



AGENDA

Tuesday, February 8, 2022
6:00 PM

NOTICE MEETING LOCATION CHANGE

Town Council Chambers
600 9th Street, Wheatland, Wyoming

- A. Call to Order – Roll Call
- B. Citizen Comments
- C. Declaration of Conflicts of Interest
- D. New Business
 - I. **Request:** Special Use Permit to operate a densitometer within Agricultural Classification (updated to Ranching, Agriculture, and Mining (RAM))
 - i. **Applicant:** Platte Pipe Line Company
 - ii. **Location:** acreage to the east of 923 Hwy 26, Wheatland, Wyoming in a portion of Section 1 of Township 26 North, Range 67 West
 - II. **Final Plat:** Laffitte Simple Subdivision
 - III. **Final Plat:** Lakeshore Tracts Replat of Lots 42-45
- E. Approval of minutes from the January 11, 2022 Regular Meeting
- F. Board Discussion (if any)
- G. Adjournment



Meeting Dates: Planning and Zoning, February 8, 2022, at 6:00 PM
County Commissioners, February 15, 2022, at 10:00 AM

Applicant: Platte Pipe Line Company, LLC

Request: Special Use Permit to operate a densitometer within Agricultural

Location: East of 923 Highway 26, Guernsey, Wyoming in a portion of Section 1 of Township 26 North, Range 67 West.

Request Details:

In accordance with Chapter 8 of the Platte County Planning and Zoning Rules and Regulations, Platte Pipe Line Company has submitted an application for a Special Use Permit to operate a densitometer within an Agricultural Classification (since the date of application, Agricultural Classification has been updated to Ranching, Agricultural, and Mining District (RAM)). Platte Pipe Line Company has an agreement in place with the landowners to operate and maintain a pipeline and other equipment and apparatus. Per the letter of intent, the densitometer is sampling equipment that will be enclosed within an approximate 1,920 square foot fenced site. The site will be unmanned, but will require installation of a graveled access road for periodic inspection and maintenance of the equipment.

Neighbor Comments:

Mr. Roesch – I own 923 Highway 26 and run my cattle on the Frederick’s property to the east. Will the applicant contact me before beginning construction to coordinate to ensure that gates are kept closed to keep my cattle in?

Agency Comments:

Mr. Seno with the Wyoming Office of State Lands and Investments- Based on the information provided the site’s location is near or adjacent to state-owned land. We note any access across or work performed on state lands will require prior authorization from the state. Apart from this, we have no further comment as to the activities are not proposed for lands owned by the state.

Ms. O’Rourke, Realty Specialist, Western Area Power Administration (WAPA)- For safety reasons the Western Area Power Administration would like the fencing to be 37.5 feet from the outer wire on the transmission line.

Responses:

In relation to Mr. Roesch's question: Platte Pipe Line Lands/ROW personnel are communicating with the landowners of the site and will ensure that any special instructions from the landowners are documented for the construction team and site inspector. However, the landowners have advised that the Project is not located in an area that would impact the neighbor's gates or cattle and plan to discuss the concern directly with their lessee.

In relation to WAPA: Platte's submitted drawing D-41-0.0-SC0001-1247 indicates that the closest point of Platte's fence, the northwest corner, will be approximately 90 feet from the nearest overhead powerline.

Analysis:

Platte Pipe Line Company's request to operate a densitometer within the RAM District, requires a Special Use Permit per the rules and regulations, and would support the existing pipeline project. Platte County has several pipelines that traverse the county and support economic development within the county. Platte Pipe Line's response to Ms. O'Rourke with WAPA was satisfactory and clarified the distance between the project and the powerlines, since the distance was hard to determine on the plans provided.

The opinion of the Planning Office is to approve Platte Pipe Line Company's request to operate a densitometer within the RAM District with the following conditions:

1. If needed, obtain any required prior authorization from the State of Wyoming.

Planning and Zoning Options:

In reviewing requests, the Commission may:

- 1) Approve the request as proposed;
- 2) Approve the request with conditions (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

** Failure to achieve a quorum results in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.



Platte Pipe Line Company, LLC
5400 Westheimer Court
Houston, Texas 77056-5310

December 15, 2021

Platte County Planning and Zoning Office
Attention: Ms. Amy Clark
600 9th Street
Wheatland, WY 82201

Re: Special Use Permit Application
Platte Pipe Line Company, LLC

Dear Ms. Clark:

Enclosed please find the completed application for a Special Use Permit (“SUP”) requested by Platte Pipe Line Company, LLC (“Platte Pipe Line” or “Applicant”) for the property located at 923 State Highway 26, Wheatland, WY 82201. Further enclosed are engineered drawings, including site plan, a copy of the agreement granting easement rights to the subject property, and a check for the application fee in the amount of \$529.96.

The Platte Pipe Line is a buried crude oil pipeline that traverses the subject property pursuant to the enclosed Right of Way Agreement dated October 30, 1950 with Henry and Stella Frederick, owners of the property. The agreement permits Applicant to operate and maintain its pipeline and other equipment and apparatus within the granted easement. Further, the current landowners have given written consent to the requested SUP.

The subject property is zoned for agricultural purposes. The requested use will permit Applicant to install sampling equipment, called a densitometer, within an approximate 1,920 square foot fenced site. The site will be unmanned, but will require installation of a graveled access road for periodic inspection and maintenance of the equipment. This equipment is for improved operation of the Platte Pipe Line.

Please contact the undersigned at (713) 627-6181 or Jason Risdall, Manager – Regulatory Affairs US at (218) 522-4705 should you have any questions regarding this application.

Respectfully submitted,

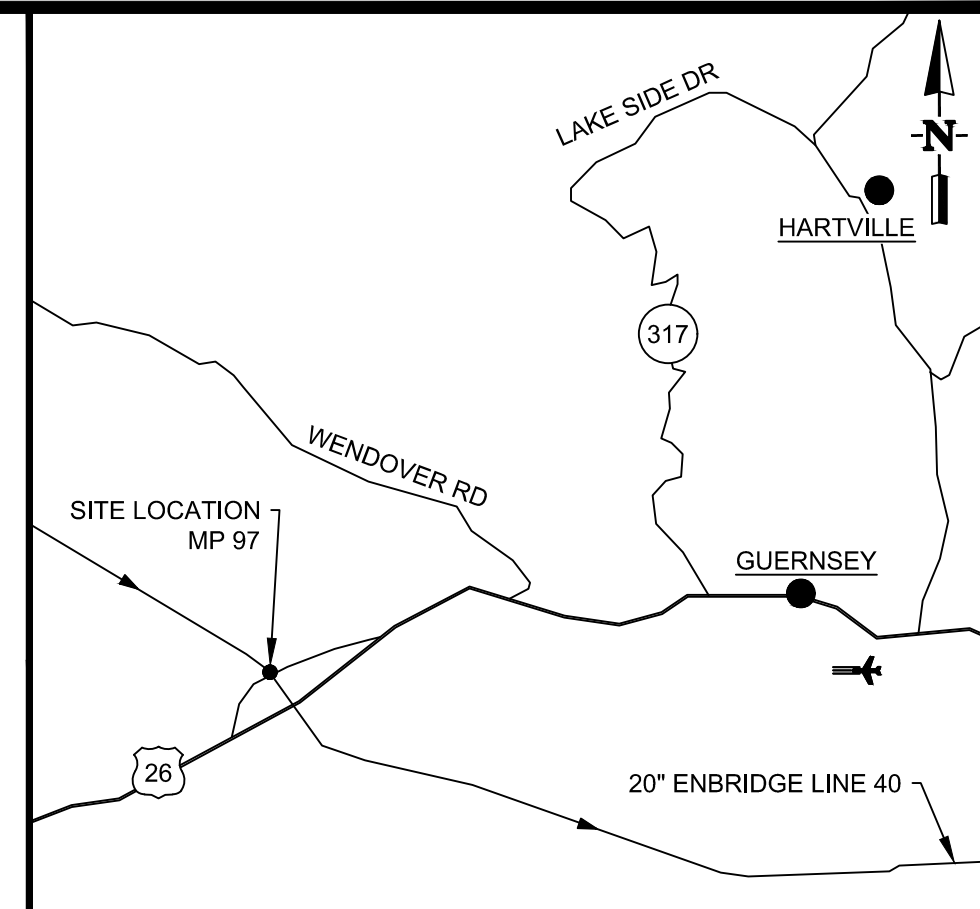
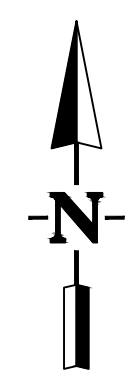
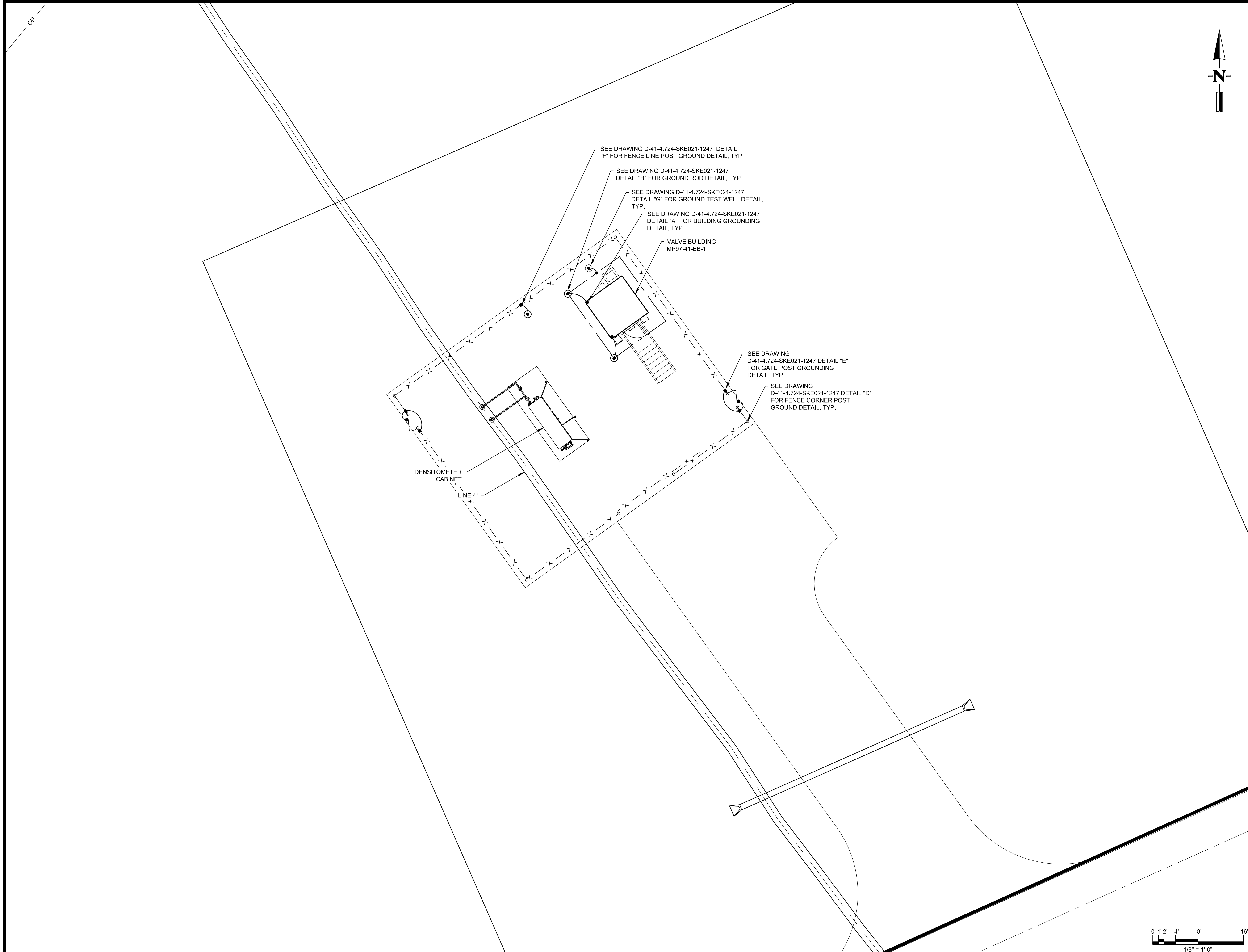
/s/ Cynthia Hornstein Roney

Cynthia Hornstein Roney
Senior Advisor – Regulatory & Compliance

Enclosures

Aerial





LOCATION PLAN

NE 1/4 OF NE 1/4 OF SECTION ONE (1) TOWNSHIP TWENTY-SIX (26) N,
RANGE SIXTY-SEVEN (67) W, SIXTH MERIDIAN, PLATTE COUNTY WYOMING

NOTE(S):

- GROUND SITE PER NEC.

LEGEND:

- - GROUND TAP
- ⊙ - GROUND ROD
- ⊗ - GROUND TEST WELL
- - MECHANICAL CONNECTION
- - GROUND CABLE, 4/0 INSULATED COPPER UNLESS NOTED OTHERWISE

90% REVIEW ISSUE

REV: 0.B	PROJECT TITLE: L41 REMOTE DENSITOMETERS	SEQ #: -	
AFE: MC.800030.024.02	PROJ: -		
WP NO: -			
REV	REVISION DESCRIPTION	DATE BY	CHK APPR
0.A	ISSUED FOR 60% REVIEW	2021-07-20 NDB/BARR	NAK/BARR J. VESPA
0.B	ISSUED FOR 90% REVIEW	2021-11-17 NDB/BARR	NAK/BARR J. VESPA

D-41-4.8-SKE022-1247 ELECTRICAL DETAILS
D-41-4.724-SKE021-1247 GROUNDING DETAILS

REFERENCE DRAWINGS

REV NO	REVISION DESCRIPTION	DATE BY	CHK	APPR

COPYRIGHT © THIS DRAWING IS THE PROPERTY OF ENBRIDGE AND SHALL NOT BE REPRODUCED EITHER IN WHOLE OR IN PART WITHOUT PRIOR WRITTEN CONSENT OF ENBRIDGE.

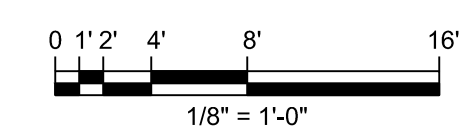


MP 97
LINE 41
MP97-41-V-1
GROUNDING PLAN

BY: NDB CHK: NAK ENG: J. VESPA ENB APPR: E. DANDO

DATE: 2021-07-20 SCALE: 1/8"=1'-0" STATUS: DESIGN

DWG NO.: D-41-4.724-128362-1247 REV NO.: 0.B





Platte Pipe Line Company, LLC
5400 Westheimer Court
Houston, Texas 77056-5310

January 28, 2022

Platte County Planning and Zoning Office
Attention: Ms. Amy Clark
600 9th Street
Wheatland, WY 82201

Re: Special Use Permit Application – Information Request
Platte Pipe Line Company, LLC

Dear Ms. Clark:

By email dated January 25, 2022 you requested additional information or a response from Platte Pipe Line Company, LLC (“Platte”) to comments received during the public notice period for this Project. Platte respectfully responds as follows:

1. Will I be contacted during construction to ensure the gates stay shut to keep my cows in? [neighbor that runs his cows on this parcel]
Response: Platte Pipe Line Lands/ROW personnel are communicating with the land owners of the site and will ensure that any special instructions from the landowners are documented for the construction team and site inspector. However, the landowners have advised that the Project is not located in an area that would impact the neighbor’s gates or cattle and plan to discuss the concern directly with their lessee.
2. If you will please add to your notes for safety reasons the Western Area Power Administration would like the fencing to be 37.5 feet from the outer wire on the transmission line. [Western Area Power Administration]
Response: Platte’s submitted drawing D-41-0.0-SC0001-1247 indicates that the closest point of Platte’s fence, the northwest corner, will be approximately 90 feet from the nearest overhead power line.

Please contact the undersigned at (713) 627-6181 or Jason Risdall, Manager – Regulatory Affairs US at (218) 522-4705 should you have any follow up questions.

Kind regards,

/s/ Cynthia Hornstein Roney

Cynthia Hornstein Roney
Senior Advisor – Regulatory & Compliance



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PLATTE COUNTY PLANNING & ZONING COMMISSION
RECORD OF PROCEEDINGS
TUESDAY, JANUARY 11, 2022

Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 6:08 PM on Tuesday, January 11, 2022, by Chairman Shepard in the Wheatland Town Council Chambers.

Members Present: Chairman Shepard, Commission Member Lockhart, Commission Member Brockman, Commission Member Tiltrum
Members Absent: Vice Chairman Klein
Staff Present: Planning Director Clark

Citizen Comments

Chairman Shepard asked if there were any citizen comments for items not on tonight's agenda. Delton Tinsley informed the Commission of a committee trying to bring a dialysis center to Wheatland and Banner Health has not shown any interest in assisting with this project. Mr. Tinsley provided information of the estimated number of patients that could be served by a local dialysis center, the locations that they have previously looked at, and the Platte and Goshen counties have the oldest population per capita in the United States. Member Brockman noted that this project has been attempted before and it is not economically viable but could be possible if land was donated. However, the land that was to be donated was not donated. Mr. Tinsley noted that Goshen County does not have a dialysis center and their bus that transports patients to Cheyenne is full and Cheyenne cannot accept any more patients. Chairman Shepard asked what was needed to help move the project forward. Mr. Tinsley stated that they need a space for the operation and at least four beds (dialysis equipment). They are looking into the cost of the equipment. Mr. Shockley noted that there may be available space in the Coleman Building by utilizing the old planner office and asked if the old nursing home was being utilized. Planner Clark noted that Banner Health was working with the Building Inspector to convert that portion of the building into a physical therapy facility and was previously utilized for administrative and human resource staff. Member Lockhart asked if they had looked into renting the building that previously housed North Platte Physical Therapy. Mr. Tinsley noted that they had contacted them, but the rent for the space was too high and they had also looked into the vacant building by the carwash. The issue with dialysis is even when patients have insurance, there isn't much money to be made. They have been speaking with different doctors to oversee the center and then they will need to hire a nurse to run the equipment as well. Chairman Shepard asked Mr. Tinsley how much capital was needed to get started. Mr. Tinsley stated that it could be \$50,000 or it could be more or less. Member Lockhart asked about a mobile unit and what the on-going monthly expenses would be. Mr. Tinsley stated that the mobile units are out of range price wise, and they will not know the monthly expenses until they are operational. Member Tiltrum asked if there had been any community meetings on this project. Mr. Tinsley stated that they have met three times, but they haven't held any

community meetings yet. The next meeting will be February 4, 2022. Chairman Shepard thanked Mr. Tinsley for the information.

Declaration of Conflicts of Interest

Chairman Shepard asked if any of the Commission Members had any conflicts of interest to declare.

None noted.

New Business

Request to rezone from Commercial to Agricultural Classification

Planner Clark noted Delton Tinsley has filed an application to request to rezone 67 El Rancho Road, Wheatland, Wyoming from Commercial Classification to Agricultural Classification. Mr. Tinsley is requesting to rezone due to transforming the commercial property into a residential property and to allow for better financing options. The existing RV spaces on the property will not be rented out but may be utilized by visiting relatives from time to time. No neighbor or agency comments were received. Due to the property being utilized as a residence and the parcel being 1.5-acres in size it could be utilized for agricultural purposes (mini or micro farm) in addition to the single-family dwelling. In addition, returning this parcel to its previous classification of Agricultural would remove a spot zone from the zoning map. Spot zone is the singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the landowner. The RV spaces on the property could be a concern in the future. Although, Mr. Tinsley does not intend on utilizing them in a business capacity currently, this does not prevent future owners from doing so. Should future owners wish to operate a travel trailer business a rezone and special use permit with the required design criteria and permitting through DEQ will be required. If approved, Mr. Tinsley should be aware of the requirements to operate a travel trailer business on the property and the penalties for operating one without going through the proper procedures; should he wish to operate a travel trailer business on this parcel in the future. In addition, any existing special use permits for 67 El Rancho Road shall be considered expired upon approval of this rezone by the County Commissioners and thereby starting their five-year retention per the records retention schedule. The opinion of the Planning Office is if Mr. Tinsley's request is approved returning this parcel to its previous classification of Agricultural would remove a spot zone from the county zoning map.

Delton Tinsley added that when it is time to sell the property that it cannot be financed with a residential loan due to being zoned commercial. I recently ran into this issue trying to sell a different parcel of land that the bank had labeled as commercial when it was agricultural. I was able to get it sold by having the zoning verified through the Planning Office. Every five years you can sell a residence and move on, is that correct Member Brockman? Member Brockman confirmed that this was correct up to a certain dollar amount. Mr. Tinsley continued that he planned to sell this property in five years because the house is too big. Member Lockhart asked about the retention and if that meant the property couldn't be rezoned back to commercial in five years. Planner Clark noted that because Platte County has adopted the state records retention schedule, all special use permits for this parcel would expire upon this rezone and thus starting the required five year retention per the retention schedule, before they could be moved for destruction.



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Commission Member Brockman motioned, second by Commission Member Tiltrum to approve Mr. Tinsley's request to rezone 67 El Rancho Road, Wheatland, Platte County, Wyoming from Commercial Classification to Agricultural Classification.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Tiltrum, Commission Member Brockman

NO: none

MOTION DECLARED CARRIED

Review: 2022 Platte County Planning and Zoning Fee Schedule

Planner Clark noted in preparation for the adoption of the updates to the Platte County Planning and Zoning Rules and Regulations the fee schedule has been adjusted to reflect the fees that are covered in the proposed additions and amendments. If temporary use permits are added to what is currently the Agricultural Classification section of the rules and regulations, then a fee will need to be established for a temporary use permit. This fee ranges from \$50 to \$300 when looking at the counties that also have a temporary use permit option. The Town of Wheatland has made some of these types of permits issuable by the Town Clerk, i.e., temporary circus permit. Temporary permits could be issued by the Planning Office if the applicant submitted all the required information. Tracking of temporary permits would require some workflow flexibility to find the most effective way of tracking to ensure compliance. Commission Members discussed the possibility of temporary use permits and what they could be used for and decided that they would be unnecessary at this time. Commission Members reviewed the proposed additional fees and asked if the permit fee included the building certificate costs. Planner Clark noted that the permit fee and the building certificate fees are separate fees.

Commission Member Tiltrum motioned, second by Commission Member Brockman to approve the fee schedule as presented.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Tiltrum, Commission Member Brockman

NO: none

MOTION DECLARED CARRIED

Resolution: Alternative Energy Rules and Regulations

Planner Clark noted speaking with Attorney Weaver and although he has not completed a full review of the proposed Alternative Energy chapter, he did not see any reason to remove the liability sections requiring the applicant, owner, and/or operator to maintain a current general liability policy. The Commission has seen the proposed Alternative Energy Chapter several times; is the Commission ready to make the recommendation for adoption by the County Commissioners?

Commission Member Lockhart motioned, second by Commission Member Brockman to approve Chapter 13 Alternative Energy as presented.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Tiltrum, Commission Member Brockman

NO: none

MOTION DECLARED CARRIED

Resolution: Agricultural Classification Rules and Regulations

Planner Clark noted at the direction of the Platte County Commissioners, the Planning Office performed an evaluation of the county's current Agricultural Classification rules and regulations. Upon comparison with other agricultural counties throughout the state, it became obvious that other counties opted for allowing several uses within their agricultural districts to prevent "spot zones" and promote non-agriculture related commercial and industrial business to be located closer to major interstates and highways, as well as, municipalities. Reminder, spot zone is the singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the landowner. By addressing the need to include already existing agricultural support businesses in Platte County, the want to allow for the option for additional agricultural support businesses to come into Platte County, and to give flexibility to the agricultural rules and regulations the Planning Office drafted Chapter 8 Ranching, Agricultural, and Mining District (RAM). Planner Clark noted that Vice Chairman Klein did call and wanted to address the acreage size requirement, because mini/micro farms are being coming more popular at what size does the County limit it's agricultural uses and how could these limitations possible effect irrigation. Planner Clark noted when considering the minimum parcel size the Planning Office took subdivision planning, well distance requirements, and septic distance requirements into consideration. When reviewing minimum parcel size requirements adopted by other counties in the state the range was 20 to 80 acres. When considering special use permits EMS Coordinator Stevenson noted that some uses may require additional fire prevention as determined by the Fire Chief. Planner Clark noted that this could be added as a statement after the special use permits listed in 8.15.020. Member Lockhart noted that since temporary use permits were not adopted into the fee schedule to have that section removed and the section numbering updated. In addition, the commission should consider updating the definition of commercial to better clarify what is commercial and how it applies to the different districts, because some agricultural businesses are commercial. However, the current definition in Chapter 2 states, "Land used predominantly for the sale of non-agriculture products and services." Member Lockhart asked for a copy of the statute 39.13.103 that defines what agricultural land is. Member Brockman noted this statute was related to taxation and not usage. Planner Clark provided Member Lockhart with a copy of the subdivision statues from title 18. Commission Members discussed the changes and Planner Clark noted that only the first section of the chapter the other two sections were copied directly from what is currently in the rules and regulations, and were moved to coordinate with the mining aspect of the chapter and to allow for a reserved space in the regulations.

Commission Member Lockhart motioned, second by Commission Member Tiltrum to approve Chapter 8 Ranching, Agricultural and Mining District (RAM) as presented OR as amended.

Upon roll call the vote on the MOTION was:



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YES: Commission Member Lockhart, Commission Member Tiltrum, Commission Member Brockman

NO: none

MOTION DECLARED CARRIED

Approval of Minutes

Approval of Minutes – October 12, 2021

Planner Clark noted amending the meeting location.

Motion by Commission Member Brockman with a second by Commission Member Lockhart was made to approve the minutes of the previous October 12, 2021, meeting as presented.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Vice Chairman Klein, Commission Member Brockman

NO: none

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted that there will be a February 8th meeting and when to schedule the second subdivision workshop can be determined at that meeting.

Chairman Shepard adjourned the meeting at 7:05 PM.

Approve:

Attest:

Chairman Planning & Zoning Commission

Planning Director Clark