Federal standards and that the facility continually maintain compliance with all State and Federal agencies; and

6. That GPS coordinates for the anemometer location be provided to the Planning Office.

Chairman Shepard opened the floor to public comment. There was none.

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

Commission member Klein referred to the letter from the neighbor concerning access from Deadhead Creek. The neighbor, Wanda Toombs, was present and told the Commission that her letter of notification indicated several possible locations and potentially more than one anemometer. Her concern was the volume of truck traffic on Deadhead Creek Road that would be required to construct that many anemometers. With the clarification from the applicant that this request is for one anemometer only, the traffic will be minimal and she is now indifferent to placement and traffic volume.

Fred Meyer, representing White Tail Ranch LLC, said they are requesting one tower through this application and that they went to court to get right-of-way which they will use and if this should become a problem in the future they might request it to be made a County road.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Maston moved to recommend do pass for the Special Permit request to allow a the installation of one anemometer for wind monitoring in an Agricultural District with the six (6) 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.

Item #2: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit Request to allow a temporary residence while constructing a permanent residence in an Agricultural District from Jonathan G. and Daphne Malcom, 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.

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: The County Engineer has no comment on this application.

Platte County Resource District notes there may be some suitability limitations involved with some soil types associated with camp areas, picnic areas and playgrounds, some types associated with dwellings and small commercial buildings, some types associated with erosion hazard of natural surface roads and construction sites, some types associated with landfills, some types associated with ponds and embankments, some types associated with roads, streets and shallow excavations and some types associated with 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. Jon Malcolm, applicant, referred to condition number one and said his concern is that they have not yet been able to get a contractor lined up and are still in the process of getting bids. They have no intent to use the original home for a residence but requested the Commission to consider allowing it to be used as an accessory building.

Chairman Shepard commented that he felt the applicant made a valid point and that he should be able to keep the structure as an accessory building. Commission member Maston said she agreed since this property is zoned Agricultural District.

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 Offe moved to recommend do pass for the Special Permit request to allow a temporary residence while constructing a permanent residence in an Agricultural District changing condition number one to read "to allow the original structure to be used as an accessory building after occupying the new home" and with the other two conditions as they appear 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 #3: Dennis Becker, Clerk to the Planning Commission, presented a Simple Subdivision Request to divide one parcel into two parcels in an Agricultural District from Bert hold and Pegi Martin, applicants and titleholders.

The applicants wish to subdivide one parcel into two parcels. Because only two parcels are proposed and because both parcels will be over five acres in size this can be processed as a simple subdivision. Both parcels will have direct contiguous access to a publicly maintained road; Grange Road.

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

ADVANTAGES: The proposed lot sizes should easily allow for adequate individual water supply and wastewater disposal systems and only one additional parcel is being created. There is an existing single family residence on the smaller parcel to the north. The larger property to the south has a pole barn, but no residence. The property has good access to a County road.

DISADVANTAGES: There appear to be none.

AGENCY COMMENTS: The Wheatland Irrigation District has submitted comment indicating there are no water rights on the south side of the canal and no water right plan will be necessary. (Copy of comments attached.)

Platte County Resource District comments there may be some suitability limitations involved with the some soil types associated with ponds and embankments, some with roads and streets, shallow excavations and lawns and landscaping and some with sewage disposal. (Please call this office if you would like a copy of the Resource District report.)

The County Engineer has no comment regarding this request.

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 and only one additional parcel is being proposed. Both proposed lots will be accessed from a County maintained road.

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

1. That two (2) parcels be created;

2. That a proposed subdivision name be submitted for review and approval prior to filing of a plat;

3. That a plat of the subdivision be filed within one (1) year of approval;

4. That the necessary disclosure statements appear on the plat and all other pertinent documents.

Chairman Shepard opened the floor to public comment. There was none.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. There was none.

Hearing no Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Simple Subdivision Request to divide one parcel into two parcels in an Agricultural District with the four (4) staff recommendations in the Staff Report. Commission member Dan Offe 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 Special Permit Request to Rezone to Residential District from Herschel Pruitt, applicant, and Driftwood, Inc., titleholder.

Before reading the staff report the Clerk presented the Commission copies of the survey that the applicant has provided.

Chugcreek Estates is zoned Residential District with the exception of this one unnumbered lot in the northwest corner at the intersection of Bellis and Antelope Gap Roads that is zoned Commercial District. The applicant is requesting this Rezone to Residential District to allow a lot split that will merge divided portions of this lot into the two residential lots directly to the south.

ADVANTAGES: Chugcreek Estates is an established residential use. A rezone to Residential will reflect the actual use of the property.

DISADVANTAGES: There appear to be none.

AGENCY COMMENTS: The County Engineer has no comment on this application.

Platte County Resource District notes some suitability limitations involved with a soil type associated with dwellings and small commercial buildings, a type associated with erosion hazard of natural surface roads and constructions sites, some types associated with landfills, a type associated with paths, trails and golf fairways, some types associated with ponds and embankments, some types associated with roads, streets and shallow excavations, some types associated with sewage disposal and some types associated with source of reclamation material, road fill and topsoil. (Please call this office if you would like a copy of the Resource District report.)

No other comments have been received at this time.

OTHER COMMENTS: No comments from neighboring landowners or the general public have been received at this time.

ANALYSIS: The entire commercial lot that will be rezoned has been surveyed and will be merged with the existing Residential Lots 1 and 22 through a boundary line adjustment. Residential District appears wholly appropriate.

STAFF RECOMMENDATIONS: Staff recommends approval of this request to rezone to Residential District, with the rezoning to be effective upon filing of said boundary line adjustment.

Chairman Shepard opened the floor to public comment.

Herschel Pruitt, applicant, informed the Commission that he had previously sold Lots 1 and 22 and retained this lot which was zoned Commercial District. He stated he has an opportunity to sell the property and has had it surveyed in order to allow for a boundary line adjustment. He stated this will take three lots and create two.

Hearing no additional 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 Request to Rezone to Residential District. Commission member Offe 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 #5: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit Request to allow commercial aggregate extraction in an Agricultural District from McMurry Ready Mix Company, applicant, and the State of Wyoming, titleholder.

The applicant has been working with DEQ Land Quality Division for a 10-acre permit and with DEQ Air Quality Division for a permit as well as a Sand and Gravel Lease with the Office of State Lands to consider a gravel quarry on this property. Any future expansion beyond the ten (10) acres will require an additional request via another Special Permit through this Commission. Because of the scattered nature of the gravel deposits, this will probably be a series of separate pits, each mined with reclamation occurring as mining moves to the next area.

The proposed site is surrounded by Agricultural Zoning District with no residences in the immediate vicinity. The primary access will be the West Hellbaum Road access from Pioneer Road. The applicant proposes some minor upgrading on part of the road and more substantial work on a portion on the Byergo property and indicates they have a road use agreement with that property owner.

Crushing equipment will be used at this site. Per the agreement with the surface grazing lease holder the crushing operation will be fenced to eliminate conflicts with livestock. Due to the remote location, the applicant requests hours of operation from 6AM to 8PM seven days a week as necessary.

ADVANTAGES: The primary benefit would be to allow the applicant to produce additional gravel for which there is an increasing need from many consumers in Platte County and the surrounding area. The site has good access to the State Highway system.

According to the State Engineer's website, there are no water wells within the area. No blasting is proposed for this site.

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. The operation may be visible from I-25, approximately ¾ mile to the west.

COMPATIBILITY: This type of use can be compatible with agricultural uses, particularly dry land grazing. The applicant is addressing fencing and other concerns with the surface grazing lease holder. There are open country wheat farms to the east.

AGENCY COMMENTS: DEQ comments they have reviewed McMurry's application to establish the Chugwater Pit, which will include sand and gravel crushing, screening, exposed acreage, stockpiling, haul activity and a hot mix asphalt plant, located in portions of Sections 4, 5, 8 and 9, T21N, R66W, in Platte County, and find the application to be complete and will proceed with a technical review of the application. They note that this does not preclude the air

Quality Division from requesting additional technical information or clarification at a later date, as deemed necessary. A decision will be made to either approve or disapprove your request within sixty days of the determination that the application is complete. (Copy of comments attached.)

The County Engineer comments that although he has advised the applicant that through road agreements contractors are to return any damaged county roads to at least the condition they were in before hauling on them, he notes that West Hellbaum Road is not a county road. (Copy of comments attached.)

Wyoming Game & Fish comments include no terrestrial wildlife concerns with this project. The proposed Chugwater Pit is within 0.5 miles of Chugwater Creek. Chugwater Creek is a Yellow Ribbon trout stream of regional importance. Fish species present in Chugwater Creek are: brassy minnow, bigmouth shiner, brown trout, channel catfish, creek chub, carp, fathead minnow, Johnny darter, longnose dace, longnose sucker, quillback, rainbow trout, red shiner, sand shiner, central stoneroller and white sucker. To minimize impacts to the aquatic resources of Chugwater Creek we recommend the following: Accepted best management practices should be implemented to ensure that all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to Chugwater Creek as a result of project activities should be promptly re-vegetated to maintain water quality and channel stability. Buffer zone of 500 feet of undisturbed vegetation should be left along Chugwater Creek to minimize sedimentation and direct fish habitat impacts. Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 500 feet from riparian areas. (Copies of comments attached.)

Platte County Resource District comments that there may be some suitability limitations involved with some soil types associated with dwellings and small commercial buildings, some associated with erosion hazard of natural surface roads and constructions sites, some associated with ponds and embankments, some associated with roads, streets and shallow excavations and some associated with source of sand and gravel. In addition, they comment that Chugwater Creek was placed on the impaired streams list in 1998 due to sediment. PCRD would like to emphasize that Chugwater Creek was released off of table C of the 303d list from the DEQ in 2009 after a 10 year debate and many time consuming and expensive measures. Water quality and quantity is a large concern for our local landowners and the PCRD. We would like to recommend that a different location be considered allowing more of a buffer to protect Chugwater Creek. PCRD is not asking the permit be denied but would appreciate all consideration and cooperation in this matter. (Please call this office if you would like a copy of the Resource District report.)

The matter was routed to WYDOT, SHPO, the EPA, and the Director of DEQ as well as DEQ Active Mine Reclamation, Air Quality, Land Quality, Water Quality and Soil & Hazardous Waste.

OTHER COMMENTS: At the time of this report no other comments have been received.

ANALYSIS: The application appears to meet the minimum standards of required information for a 10-acre permit.

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. 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 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. The applicant states that roads will be treated with a dust suppressant as needed. In addition, the applicant indicates that a complete storm water plan will be submitted to DEQ with issuance of the permit.

The applicant indicates the proposed location of the ET is approximately one-half mile from Chugwater Creek and is not in a floodplain. The DEQ permitting process requires a complete Storm Water Pollution Control Plan in place prior to issuance of a final permit.

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 to allow a commercial gravel pit with a crushing operation in an Agricultural District; however, does recommend that any approval include consideration of the following conditions, 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;

2. That this approval be conditional upon approval of required State permits, with the understanding that final approval is expressly <u>not</u> granted until issuance of required State permits;

3. That this approval be for a maximum of ten (10) acres total and be confined within the NW1/4 of Section 9, Township 21 North, Range 66 West;

4. That no derelict vehicles or miscellaneous junk be stored on the site during the life of the operation;

5. That a minimum buffer zone of 500 feet be observed along Chugwater Creek to minimize sedimentation and direct fish habitat impacts (or other number as determined by the Commission);

6. That the applicant be subject to all requirements in the Aggregate Extraction Section of the Platte County Zoning Rules and Regulations; and

7. That this be reviewed on a complaint basis.

Chairman Shepard opened the floor to public comment.

Dan Brecht voiced concern regarding the distance from riparian areas and about the elevation and depth of this extraction process. Gene Brummond, in behalf of McMurry Ready Mix, stated that the ET is now about 3/8 of a mile from Chugwater Creek and the elevation is probably between 75 and 100 feet higher than the creek. He added that the gravel is at a four to five foot depth, so this will be shallow. He told the Commission that his is an old WYDOT location. He addressed the issue of a buffer to address the Game and Fish and the Resource District's concern, indicating the ET is quite a ways away from the creek. He said McMurry has other operations near Class A streams that require a buffer zone and there are mining techniques to prevent sediment impacts. He reports that they are working toward but do not have the storm water plan yet but that the other state requirements are in place and they also have an agreement to allow them to cross private property to access the area.

Chairman Shepard asked if the site would be visible from I-25. Mr. Brummond stated that Pioneer Road is about one and quarter miles east of I-25; the first mile is private property and the rest is the State of Wyoming. He said if McMurry were to expand parts could become visible; however when they dug test holes it was not visible.

Commission member Klein inquired about the route used to haul from the site. Mr. Brummond said they could go west but that would involve crossing a railroad track and bridge that they prefer to avoid.

Dan Brecht asked about demand for the gravel and Mr. Brummond stated it was dependent on wind generation.

Hearing no additional 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 Request to allow commercial aggregate extraction in an Agricultural District from McMurry Ready Mix Company, applicant, and the State of Wyoming, titleholder, with the seven (7) recommendations in the Staff Report. Commission member Offe asked the applicant if there were any access issues regarding crossing

private property. Mr. Brummond stated there were none. Commission member Maston 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 #6: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit to Vacate Platted Properties, Preliminary Plan, from AREA Land Development LLC, applicant, and Charles A. and Douglas C. Frederick, titleholders.

The applicant is requesting the vacation of portions of T/ Subdivision to allow the redesign of the area formerly comprised of Lots 4 through 7, consisting of approximately 19 acres.

T/ Subdivision was platted in 2001. Lots 1, 2 and 3 in the southern portion are zoned commercial and comprise approximately 7.5 acres. Above those lots is an un-zoned open space containing approximately 5.0 acres referred to as a Conservation Tract. Lots 4 through 12 lie to the north of that tract and are zoned residential.

There is a Declaration of Covenants, Conditions and Restrictions filed for this subdivision.

As the land is within one mile of a municipal boundary, the Town Council of Guernsey is required to approve any vacation of a plat before it is filed and recorded.

In part, Wyoming State Statute 34-12-108 states that any part of a plat may be vacated; provided, such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat.

ADVANTAGES: Vacating the undeveloped portion of this subdivision will enable the applicant to proceed with development plans for Phase II of a new subdivision and eventual development of the entire vacated area (Phases I and III).

DISADVANTAGES: There appear to be none.

AGENCY COMMENTS: The County Engineer comments that after the vacation there should still be a T/ Subdivision and the plat will show Lots 8 & 9 and the road in front of them, as is shown on the original Subdivision Plat. (Copy of comments attached.)

Wyoming Game & Fish comment is reflected in the Staff Report for the Subdivision Request.

OTHER COMMENTS: None at the time of this report.

ANALYSIS: The most directly affected public, the landowners within T/ Subdivision, should have a say in this request. The legality of whether this proposed vacation does, or does not, abridge or destroy any of the rights and privileges of other proprietors in said plat, is probably a legal matter that this office cannot adequately discern.

The applicant's request to vacate and subdivide does merit approval as these are undeveloped lots. A vacation plat must be filed with the required information, per the County Subdivision Regulations. The existing public roadways cannot be closed or obstructed.

STAFF RECOMMENDATIONS: Staff recommends approval of this vacation request and a new plat be provided for the T/ Subdivision allowing Lots 8 and 9 of the T/ Subdivision to remain along with that portion of the alignment of Crazy Horse Road fronting those two lots.

Chairman Shepard opened the floor to public comment.

Dan Kirkbride clarified that this vacation request will require a new plat to be created for the remainder of T/ Subdivision.

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

Commission member Offe inquired as to the status of Lots 10, 11 and 12. The Fredericks said those would be part of another phase for AREA and that only Lots 8 and 9 would remain as T/ Subdivision.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Special Permit to Vacate Platted Properties, Preliminary Plan. Commission member Maston 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 #7: Dennis Becker, Clerk to the Planning Commission, presented a Special Permit to Subdivide, Preliminary Plan, from AREA Land Development LLC, applicant, and Charles A. and Douglas C. Frederick, titleholders.

The applicant's preceding Vacation Request of T/ Subdivision was initiated to allow the redesign through this Subdivision Request of the area formerly comprised of Lots 4 through 7, consisting of approximately 19 acres. This tract of land was previously grassland zoned Agricultural District. The site is bordered by Guernsey Reservoir Road on the west and State Highway 26 on the south, the Platte River on the east and Guernsey State Park on the north. The lots are undeveloped.

This subdivision request is for the portion of T/ Subdivision identified as Phase II on the applicant's map. This area is currently zoned Residential and no rezone request will be necessary. Phases I and III will follow at a later date. A wastewater treatment plant (tertiary treatment) will be designed to accommodate all three phases with a treatment capacity of 630,000 GPD. Water will be provided by well and storage designed for all three phases with a

storage capacity of 240,000 gallons and a well production rate of 25 GPM and fire protection of 2 hours at 1500 GPM.

ADVANTAGES: Clustering lots like this in one subdivision is typically preferable to scattering them across a larger acreage as more farm and ranch ground can be affected by those haphazard subdivisions. There are fewer interfaces of residential and agricultural uses, there are fewer approaches onto primary roads and the County has more input on drainage issues and other matters.

The property has good access to the State Highway. There seems to be an increasing need for residential developments. The proximity of the Town of Guernsey and Guernsey State Park makes this site desirable particularly when considering emergency services, school bus and other public services.

DISADVANTAGES: Typically with a subdivision request the overall density of wells and wastewater systems could create potential for problems, dependent upon the soils, the geology and the hydrology; however the proposed wastewater treatment plant and well, pending DEQ approval, would address this issue.

The National Guard training area is in close proximity of this property.

The juxtaposition of residential uses and agricultural uses can create compatibility issues.

AGENCY COMMENTS: US Fish and Wildlife Service responded in detail listing species or their designated critical habitat that may be present in the proposed project area. This was provided to the applicant. US Fish and Wildlife Service requests information as to the current status of each of these species within the proposed project area. They request that any actions that may result in a water depletion to the Platte River system should be identified. They request surveys by knowledgeable botanists trained in conducting rate plant surveys. They request the applicant contact the Service's Migratory Bird Office in Denver to see if a permit can be issued for this project; no nest manipulation is allowed without a permit. Best Management Practices should be implemented within the project area wherever possible in regard to wetlands and riparian areas. (Copy of complete comments attached.)

The County Engineer comments that he has examined the drainage report for this application and it appears to be okay. He adds that it appears that on the new subdivision plat all lots will be 7000 square feet or larger. (Copy of comments attached.)

Wyoming Game & Fish comments include that human/wildlife conflicts may increase with additional housing developments. Buyers should be made aware of the potential for these conflicts in order to plan their developments accordingly. To minimize impacts to the aquatic resources in nearby waterways, we recommend that best management practices be used to control erosion and prevent sediment from reaching these waterways and proper development for

stream crossings. Examples of best management practices are: buffer zones, disturbed area stabilization with mulch, disturbed area stabilization with permanent vegetation, disturbed area stabilization with sod, and disturbed area stabilization with temporary vegetation. They include a website address for additional examples. (Copy of comments attached.)

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

Guernsey Rural Fire District comments that the city of Guernsey is not planning to annex this area at this time and so is not planning for fire protection and suppression. As proposed, this area will fall under our district's area of protection. The proposed density of development is, at this time, beyond the capabilities of our current equipment. We are not equipped to handle the urban interface as proposed. We are upgrading constantly as our budget allows but we are not there yet. Second is the state of the current building that is inadequate both in size and location. We are attempting to acquire land and to build a new facility that will give us the space to conduct training as well as to house our firefighting equipment in order to keep up with our new mission of providing both wild land and urban firefighting in our district. If there were an area included in the new annex and funds for a facility to house our base station both of these problems could be overcome. We do have some funds set aside to cost share with the construction of a new facility but are still short. The purchase of land near our base of Guernsey reduces the amount of funds available to build. Third is the possibility that Guernsey would one day annex this area but expect us to continue to provide fire suppression support. If the town does annex this area it will be removed from rural/county status and will also reduce county tax base and that will affect our budget by reducing the district's assessed valuation. The scenario that we could see play out is that the town of Guernsey would provide fire suppression but would bill us for costs because the annex was in our district. (Copy of comments attached.)

OTHER COMMENTS: In response to a certified letter as an adjoining landowner sent to the Office of Stand Lands and Investments, they reply that the state parcel is currently administered by the Military Department. The Office of State Lands does not object to the proposed special permit request. (Copy of comments attached.)

ANALYSIS: Subdivision approval is typically a matter of meeting subdivision requirements. Phase II of the proposed subdivision would divide the former Lots 4 through 7, approximately 19 acres, into sixty-seven (67) lots of 7000+ square feet (with one exception, Lot 43 is 6085.09 square feet). AREA proposes to build homes that will be rented.

Addressing the increasing need for residential developments, in December of 2009, Quality Assurance for Camp Guernsey identified Camp Guernsey as a "transient" post and as such there will never be authorization for building permanent housing. At that time Camp Guernsey Garrison had a need for approximately forty (40) homes. In addition the Air Force 90th Space Command, a tenant on Camp Guernsey, with a staff of twenty-six (26), buses from Cheyenne each day due to inadequate housing in the area, Camp Guernsey and the Air Force projects a 17% yearly growth rate. The Town of Torrington has opened a medium security prison with a full time staff between 350-400. All of this impacts the need to find housing.

Access to the property would be from Lakeside Drive on the west and appears to be adequate; the location is convenient to the Town of Guernsey. There appears to be adequate buildable area on all parcels.

The subdivision name will require approval by Jane Carlson/Emergency Management Coordinator. Road names must also be submitted for review and approval prior to submittal of a final plat.

Approval of this subdivision would require that the properties be accessed by right-of-ways a minimum of sixty-feet (60') in width. The roads should be constructed to a standard satisfactory to the County Engineer. AREA indicates all roads will be sixty feet (60') to the back of the curb. Storm water drainage concerns must be adequately addressed. The County Engineer will review and approve any drainage plans and concerns.

AREA plans no construction in the Conservation Tract and intends it to be used as a park or public area only. This major drainage channel crosses the subdivision in a northeasterly direction and exhibits severe gully erosion as it leaves the easterly boundary of the subdivision area. AREA should provide details of any consultation with NRCS regarding this area.

As the preliminary plat does not include details of Phases I and III, AREA should submit a detailed explanation of what future plans will be.

A new plat should be provided for the T/ Subdivision allowing Lots 8 and 9 to remain along with that portion of the alignment of Crazy Horse Road fronting those two lots along with an explanation of what becomes of the existing covenants.

Preliminary plan approval is subject to a non-adverse finding by the State on the water supply plan and the wastewater supply plan and the applicant must return to the Commission with the required State reviews for those applications.

STAFF RECOMMENDATIONS: Because subdivision approval is typically a matter of meeting subdivision requirements, staff recommends that this preliminary plan for a Subdivision be approved with the following conditions:

1. That the applicant submit a detailed explanation of what future plans will be for Phases I and III;

2. That the applicant submit details of consultations with NRCS regarding the Conservation Tract and the intended use of this area;

3. That a new plat be provided for the T/ Subdivision allowing Lots 8 and 9 to remain along with that portion of the alignment of Crazy Horse Road fronting those two lots along with an explanation of what becomes of the existing covenants;

4. That the drainage report be submitted and that the County Engineer review and give written approval of said plan;

5. That final plat approval include the requirement that said approval be subject to a non-adverse finding by the State on the water supply plan;

6. That final plat approval include the requirement that said approval be subject to a non-adverse finding by the State on the wastewater disposal plan;

7. That the applicant choose a hearing date to return before the County Planning Commission with the required State reviews of the water supply and wastewater disposal plans;

8. That the State review of the wastewater disposal plan be submitted at least ten days prior to that date for review by the Planning Office and the County Engineer;

9. That the State review of the water supply plan be submitted at least ten days prior to that date for review by the Planning Office and the County Engineer;

10. That any proposed roadway on this property be a right-of-way a minimum of sixty feet (60') in width;

11. That public utility easements be a minimum of ten feet (10') in width along all interior property lines;

12. That a public utility easement thirty feet (30') in width be created along the outside boundary (s) of perimeter properties;

13. That all roadways and drainage be constructed to a standard satisfactory to the County Engineer;

14. That road names be submitted for review and approval prior to submittal of a final plat;

15. That the numbering of the lots be done in an orderly fashion;

16. That an improvement guarantee be submitted with any final plat for road construction, drainage improvements, water lines, sewer lines, electrical lines and road signs *as required by Platte County subdivision regulations*; and

17. That necessary disclosure statements appear on the final plat and all other pertinent documents.

Chairman Shepard opened the floor to public comment. David Askins, President, AREA Land Development LLC, stated they are in process with requests from WYDOT and DEQ. He said they will have two underground tanks and water for fire control will not be an issue.

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

Commission member Offe clarified that this subdivision would not be annexed into the Town of Guernsey at this time. Mr. Askins indicated that was correct. Commission member Offe asked about responsibility for snow plowing of roads and trash collection as well as fire and police protection. Mr. Askins said the association would handle plowing; TDS would do trash collection; police protection would be the County and fire protection n from Guernsey Rural Fire District.

Commission member Klein clarified that these homes would be rentals and asked if the Commission should be concerned if AREA decided to sell them in the future. Commission member Brockman said it is only for this Commission to recommend approval of this request as presented whether they are rentals or to be sold. Commission member Maston agreed that is not a concern for this board.

Chairman Shepard clarified that the County does not enforce covenants.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Offe moved to recommend do pass for the Special Permit to Subdivide, Preliminary Plan with the seventeen (17) 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.

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 7:55 P.M.

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Respectfully Submitted, Dennis Becker, Clerk to the Planning Commission