



AGENDA

Tuesday, April 12, 2022
6:00 PM

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:** Simple Subdivision to divide approximately 40 acres into 4 approximately 10-acre parcels
 - i. **Applicant:** Richard and Melissa Houdek
 - ii. **Location:** E2W2SW4 of Section 21, Township 30 North, Range 68, West
 - II. **Request:** Simple Subdivision to divide approximately 40 acres into three parcels
 - i. **Applicant:** Brandon and Beth Wittrock
 - ii. **Location:** W2W2SW4 of Section 21, Township 30 North, Range 68, West
- E. Approval of minutes from the March 8, 2022 Regular Meeting
- F. Board Discussion (if any)
- G. Adjournment



Meeting Dates: Planning and Zoning, Tuesday, April 12, 2022, at 6:00 PM
County Commissioners, Tuesday, April 19, 2022, at 10:00 AM

Applicant: Richard and Melissa Houdek

Request: Request for a Simple Subdivision to divide approximately 40 acres into 4 approximately 10-acre parcels

Location: E2W2SW4 of Section 21, Township 30 North, Range 68, West, Platte County

Request Details:

Richard and Melissa Houdek have submitted a request for a Simple Subdivision to divide approximately 40 acres into 4 approximately 10-acre parcels located in the E2W2SW4 of Section 21, Township 30 North, Range 68, West, Glendo, Platte County, Wyoming. Per the letter of justification, Mr. and Mrs. Houdek enjoy the lake and the recreation that it provides, however, they do not need 40-acres and would like to allow other families the opportunity to enjoy not only the lake, but also be part of an established friendly community. They plan to develop the northern most tract and sell the remaining tracts.

Neighbor Comments:

March 22, 2022 and April 5, 2022 phone calls - John Bauder – Concerned about developing within a flood area. All of Duff Road flooded in 2010. Concerned about contamination of well water.

March 22, 2022 phone and April 2, 2022 and April 5, 2022 emails – George Eppler - Here are a few pictures with some explanations. This is Duff Road flooded. It shows the 40 acres that is up for sale. It is entirely flooded every square inch of it. The water is several feet deep too really deep over the entire property. All the people in our neighborhood can verify this is the flooded area. This area flooded after 2010 again, it flooded most all of the property that is for sale but did not quite go over the road. I can't remember what year that was. But it was after 2010. I will call you the first of the week with some more information.



These pictures are from Joe McCarty. They show it flooded but it still wasn't at its highest point it came up higher than this. So I've talked to Eddie and Becky Gitthens, Sean and Deb Kornegay, John and Sue Bauder, Joe and Peggy McCarty. So all of these people are people that live out there and lived there when it was flooded and will verify that every inch of that 40 acres goes under water. I believe we're all in agreement that there should not be a development of any kind in that area. It is pasture ground only. Any kind of structure, water well, sewer, would be a hazard to the public. A camping area where people stored things would be a hazard when flooded because it would float

off of the property to who knows where. I hope this helps everybody understand that this is a 100% floodplain area. Thank you George Eppler



Agency Comments:

Agencies contacted were Platte County Road and Bridge, WYDOT, Platte County Engineer, Platte County Fire, Platte County EMS, Platte County Assessor, Wyoming Department of Environmental Quality, State of Wyoming Engineer's Office, Platte County School District, Platte County Public Health, USPS, Platte County Resource District, Wyoming Office of State Lands & Investments, Wheatland Rural Electric Association, Platte County Sheriff's Office

No agency comments were received.

Road Name Comments:

The Planning Office asked if any department or municipality had any duplicates or conflicts with the proposed "Wittdek Place" road name.

Platte County Assessor - I don't have any duplicates to that name.

Platte County EMS Coordinator – Looks good to go.

Glendo Town Clerk – The Town of Glendo does not.

Guernsey Planner Allred - Well it just sounds dirty...but who am I to judge lol No conflict here.

Analysis:

Mr. and Mrs. Houdek's request to divide approximately 40-acres into four approximately 10-acre parcels meets the requirements of a Simple Subdivision. Mr. and Mrs. Houdek are aware of the

flood plain area and will add the following disclosure to the final plat, "Tracts 1-3 are located in an area of special flood hazard and are subject to Platte County Flood Plain Development Regulations as described in Platte County Resolution #2001-04, Resolution Applying for Flood Insurance, and FEMA Title 44, Chapter 1, Code 60.3(b), as documented in the Platte County Clerk and Recorder's Office." to show this encumbrance. Water and wastewater systems are permitted through the State of Wyoming.

Mr. and Mrs. Houdek have requested that the new parcels be zoned Class I Single-Family Residential Classification and have included draft covenants with their application. Residential Classification would be a good fit for the proposed future use of these parcels and pairs well with the proposed covenants.

If approved; per Platte County Rules and Regulations, Mr. and Mrs. Houdek shall, within one year, submit the final plat to the Planning and Zoning Commission and the Board of County Commissioners for review and approval.

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 will result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

February 9, 2022

LETTER OF JUSTIFICATION HOUDEK SIMPLE SUBDIVISION

Owner:

Richard L and Melissa D Houdek
1039 Dater road
Cheyenne, Wy. 82009

Site location:

The proposed subdivision to be known as "Houdek Subdivision" is located at the E1/2 W1/2 SW1/4 Section 21, Township 30N, Range 68 West of the 6th Principal Meridian, Platte County, Wyoming. The current property is approximately 40+/- acres.

Justification:

We would like to divide this property into four 10 acre tracts. We enjoy the lake and the recreation that it provides. However, we do not need 40 acres and would like to allow other families to have something to call their own. This property will give other families the opportunity to enjoy not only the lake but be a part of an established friendly community.

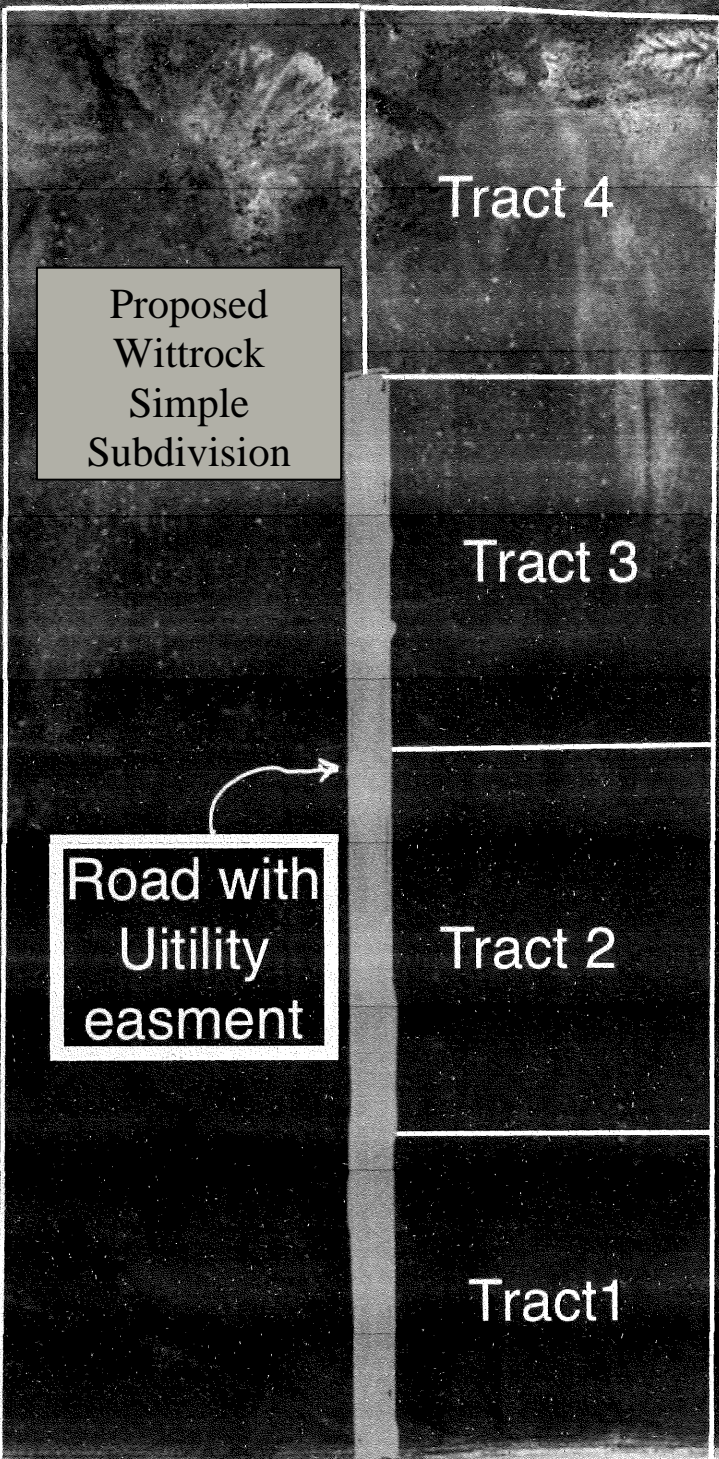
Along with recreation, selling property will allow us to have an investment opportunity. We will be keeping one of the said tracts and the rest of the tracts will be sold. This will decrease the financial burden of developing our property.

Thank you for your consideration,

Richard and Melissa Houdek

Legend

Rough preliminary plat



Proposed Wittrock Simple Subdivision

Road with Utility easement

Tract 4

Tract 3

Tract 2

Tract 1

Houdek Subdivision Tracts 1-4

Duff Rd

Houdek Aerial



RECEIVED
By A.K. Clark at 9:00 am, 3/30/22

SUBDIVISION PLAT
for
HOUDEK SIMPLE SUBDIVISION
SITUATE IN THE E 1/2 W 1/2 SW 1/4 OF SECTION 21
TOWNSHIP 30 NORTH, RANGE 68 WEST
of the 6th PRINCIPAL MERIDIAN, PLATTE COUNTY, WYOMING

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, RICHARD L. HOUDEK & MELISSA D. HOUDEK, HUSBAND AND WIFE, HEREBY CERTIFY THAT THEY ARE THE OWNERS IN FEE SIMPLE OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 68 WEST OF THE 6TH P.M., PLATTE COUNTY, WYOMING, AS DESCRIBED BY QUITCLAIM DEED RECORDED UNDER DOCUMENT NUMBER 696216 AND FILED IN DEED RECORD BOOK 553, PAGE 720 IN THE CLERK AND RECORDERS OFFICE OF PLATTE COUNTY, WYOMING.

THAT THE PLATTING OF THESE TRACTS AS THEY HAVE BEEN DESIGNED, SHOWN AND DELINEATED UPON ON THIS PLAT IS WITH THE FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDER-SIGNED OWNERS AND PROPRIETORS. SAID PLAT IS LAID OUT AND SURVEYED AS "HOUDEK SIMPLE SUBDIVISION", A SUBDIVISION IN PLATTE COUNTY, WYOMING.

RICHARD L. HOUDEK, OWNER

MELISSA D. HOUDEK, OWNER

OWNERS ACKNOWLEDGEMENT

STATE OF WYOMING)
COUNTY OF PLATTE) SS

THE FORGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022, BY RICHARD L. HOUDEK

NOTARY PUBLIC, PLATTE COUNTY, WYOMING

MY COMMISSION EXPIRES: _____

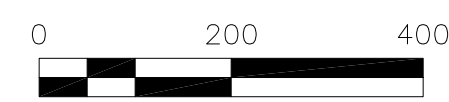
OWNERS ACKNOWLEDGEMENT

STATE OF WYOMING)
COUNTY OF PLATTE) SS

THE FORGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022, BY MELISSA D. HOUDEK

NOTARY PUBLIC, PLATTE COUNTY, WYOMING

MY COMMISSION EXPIRES: _____

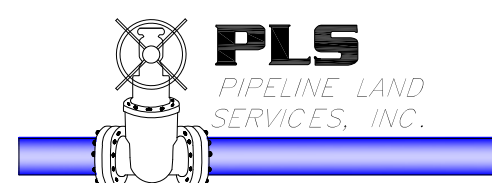


PLEASE REFER TO BAR SCALE. DRAWING MAY HAVE BEEN REDUCED OR ENLARGED.

LEGEND

- PROPERTY LINE
- - - PERMANENT EASEMENT
- - - 1/64TH SECTION LINE
- - - EXISTING EASEMENT
- - - SECTION LINE
- - - QUARTER SECTION LINES
- - - SIXTEENTH SECTION LINES
- = CALCULATED CORNER
- = MONUMENT FOUND AS NOTATED HEREON
- = MON. SET #5 REBAR W/ AC LS 17763

NOTE: LEGEND IS TYPICAL. NOT ALL ITEMS IN LEGEND APPEAR IN DRAWING.



830 E. RICHARDS STE #2
DOUGLAS, WYOMING 82633
OFFICE 307-358-8390

PREPARED FOR: RICHARD L. & MELISSA D. HOUDEK
1039 DATER ROAD
CHEYENNE, WYOMING 82009

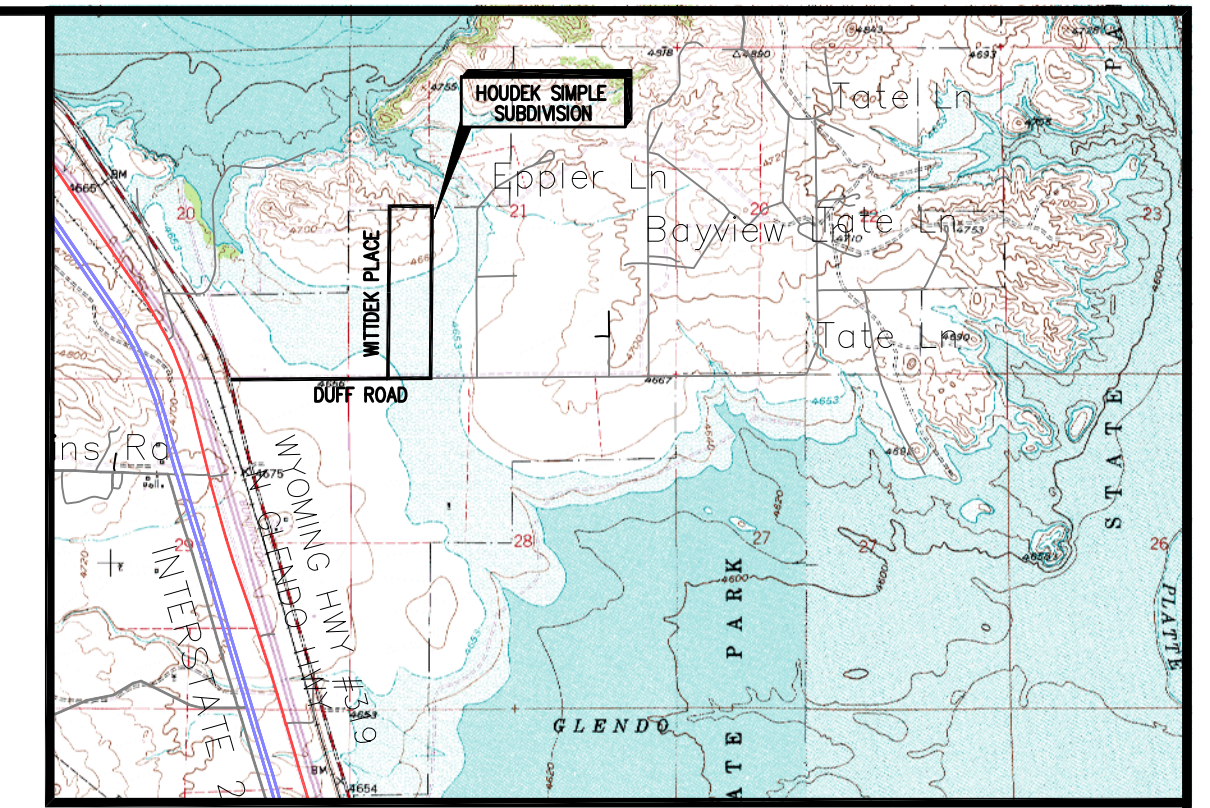
CERTIFICATE OF SURVEYOR

I, GARY D. OLLIE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, AND THAT THIS PLAT OF HOUDEK SIMPLE SUBDIVISION WAS MADE FROM AN ACCURATE FIELD SURVEY OF SAID PROPERTY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION DURING FEBRUARY, 2021 & MARCH, 2022 AND THAT SAID SURVEY IS ACCURATELY REPRESENTED AS SHOWN HEREON TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL OPINION. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS XX DAY OF APRIL, 2022.

GARY D. OLLIE, WYOMING P.L.S. 17763



ISSUED FOR REVIEW



FILING RECORD

STATE OF WYOMING)
COUNTY OF PLATTE) SS

RECORDING STAMP HERE

CERTIFICATE OF APPROVALS

APPROVAL BY THE PLATTE COUNTY ENGINEER THIS ____ DAY OF _____, 2022.

COUNTY ENGINEER HUTCHINSON P.E.

APPROVAL BY THE PLATTE COUNTY PLANNING DIRECTOR THIS ____ DAY OF _____, 2022.

PLANNING DIRECTOR CLARK

APPROVAL BY THE PLATTE COUNTY PLANNING & ZONING COMMISSION THIS ____ DAY OF _____, 2022.

PLANNING & ZONING CHAIRMAN

APPROVAL BY THE PLATTE COUNTY COUNTY COMMISSIONERS THIS ____ DAY OF _____, 2022.

COUNTY COMMISSIONER CHAIRMAN SHOCKLEY

REAL ESTATE DISCLOSURE STATEMENTS

- HIGH WINDS MAY CAUSE BLOWING OF FARM RESIDUE ON THE SUBDIVISION
- ALL TRACT OWNERS ARE REQUIRED TO OBTAIN PERMITS FOR WASTEWATER DISPOSAL SYSTEMS AS PER RECOMMENDATIONS AND REQUIREMENTS BY THE WYOMING DEQ WATER QUALITY DIVISION. PERMITS ISSUED BY AUTHORITY OF WYOMING DEQ OFFICE IN CHEYENNE.
- NO PROPOSED CENTRALIZED POTABLE WATER SYSTEM.
- NO PROPOSED CENTRALIZED SEWAGE SYSTEM
- ONLY NORMAL RURAL FIRE PROTECTION AND AMBULANCE SERVICE CAN BE EXCEPTED.
- ALL TRACT OWNERS ARE REQUIRED TO OBTAIN PERMITS FOR AND REGISTER WITH THE STATE ENGINEER GROUND WATER (WELL) DIVISION FOR ONSITE WATER AS REQUIRED BY THE STATE OF WYOMING ENGINEER.
- WITTEK PLACE IS A PERMANENT, PRIVATE, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT CREATED BY THE EXECUTION OF TWO ADJACENT EASEMENTS AS SHOWN HEREON AND FIELD WITH THE PLATTE COUNTY RECORDERS OFFICE IN BOOK 554 PAGE 946 & BOOK 554 PAGE 949. WITTEK PLACE IS DEDICATED UPON EXECUTION OF THIS INSTRUMENT TO THE USE OF THE OWNERS OF TRACTS 1-4 HOUDEK SIMPLE SUBDIVISION AND TO THE OWNERS OF TRACTS 1-3 WITTEK SIMPLE SUBDIVISION. THE CUL-DE-SAC AS SHOWN HEREON WAS NOT A PART SAID EXECUTED EASEMENTS BUT IS HEREBY MADE A PART OF WITTEK PLACE UPON EXECUTION OF THIS INSTRUMENT AND IS DEDICATED TO SAID TRACT OWNERS OF WITTEK AND HOUDEK SIMPLE SUBDIVISIONS.
- NO PUBLIC MAINTENANCE OF WITTEK PLACE-PLATTE COUNTY NOT RESPONSIBLE FOR SAID MAINTENANCE.
- INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR ONSITE STORMWATER DETENTION FOR ANY SIGNIFICANT DEVELOPMENT ON THE LOT WHICH WOULD MEASURABLE INCREASE STORMWATER RUNOFF ESTIMATED FROM THE 100-YEAR DESIGN STORM EVENT.
- PROPOSED LAND USE: RESIDENTIAL/AGRICULTURAL
- SUBDIVISION COVENANTS RECORDED WITH THE PLATTE COUNTY CLERKS OFFICE IN BOOK ____ PAGE ____
- (THIS SPACE SAVED FOR WHATEVER LANGUAGE NECESSARY FOR THE POSSIBLE REQUIREMENTS FOR BASE FLOOD ELEVATION CERTIFICATES BEFORE CONSTRUCTION OF HOMES, ETC. PLEASE PROVIDE NECESSARY LANGUAGE)
- ACCESS TO SUBDIVISION FROM WYOMING HWY #319 (AKA N GLENDO HWY) IS BY VIRTUE OF A DISTRICT COURT ORDER GRANTING DEFAULT JUDGEMENT AGAINST DEFENDANT AS RECORDED WITH THE PLATTE COUNTY CLERKS OFFICE UNDER DOCUMENT #692988. SAID JUDGEMENT GRANTING A 60' EASEMENT ACROSS THOSE LANDS DESCRIBED IN DEED BOOK 430 PAGE 969; BEGINNING AT THE EAST LINE OF A STATE OF WYOMING FEE OWNED PROPERTY DESCRIBED IN BOOK 111 PAGE 506 AND TERMINATING AT THE WEST LINE OF THE W/2 W/2 SW/4 OF SECTION 21 AS SHOWN HEREON. ADDITIONAL ACCESS BY EASEMENT ACROSS SAID W/2 W/2 SW/4 SHOWN HEREON. SEE PLAN VIEW.

SURVEY NOTES:

- BEARINGS SHOWN HEREON ARE PLANE BASED AND DERIVED FROM GPS OBSERVATION AND PROJECTED TO A MODIFIED WYOMING STATE PLANE COORDINATE SYSTEM, NAD83(2011)(EPOCH:2010.0), EAST ZONE
- BASIS OF BEARING IS THE WEST LINE OF THE SW/4 SW/4 OF SECTION 21 AS SHOWN HEREON AND HAVING BEEN MEASURED BETWEEN FOUND MONUMENTATION AT THE SOUTHWEST CORNER AND THE SOUTH 1/8TH CORNER OF SECTION 21 AS SHOWN HEREON AND ON FILED CORNER RECORDS.
- ALL DISTANCES ARE GROUND AND ARE DERIVED FROM A MODIFIED STATE PLANE COORDINATE SYSTEM WITH A D.A.F.=1.0002813018
- ERROR OF CLOSURE EXCEEDS 1:50,000
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

REVISIONS

No.	Date	Rev By	Description	Checked

HOUDEK SIMPLE SUBDIVISION

Declaration of protective covenants for Houdek Simple Subdivision

Article I: Intent and Scope

Section 1: Intent

This Declaration of Protective Covenants is intended to facilitate and regulate the construction and placement of appropriate improvements within the subdivision, as well as the proper use of the property for the purpose of preserving, maintaining, and enhancing the value, desirability, and attractiveness of the Houdek Simple Subdivision.

Section 2: Scope

This Declaration of Protective Covenants applies to all tracts in the Houdek Simple Subdivision located in the E1/2W1/2SW1/4 of Section 21, Township 30 North, Range 68 West of the 6th PM, Platte County, Wyoming.

Article II: Definitions

Committee – Owners of Record in the Houdek Simple Subdivision.

Owner – The person(s) who appears in the public record as the owner of a tract within the Houdek Simple Subdivision.

Subdivision – Shall mean the tracts within the Houdek Simple Subdivision subject to this Declaration of Protective Covenants.

Article III: Uses and Restrictions

Section 1: Principal Use

The tracts in the Subdivision shall be used and occupied as rural residential single-family home sites for the full enjoyment of the Owner(s).

Section 2: Nuisances

No noxious or offensive activities constituting a nuisance shall be permitted within the Subdivision. For the purposes of this section, a nuisance shall be construed in light of case law precedent for the State of Wyoming.

Section 3: Commercial Enterprise

No commercial business activity other than a home occupation use in conformance with Article III Section 4 (below) may be conducted within the Subdivision.

Section 4: Home Occupation

Home Occupations are permitted, however, noting in this section shall be construed to relive any person from compliance with all County zoning regulations applicable to home occupations. The

Owner shall be in occupational use and shall be responsible for complying with those regulations. In addition to and withstanding anything in the County zoning regulations to the contrary, all home occupation uses within the Subdivision shall be in compliance with the following:

- A. There shall be no offensive noises, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines.
- B. There shall be only incidental sales of stock, supplies or products to customers and/or clients on the premises; however, catalog, postal and/or telephone sales are permitted. Retail trade or any other business activity involving customer traffic on a non-incidental basis is prohibited.
- C. Employees shall be bonified and full-time residents of the dwelling situated on the tract which the home occupation is operating.
- D. Notwithstanding anything hereinabove to the contrary, the following businesses shall not be allowed as home occupations within the Subdivision:
 - a. Body of mechanic repair to include any modifications assembly or painting of motor vehicles and repair of internal combustion engines, or any business where the following services are carried: general repair, collision service; such as body repair, frame and fender straightening and repair, painting and undercoating of automobiles, and/or the same of engine fuels, motor oils, lubricants, grease, tires, batteries and accessories. THIS EXCLUSION IS NOT INTENDED TO PROHIBIT AN OWNER FROM WORKING ON THEIR OWN PERSONAL VEHICLE(S) – INCLUDING MAINTENANCE, REPAIR, REFURBISHING, OR REBUILDING.

Section 5: Dumping/Trash

No tract shall be used or maintained as a dumping or storage ground for rubbish, scrap, debris or junk, including but not limited to, appliances, building materials, or deteriorated vehicles. Trash or other waste shall be kept only in sanitary containers, which are emptied on a regular basis.

Section 6: Vehicles in Disrepair

Vehicles in disrepair must be kept out of site either behind a fence, covered, or stored in an outbuilding. Owners may not exceed three (3) vehicles in disrepair or three (3) unregistered.

Section 7: Excavation

Refining, quarry, or mining operations of any kind are prohibited within the Subdivision. Excavated tunnels, mineral extractions, or shafts are prohibited within the Subdivision.

Article IV: Construction Standards and Improvements

Section 1: General

The following standards create a minimum code of uniformity for the construction of homes and/or outbuildings within the Subdivision.

Section 2: Construction

All principal dwellings shall be built to UBC standards and must have a minimum fully enclosed ground floor area devoted to living purposes.

Section 3: Residences Prohibited

Manufactured homes are prohibited within the Subdivision. Manufactured homes shall mean a factory built dwelling conforming to 24 CFR Part 3280.

Section 4: Outbuildings

Outbuildings may be constructed first with no principal dwelling unit.

Section 5: Fences

All existing fences shall be maintained in an attractive condition by the Owner.

Section 6: Utility Connections

All utility laterals and/or service extensions from the main line to the structures and/or other improvements shall be underground.

Section 7: Off-the-grid

Off-the-grid means a characteristic of building designed in an independent manner without reliance on one or more public utilities. Off-the-grid structures are allowed, if the structure meets all UBC standards and follow all county and state rules and regulations.

Section 8: Camping

- A. Camping is allowed for an indefinite period. There shall be no restrictions on time or placement of campers.
- B. You cannot rent camping or RV spaces without first obtaining a Travel Trailer Park Permit from Platte County.

Article V: Animals and Livestock

Section 1: Livestock and Other Animals

All domestic animals shall be contained within the property of their owners. Animal debris shall be disposed of in a manner so as not to cause a visual or odor nuisance. Raising, breeding, and keeping of bison is prohibited. Raising, breeding, and keeping of chickens, ducks, and/or swine for commercial purposes is prohibited. Chickens, ducks, and/or swine are permitted for private use. Stockyards and dairies are prohibited. Livestock are permitted and shall be governed by the standards set forth in regulations of the Bureau of Land Management for Central Wyoming regarding overgrazing. No parcel shall be overgrazed to the extent that weeds begin to grow, or the ground is barren to the extent that soil erosion (caused by water and/or wind) occurs and creates extensive dust.

Article VI: General Provisions

Section 1: Enforcement

These covenants, conditions, and restrictions may be enforced by any legal or equitable Owner(s), or by the Committee, or the Declarants and their successors and assigns, by appropriate

proceedings at law or in equity against those persons violating or attempting to violate, or for restraining a future violation, for recovery of damages for any violation, or for such other and further relief as may be available. The party found to have violated these Covenants shall be responsible for all reasonable attorney fees incurred by the Owner(s), Committee, or Declarants in the proceedings either to enjoin a violation of the Covenants shall not preclude or prevent the enforcement thereof of a further or continued violation(s), whether said violation shall be of the same or different provision within these covenants.

Section 2: Remedies

Although it is a right, it is neither the obligation nor the responsibility of the Committee or Declarants to prosecute violations of these Covenants on behalf of any Owner(s). Under no circumstances shall an Owner bring any claim, demand, or action against the Committee or Declarants relating in any way to a violation of the covenants by another Owner.

Section 3: Duration

The covenants and restrictions of this Declaration of Protective Covenants shall run with and bind the recorded Houdek Simple Subdivision for an initial term of twenty (20) years from the date of Declaration of Protective Covenants is recorded with in the office of the Platte County Clerk, County of Platte, State of Wyoming. After which time, these covenants shall automatically renew for successive periods of ten (10) years, unless terminated at the end of any such period by written vote of two-thirds (2/3) or more of the Owners.

Section 4: Amendment

Any termination or amendment to this Declaration of Protective Covenants must be approved in writing by the Declarants (or their successors) in order to be valid. Any termination or amendment, which has been approved by the Declarants, must be recorded in the office of the Platte County Clerk, County of Platte, State of Wyoming.

Section 5: Benefits and Burdens

The terms and provisions contained in this Declaration of Protective Covenants shall bind and insure to the benefit of the Declarants and the Owners of the Tracts located within the Subdivision and their respective heirs, successors, personal representatives and assigns.

Section 6: Severability

Invalidation of any one of the provisions or restrictions in this Declaration of Protective Covenants by judgment or Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Section 7: Variances

Variances to any of the covenants contained herein may be granted by the Owners of Record as appropriate in special cases and circumstances, at the sole discretion of the Owners of Record, on an extremely limited case-by case basis. The Owners of Record must approve all variances in writing.

Section 8: Control and Maintenance

Owners of record shall be responsible for the administration and maintenance of all common areas, roadways (excluding driveways), improvements thereon, and easements within the subdivision.

DRAFT



Meeting Dates: Planning and Zoning, Tuesday, April 12, 2022, at 6:00 PM
County Commissioners, Tuesday, April 19, 2022, at 10:00 AM

Applicant: Brandon and Beth Wittrock

Request: Request for a Simple Subdivision to divide approximately 40 acres into three parcels

Location: W2W2SW4 of Section 21, Township 30 North, Range 68, West, Platte County

Request Details:

Brandon and Beth Wittrock have submitted a request for a Simple Subdivision to divide approximately 40 acres into three parcels located in the W2W2SW4 of Section 21, Township 30 North, Range 68, West, Glendo, Platte County, Wyoming. Per the letter of justification, Mr. and Mrs. Wittrock enjoy the lake and want to divide to give others the opportunity to enjoy the town and lake as much as they do.

Neighbor Comments:

March 22, 2022 and April 5, 2022 phone calls - John Bauder – Concerned about developing within a flood area. All of Duff Road flooded in 2010. Concerned about contamination of well water.

March 22, 2022 phone and April 2, 2022 and April 5, 2022 emails – George Eppler - Here are a few pictures with some explanations. This is Duff Road flooded. It shows the 40 acres that is up for sale. It is entirely flooded every square inch of it. The water is several feet deep too really deep over the entire property. All the people in our neighborhood can verify this is the flooded area. This area flooded after 2010 again, it flooded most all of the property that is for sale but did not quite go over the road. I can't remember what year that was. But it was after 2010. I will call you the first of the week with some more information.



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off of the property to who knows where. I hope this helps everybody understand that this is a 100% floodplain area. Thank you George Eppler



Agency Comments:

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Platte County Assessor - I don't have any duplicates to that name.

Platte County EMS Coordinator – Looks good to go.

Glendo Town Clerk – The Town of Glendo does not.

Guernsey Planner Allred - Well it just sounds dirty...but who am I to judge lol No conflict here.

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Mr. and Mrs. Wittrock's request to divide approximately 40-acres into three parcels meets the requirements of a Simple Subdivision. Mr. and Mrs. Wittrock are aware of the flood plain area and

will add the following disclosure to the final plat, "These lands are located in an area of special flood hazard and are subject to Platte County Flood Plain Development Regulations as described in Platte County Resolution #2001-04, Resolution Applying for Flood Insurance, and FEMA Title 44, Chapter 1, Code 60.3(b), as documented in the Platte County Clerk and Recorder's Office." to show this encumbrance. Water and wastewater systems are permitted through the State of Wyoming.

Mr. and Mrs. Wittrock have requested that the new parcels be zoned Class I Single-Family Residential Classification and have included draft covenants with their application. Residential Classification would be a good fit for the proposed future use of these parcels and pairs well with the proposed covenants.

If approved; per Platte County Rules and Regulations, Mr. and Mrs. Wittrock shall, within one year, submit the final plat to the Planning and Zoning Commission and the Board of County Commissioners for review and approval.

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).

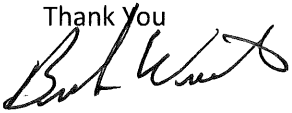
** Failure to achieve a quorum will result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

February 9, 2022

To whom it may concern:

Our justification for Subdividing our land in Glendo Wyoming, into 3 separate lots is so that other people can enjoy the town and lake as much as we do.

Thank You

A handwritten signature in cursive script, appearing to read "Brandon Wittrock".A handwritten signature in cursive script, appearing to read "Verna Wittrock".

Brandon and Verna "Beth" Wittrock

20 acre lot

Brandon & Verna
Wittrock

10 acre lot

10 acre lot

Proposed
Wittrock
Subdivision

Duff Road

Property Line
Wittdek Rd

10 acre

Richard & Melissa
Houdel

10 acre

10 acre

10 acre

Proposed
Houdel
Subdivision

RECEIVED

By A.K. Clark at 8:59 am, 3/30/22

SUBDIVISION PLAT
for
WITTRUCK SIMPLE SUBDIVISION
SITUATE IN THE W 1/2 W 1/2 SW 1/4 OF SECTION 21
TOWNSHIP 30 NORTH, RANGE 68 WEST
of the 6th PRINCIPAL MERIDIAN, PLATTE COUNTY, WYOMING

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BRANDON D. & VERNA E. WITTRUCK, HUSBAND AND WIFE, HEREBY CERTIFY THAT THEY ARE THE OWNERS IN FEE SIMPLE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 68 WEST OF THE 6TH P.M., PLATTE COUNTY, WYOMING, AS DESCRIBED BY QUITCLAIM DEED RECORDED UNDER DOCUMENT NUMBER 696217 AND FILED IN DEED RECORD BOOK 553, PAGE 721 IN THE CLERK AND RECORDERS OFFICE OF PLATTE COUNTY, WYOMING.

THAT THE PLATTING OF THESE TRACTS AS THEY HAVE BEEN DESIGNED, SHOWN AND DELINEATED UPON THIS PLAT IS WITH THE FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDER-SIGNED OWNERS AND PROPRIETORS. SAID PLAT IS LAID OUT AND SURVEYED AS "HOUDEK SIMPLE SUBDIVISION", A SUBDIVISION IN PLATTE COUNTY, WYOMING.

BRANDON D. WITTRUCK, OWNER

VERNA E. WITTRUCK, OWNER

OWNERS ACKNOWLEDGEMENT

STATE OF WYOMING)
)SS
COUNTY OF PLATTE)

THE FORGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022, BY BRANDON D. WITTRUCK

NOTARY PUBLIC, PLATTE COUNTY, WYOMING

MY COMMISSION EXPIRES: _____

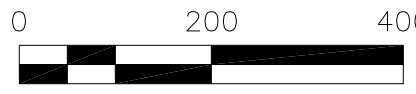
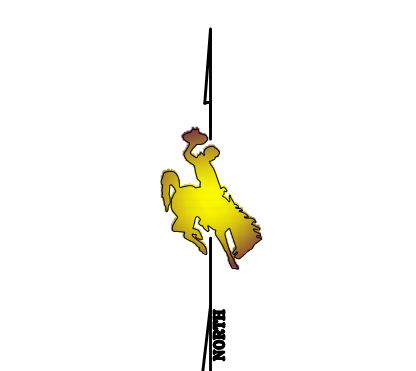
OWNERS ACKNOWLEDGEMENT

STATE OF WYOMING)
)SS
COUNTY OF PLATTE)

THE FORGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022, BY VERNA E. WITTRUCK

NOTARY PUBLIC, PLATTE COUNTY, WYOMING

MY COMMISSION EXPIRES: _____

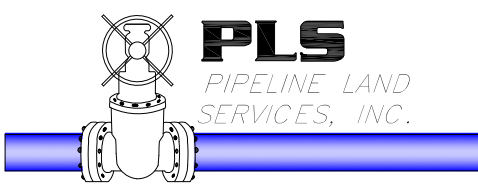


PLEASE REFER TO BAR SCALE. DRAWING MAY HAVE BEEN REDUCED OR ENLARGED.

LEGEND

- PROPERTY LINE
- PERMANENT EASEMENT
- 1/64TH SECTION LINE
- EXISTING EASEMENT
- SECTION LINE
- QUARTER SECTION LINES
- SIXTEENTH SECTION LINES
- = CALCULATED CORNER
- = MONUMENT FOUND AS NOTATED HEREON
- = MON. SET #5 REBAR W/ AC LS 17763

NOTE: LEGEND IS TYPICAL. NOT ALL ITEMS IN LEGEND APPEAR IN DRAWING.



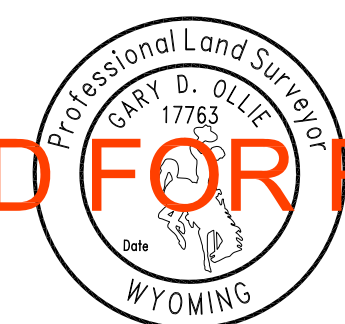
830 E. RICHARDS STE #2
DOUGLAS, WYOMING 82633
OFFICE 307-358-8390

PREPARED FOR: BRANDON D. & VERNA E. WITTRUCK
1101 BROWNFIELD ROAD
DOUGLAS, WYOMING 82009

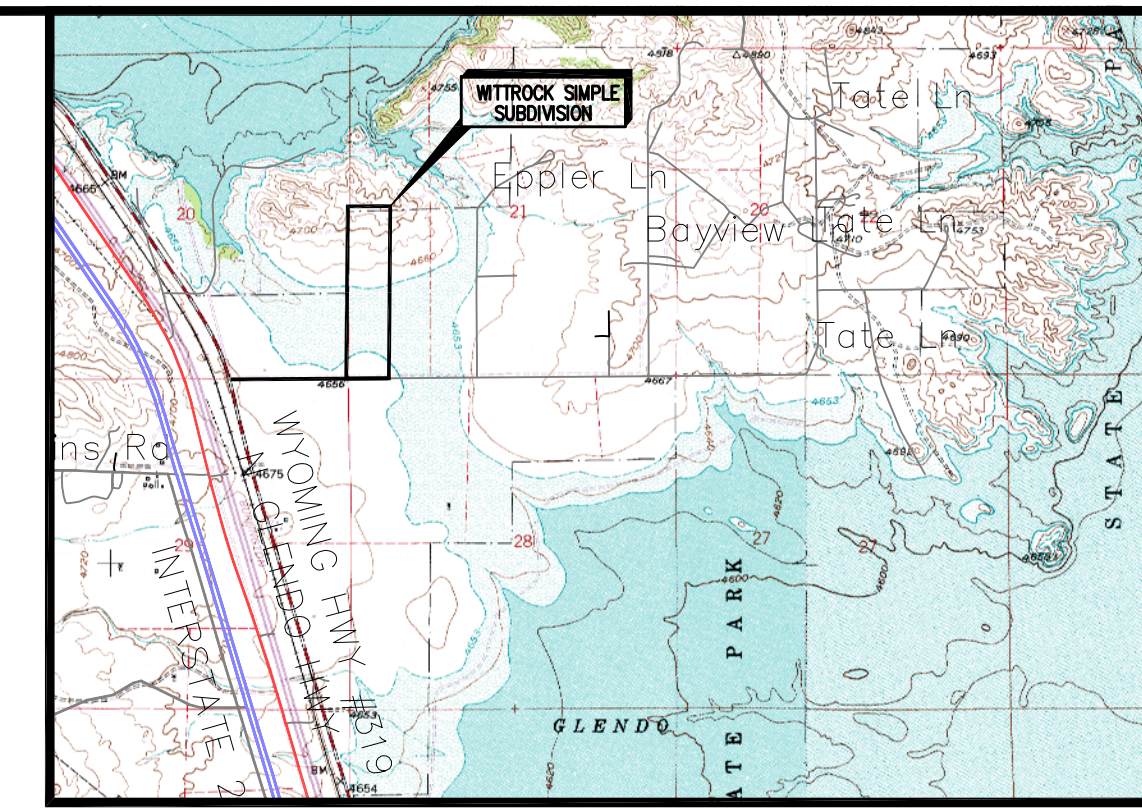
CERTIFICATE OF SURVEYOR

I, GARY D. OLLIE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, AND THAT THIS PLAT OF HOUDEK SIMPLE SUBDIVISION WAS MADE FROM AN ACCURATE FIELD SURVEY OF SAID PROPERTY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION DURING FEBRUARY, 2021 & MARCH, 2022 AND THAT SAID SURVEY IS ACCURATELY REPRESENTED AS SHOWN HEREON TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL OPINION. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS XX DAY OF APRIL, 2022.

GARY D. OLLIE, WYOMING P.L.S. 17763



ISSUED FOR REVIEW



FILING RECORD

STATE OF WYOMING)
) SS
COUNTY OF PLATTE)

RECORDING STAMP HERE

CERTIFICATE OF APPROVALS

APPROVAL BY THE PLATTE COUNTY ENGINEER THIS ____ DAY OF _____, 2022.

COUNTY ENGINEER HUTCHINSON P.E.

APPROVAL BY THE PLATTE COUNTY PLANNING DIRECTOR THIS ____ DAY OF _____, 2022.

PLANNING DIRECTOR CLARK

APPROVAL BY THE PLATTE COUNTY PLANNING & ZONING COMMISSION THIS ____ DAY OF _____, 2022.

PLANNING & ZONING CHAIRMAN

APPROVAL BY THE PLATTE COUNTY COUNTY COMMISSIONERS THIS ____ DAY OF _____, 2022.

COUNTY COMMISSIONER CHAIRMAN SHOCKLEY

REAL ESTATE DISCLOSURE STATEMENTS

1. HIGH WINDS MAY CAUSE BLOWING OF FARM RESIDUE ON THE SUBDIVISION
2. ALL TRACT OWNERS ARE REQUIRED TO OBTAIN PERMITS FOR WASTEWATER DISPOSAL SYSTEMS AS PER RECOMMENDATIONS AND REQUIREMENTS BY THE WYOMING DEQ WATER QUALITY DIVISION. PERMITS ISSUED BY AUTHORITY OF WYOMING DEQ OFFICE IN CHEYENNE.
3. NO PROPOSED CENTRALIZED POTABLE WATER SYSTEM.
4. NO PROPOSED CENTRALIZED SEWAGE SYSTEM
5. ONLY NORMAL RURAL FIRE PROTECTION AND AMBULANCE SERVICE CAN BE EXCEPTED.
6. ALL TRACT OWNERS ARE REQUIRED TO OBTAIN PERMITS FOR AND REGISTER WITH THE STATE ENGINEER GROUND WATER (WELL) DIVISION FOR ONSITE WATER AS REQUIRED BY THE STATE OF WYOMING ENGINEER.
7. WITTRUCK PLACE IS A PERMANENT, PRIVATE, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT CREATED BY THE EXECUTION OF TWO ADJACENT EASEMENTS AS SHOWN HEREON AND FIELD WITH THE PLATTE COUNTY RECORDERS OFFICE IN BOOK 554 PAGE 946 & BOOK 554 PAGE 949. WITTRUCK PLACE IS DEDICATED UPON EXECUTION OF THIS INSTRUMENT TO THE USE OF THE OWNERS OF TRACTS 1-4 HOUDEK SIMPLE SUBDIVISION AND TO THE OWNERS OF TRACTS 1-3 WITTRUCK SIMPLE SUBDIVISION. THE CUL-DE-SAC AS SHOWN HEREON WAS NOT A PART SAID EXECUTED EASEMENTS BUT IS HEREBY MADE A PART OF WITTRUCK PLACE UPON EXECUTION OF THIS INSTRUMENT AND IS DEDICATED TO SAID TRACT OWNERS OF WITTRUCK AND HOUDEK SIMPLE SUBDIVISIONS.
8. NO PUBLIC MAINTENANCE OF WITTRUCK PLACE-PLATTE COUNTY NOT RESPONSIBLE FOR SAID MAINTENANCE.
9. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR ONSITE STORMWATER DETENTION FOR ANY SIGNIFICANT DEVELOPMENT ON THE LOT WHICH WOULD MEASURABLE INCREASE STORMWATER RUNOFF ESTIMATED FROM THE 100-YEAR DESIGN STORM EVENT.
10. PROPOSED LAND USE: RESIDENTIAL/AGRICULTURAL
11. SUBDIVISION COVENANTS RECORDED WITH THE PLATTE COUNTY CLERKS OFFICE IN BOOK ____ PAGE ____
12. (THIS SPACE SAVED FOR WHATEVER LANGUAGE NECESSARY FOR THE POSSIBLE REQUIREMENTS FOR BASE FLOOD ELEVATION CERTIFICATES BEFORE CONSTRUCTION OF HOMES, ETC. PLEASE PROVIDE NECESSARY LANGUAGE)
13. ACCESS TO SUBDIVISION FROM WYOMING HWY #319 (AKA N GLENDO HWY) IS BY VIRTUE OF A DISTRICT COURT ORDER GRANTING DEFAULT JUDGEMENT AGAINST DEFENDANT AS RECORDED WITH THE PLATTE COUNTY CLERKS OFFICE UNDER DOCUMENT #692988. SAID JUDGEMENT GRANTING A 60' EASEMENT ACROSS THOSE LANDS DESCRIBED IN DEED BOOK 430 PAGE 969; BEGINNING AT THE EAST LINE OF A STATE OF WYOMING FEE OWNED PROPERTY DESCRIBED IN BOOK 111 PAGE 506 AND TERMINATING AT THE WEST LINE OF THE W/2 W/2 SW/4 OF SECTION 21 AS SHOWN HEREON. ADDITIONAL ACCESS BY EASEMENT ACROSS SAID W/2 W/2 SW/4 SHOWN HEREON. SEE PLAN VIEW.

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE PLANE BASED AND DERIVED FROM GPS OBSERVATION AND PROJECTED TO A MODIFIED WYOMING STATE PLANE COORDINATE SYSTEM, NAD83(2011)(EPOCH:2010.0), EAST ZONE
2. BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 21 AS SHOWN HEREON AND HAVING BEEN MEASURED BETWEEN FOUND MONUMENTATION AT THE SOUTHWEST CORNER AND THE SOUTH 1/8TH CORNER OF SECTION 21 AS SHOWN HEREON AND ON FILED CORNER RECORDS.
3. ALL DISTANCES ARE GROUND AND ARE DERIVED FROM A MODIFIED STATE PLANE COORDINATE SYSTEM WITH A D.A.F.=1.0002813018
4. ERROR OF CLOSURE EXCEEDS 1:50,000
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

REVISIONS				
No.	Date	Rev By	Description	Checked

WITTROCK SIMPLE SUBDIVISION

Declaration of protective covenants for Wittrock Simple Subdivision Tracts 1-3

Article I: Intent and Scope

Section 1: Intent

This Declaration of Protective Covenants is intended to facilitate and regulate the construction and placement of appropriate improvements within the subdivision, as well as the proper use of the property for the purpose of preserving, maintaining, and enhancing the value, desirability, and attractiveness of the Wittrock Simple Subdivision.

Section 2: Scope

This Declaration of Protective Covenants applies to all tracts 1-3 in the Wittrock Simple Subdivision located in the W1/2 W1/2 SW1/4 of Section 21, Township 30 North, Range 68 West of the 6th PM, Platte County, Wyoming.

Article II: Definitions

Committee – Owners of record in the Wittrock Simple Subdivision

Owner – The person(s) who appears in the public record as the owner of a tract within the Wittrock Simple Subdivision.

Subdivision – Shall mean the tracts 1-3 within the Wittrock Simple Subdivision subject to this Declaration of Protective Covenants.

Article III: Uses and Restrictions

Section 1: Principal Use

The tracts in the Subdivision shall be used and occupied as rural residential single-family home sites for the full enjoyment of the Owner(s).

Section 2: Nuisances

No noxious or offensive activities constituting a nuisance shall be permitted within the Subdivision. For the purposes of this section, a nuisance shall be construed in light of case law precedent for the State of Wyoming.

Section 3: Commercial Enterprise

No commercial business activity other than a home occupation use in conformance with Article III Section 4 (below) may be conducted within the Subdivision.

Section 4: Home Occupation

Home Occupations are permitted, however, noting in this section shall be construed to relive any person from compliance with all County zoning regulations applicable to home occupations. The

Owner shall be in occupational use and shall be responsible for complying with those regulations. In addition to and withstanding anything in the County zoning regulations to the contrary, all home occupation uses within the Subdivision shall be in compliance with the following:

- A. There shall be no offensive noises, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines.
- B. There shall be only incidental sales of stock, supplies or products to customers and/or clients on the premises; however, catalog, postal and/or telephone sales are permitted. Retail trade or any other business activity involving customer traffic on a non-incidental basis is prohibited.
- C. Employees shall be bonified and full-time residents of the dwelling situated on the tract which the home occupation is operating.
- D. Notwithstanding anything hereinabove to the contrary, the following businesses shall not be allowed as home occupations within the Subdivision:
 - a. Body of mechanic repair to include any modifications assembly or painting of motor vehicles and repair of internal combustion engines, or any business where the following services are carried: general repair, collision service, such as body repair, frame and fender straightening and repair, painting and undercoating of automobiles, and/or the same of engine fuels, motor oils, lubricants, grease, tires, batteries and accessories. THIS EXCLUSION IS NOT INTENDED TO PROHIBIT AN OWNER FROM WORKING ON THEIR OWN PERSONAL VEHICLE(S) – INCLUDING MAINTENANCE, REPAIR, REFURBISHING, OR REBUILDING.

Section 5: Dumping/Trash

No tract shall be used or maintained as a dumping or storage ground for rubbish, scrap, debris or junk, including but not limited to, appliances, building materials, or deteriorated vehicles. Trash or other waste shall be kept only in sanitary containers, which are emptied on a regular basis.

Section 6: Vehicles in Disrepair

Vehicles in disrepair must be kept out of site either behind a fence, covered, or stored in an outbuilding. Owners may not exceed three (3) vehicles in disrepair or three (3) unregistered.

Section 7: Excavation

Refining, quarry, or mining operations of any kind are prohibited within the Subdivision. Excavated tunnels, mineral extractions, or shafts are prohibited within the Subdivision.

Article IV: Construction Standards and Improvements

Section 1: General

The following standards create a minimum code of uniformity for the construction of homes and/or outbuildings within the Subdivision.

Section 2: Construction

All principal dwellings shall be built to UBC standards and must have a minimum fully enclosed ground floor area devoted to living purposes.

Section 3: Residences Prohibited

Manufactured homes are prohibited within the Subdivision. Manufactured homes shall mean a factory built dwelling conforming to 24 CFR Part 3280.

Section 4: Outbuildings

Outbuildings may be constructed first with no principal dwelling unit.

Section 5: Fences

All existing fences shall be maintained in an attractive condition by the Owner.

Section 6: Utility Connections

All utility laterals and/or service extensions from the main line to the structures and/or other improvements shall be underground.

Section 7: Off-the-grid

Off-the-grid means a characteristic of building designed in an independent manner without reliance on one or more public utilities. Off-the-grid structures are allowed, if the structure meets all UBC standards and follow all county and state rules and regulations.

Section 8: Camping

- A. Camping is allowed for an indefinite period. There shall be no restrictions on time or placement of campers.
- B. You cannot rent camping or RV spaces without first obtaining a Travel Trailer Park Permit from Platte County.

Article V: Animals and Livestock

Section 1: Livestock and Other Animals

All domestic animals shall be contained within the property of their owners. Animal debris shall be disposed of in a manner so as not to cause a visual or odor nuisance. Raising, breeding, and keeping of bison is prohibited. Raising, breeding, and keeping of chickens, ducks, and/or swine for commercial purposes is prohibited. Chickens, ducks, and/or swine are permitted for private use. Stockyards and dairies are prohibited. Livestock are permitted and shall be governed by the standards set forth in regulations of the Bureau of Land Management for Central Wyoming regarding overgrazing. No parcel shall be overgrazed to the extent that weeds begin to grow, or the ground is barren to the extent that soil erosion (caused by water and/or wind) occurs and creates extensive dust.

Article VI: General Provisions

Section 1: Enforcement

These covenants, conditions, and restrictions may be enforced by any legal or equitable Owner(s), or by the Committee, or the Declarants and their successors and assigns, by appropriate

proceedings at law or in equity against those persons violating or attempting to violate, or for restraining a future violation, for recovery of damages for any violation, or for such other and further relief as may be available. The party found to have violated these Covenants shall be responsible for all reasonable attorney fees incurred by the Owner(s), Committee, or Declarants in the proceedings either to enjoin a violation of the Covenants shall not preclude or prevent the enforcement thereof of a further or continued violation(s), whether said violation shall be of the same or different provision within these covenants.

Section 2: Remedies

Although it is a right, it is neither the obligation nor the responsibility of the Committee or Declarants to prosecute violations of these Covenants on behalf of any Owner(s). Under no circumstances shall an Owner bring any claim, demand, or action against the Committee or Declarants relating in any way to a violation of the covenants by another Owner.

Section 3: Duration

The covenants and restrictions of this Declaration of Protective Covenants shall run with and bind the recorded Wittrock Simple Subdivision for an initial term of twenty (20) years from the date of Declaration of Protective Covenants is recorded with in the office of the Platte County Clerk, County of Platte, State of Wyoming. After which time, these covenants shall automatically renew for successive periods of ten (10) years, unless terminated at the end of any such period by written vote of two-thirds (2/3) or more of the Owners.

Section 4: Amendment

Any termination or amendment to this Declaration of Protective Covenants must be approved in writing by the Declarants (or their successors) in order to be valid. Any termination or amendment, which has been approved by the Declarants, must be recorded in the office of the Platte County Clerk, County of Platte, State of Wyoming.

Section 5: Benefits and Burdens

The terms and provisions contained in this Declaration of Protective Covenants shall bind and insure to the benefit of the Declarants and the Owners of the Tracts located within the Subdivision and their respective heirs, successors, personal representatives and assigns.

Section 6: Severability

Invalidation of any one of the provisions or restrictions in this Declaration of Protective Covenants by judgment or Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Section 7: Variances

Variances to any of the covenants contained herein may be granted by the Owners of Record as appropriate in special cases and circumstances, at the sole discretion of the Committee, on an extremely limited case-by case basis. The Owners of record must approve all variances in writing.

Section 8: Control and Maintenance

Owners of record shall be responsible for the administration and maintenance of all common areas, roadways (excluding driveways), improvements thereon, and easements within the subdivision.

DRAFT

RESOLUTION APPLYING FOR FLOOD INSURANCE

WHEREAS, certain incorporated areas of Platte County are subject to periodic flooding, mudslides, (i.e., mudflows), or flood related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Platte County Commissioners to require the recognition and evaluation of flood, mudslide (i.e., mudflow), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Wyoming Statutes §18-5-101 through §18-5-315 and §9-8-301 and §9-8-302.

NOW, THEREFORE, BE IT RESOLVED, that the Platte County Commissioners hereby:

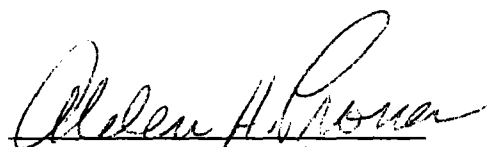
1. Assures the Federal Emergency Management Agency that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests Platte County Planning and Zoning Board with the responsibility, authority and means to:
 - (a) Assist the Administrator, at his/her request, in his/her delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide, (i.e., mudflow) or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow) and/or aggravation of existing hazards.
 - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all

of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

3. Appoints Platte County Planning and Zoning Board and Platte County Emergency Management Coordinator to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazard identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood proofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, and if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

DATED this 6th day of February 2001.

PLATTE COUNTY BOARD OF COUNTY COMMISSIONERS BY:


ALDEN PROSSER, Chairman


CHARLES M. COLEMAN, Commissioner


JOE REICHARDT, Commissioner

ATTEST:


Jean Dixon
Platte County Clerk

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

1.1 Statutory Authorization

The legislature of the State of Wyoming has in WS §18-5-107; and §19-5-101 thru §19-5-116, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the BOARD OF COUNTY COMMISSIONERS of PLATTE COUNTY, WYOMING does resolve as follows:

1.2 Findings of Fact

- (1) The flood hazard areas of PLATTE COUNTY are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures to provide flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

It is the purpose of this resolution to promote the public health, safety, and welfare and to reduce public and private losses due to flooding in areas of special flood hazard by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize flood damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, communication networks, streets and bridges, and other such systems located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) To ensure that potential buyers are notified that the property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 Methods of Reducing Flood Losses

To accomplish the purposes described in Section 1.3, this resolution includes methods and provisions designed to:

- (1) Restrict and prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel, floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damages; and,
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

2.1 Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage or in the definition attached in Title 44 – Emergency Management and Assistance, of the Code of Federal Regulations. Words and phrases shall be construed and interpreted so as to give this resolution its most reasonable application.

“Area of special flood hazard” is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as a Zone A on the FHBM.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM)” means an official map of the community on which the Federal Emergency Management Agency has delineated areas of special flood hazard (generally designated as “Zone A” on such maps).

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or,
 - (b) Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's

lowest floor; *provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 5.0.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS RESOLUTION APPLIES

This resolution shall apply to all areas of special flood hazard within the jurisdiction of Platte County, Wyoming.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHBM) dated March 28, 1978, are hereby adopted by reference and declared to be a part of this resolution. The FHBM is on file at the Platte County Assessor's Office, at the Platte County Courthouse 800 9th Street Wheatland, Wyoming.

3.3 COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this resolution and any other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This resolution is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this resolution and another resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation of this resolution, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the local governing authority; and,
- (3) Deemed neither to limit nor repeal any other powers granted the local governing authority under state or federal law.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Platte County, and any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this resolution or any administrative decisions lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL FLOODPLAIN MANAGER

The Platte County Planning and Zone Board is hereby appointed to administer and implement this resolution by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 Purpose

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard established in Section 3.2 for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard without a valid floodplain development permit.

4.2-2 Application for a Permit

Application for a floodplain development permit shall be made on forms furnished by the Platte County Planning and Zoning Board. The applicant shall provide, at a minimum, the following information, where applicable:

- (1) Plans accompanied by supporting documentation depicting the topography, character, location and elevations of the land area in question; location and dimensions of existing and proposed structures; area and type of fill; material storage areas (indicate type of material); historical drainage; location and nature of drainage improvements or diversion facilities.
- (2) The elevation, in relation to mean sea level, of the lowest floor (including basement) of any new or substantially improved structure to be located in areas of special flood hazard. Upon completion of the lowest floor, the applicant shall submit to the Floodplain Manager the as-built elevation, certified by a Wyoming licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure has been flood-proofed. Upon completion of the flood-proofed portion of the structure, the applicant shall submit to the Land Use Department the as-built elevation, certified by a Wyoming licensed professional engineer or surveyor.
- (4) A certificate from a Wyoming licensed professional engineer or architect that any non-residential flood-proofed structure meets the flood-proofing criteria set forth in Section 5.2-2.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL FLOODPLAIN MANAGER

Duties of the local floodplain manager shall include, but not be limited to the following:

4.3-1 Permit Application Review

- (1) Review all development permits to determine that the permit requirements of this resolution have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, Provisions for Flood Hazard Reduction.
- (4) Review subdivision proposals and other proposed new development including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If such proposal is located in an area of special flood hazard, such proposal shall meet applicable standards of Section 5.1-4, Subdivision Proposals.
- (5) Review all development permits to determine if the proposed development will adversely impact the flood carrying capacity of an area of special flood hazard. For the purposes of this resolution, "adversely impact" means the proposed development may tend to increase flood stages or cause increased damage to adjacent properties through a rise in flood stages or may result in physical changes to the channel or adjacent over-bank areas.
 - a. If it is determined that there is no adverse impact and the development is not a building, then the Floodplain Development Permit shall be granted without further consideration.
 - b. If it is determined that there is an adverse impact, then technical explanation and justification by a Wyoming licensed engineer or architect for the proposed development shall be required before the Floodplain Development Permit is issued.
 - c. If the proposed development is a building, then an adverse impact shall be presumed and the provisions of this resolution are fully applicable.

4.3-2 Use of Other Flood Data

When Base Flood Elevation has not been provided in accordance with Section 3.2, Basis for Establishing Areas of Special Flood Hazard, the local floodplain manager shall obtain, review and reasonably utilize any

base flood elevations and floodway data available from a Federal, State or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 5.2, Specific Standards.

4.3-3 Alteration of Watercourses

- (1) Notify adjacent communities and the Wyoming Emergency Management Agency, NFIP Coordinator, prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director of the Federal Emergency Management Agency.
- (2) Require maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-4 Information to be Obtained and Retained

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - b. Maintain the flood-proofing certifications required in Section 4.2-2.
- (3) Variances issued pursuant to Section 6.0, Variance Procedure, including findings of fact and justifications included in Biennial Report.

4.3-5 Interpretation of FHBM Boundaries

Make interpretation, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazard, the following standards are required:

5.1-1 Anchoring

- (1) New structures and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting hydrostatic and hydrodynamic loads.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to the use of over-the-top or frame ties to ground anchors. Specific requirements may be:
 - a. Over-the-top ties provided at each of the four corners of the manufactured home. Homes less than 50 feet long shall require one additional tie per side. Homes 50 feet long or greater shall require two additional ties per side.
 - b. Frame ties be provided at each corner of the home. Homes less than 50 feet long shall require four additional ties per side. Homes 50 feet long or greater shall require five additional ties per side.
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - d. Any additions to the manufactured home shall be similarly anchored.

5.1-2 Construction Materials and Methods

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system,
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into the flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage;
- (3) Adequate drainage shall be provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres, whichever is less.

5.1-5 Encroachments

Encroachments, including fill, new constructions, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

5.2 SPECIFIC STANDARDS

In areas of special flood hazard where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, USE OF OTHER FLOOD DATA, the following provisions are required:

5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a Wyoming registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 4.2-2.

5.2-3 Manufactured Homes

- (1) Manufactured homes shall be anchored in accordance with Section 5.1-1(2).

- (2) All manufactured homes or those to be substantially improved shall conform to the following requirements:
- a. Require that manufactured homes that are placed or substantially improved on a site:
 - (i) outside of a manufactured home park or subdivision,
 - (ii) in a new manufactured home park or subdivision,
 - (iii) in an expansion to an existing manufactured home park or subdivision, or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

be elevated on a permanent foundation with the lowest floor of the manufactured home elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provision in (a) above be elevated so that either:
 - (i) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5.2-4 Recreational Vehicles

Require that recreational vehicles placed within areas of special flood hazard either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use; or,
- (3) Meet all permit requirements and the elevation and anchoring requirements for manufactured homes in Section 5.2-3(2)a.

A recreational vehicle is ready for highway use if it is on its wheel or jacking system, is attached to the site only by quick disconnect to utilities and security devices, and has no permanently attached additions.

5.2-5 Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Wyoming registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 6.0 VARIANCES

6.1 VARIANCE PROCEDURE

- (1) The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The Board of County Commissioners, after examining the applicant's hardships, shall approve or disapprove a request. FEMA

may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound floodplain management, FEMA may take appropriate action under Sec. 59.24(b) of Title 44 – Emergency Management and Assistance, of the Code of Federal Regulations.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Procedures for the granting of variances by a community are as follows:
 - a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - b. Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (3) c., d., e, and f. of this section. As lot size increases beyond one-half acre, the technical justification required for issuing a variance increases;
 - c. Variances shall only be issued by a community upon
 - (i) a showing of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - e. A community shall notify the applicant in writing over the signature of a community official that
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates and
 - (ii) such construction below the base flood level increases risks to life and property.Such notification shall be maintained with a record of all variance actions as required in paragraph (3)f. of this section;
 - f. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA;
 - g. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that
 - (i) the criteria of paragraphs (3)a. through (3)d. of this section are met, and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.



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PLATTE COUNTY PLANNING & ZONING COMMISSION

RECORD OF PROCEEDINGS

MARCH 8, 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, March 8, 2022, by Chairman Shepard in the Wheatland Town Council Chambers.

Members Present: Chairman Shepard, Commission Member Lockhart, Commission Member Brockman, Commission Member Tiltrum, Vice Chairman Klein

Members Absent: none

Staff Present: Planning Director Clark

Citizen Comments

Chairman Shepard asked if there were any citizen comments for items not on tonight's agenda.

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 for a Simple Subdivision located in Section 4, Township 24 North, Range 68 West

Planner Clark noted Willis Williams purchased 270+ acres in Section 4, Township 23 North, Range 68 West, Wheatland, Wyoming from Dale Van Loo with the agreement that the portion of the property where Mr. Van Loo's house is located, approximately 8-acres, be divided off and deed back to Mr. Van Loo. No neighbor comments were received and the comment received from the Wheatland Irrigation District has been forwarded to the surveyor. Mr. Williams request for a Simple Subdivision to divide off one approximately 8-acre tract meets the requirements for a simple subdivision. Per the Ranching, Agriculture, and Mining (RAM) District regulations having a minimum lot area of 10-acres, if approved, this approximately 8-acre parcel will be zoned Class I Single-Family Residential Classification. This zoning makes sense as the parcels across Grange to the west located around Wheatland Reservoir #1 are also zoned Class I Single-Family Residential Classification. Mr. Van Loo's residence would retain the 661 Grange Road address. Grange Road is classified by Road and Bridge as a category 1 and 2 road. The section of Grange Road that this division is being requested is within Category 1, meaning paved road with high traffic volume. High priority for signage, repairs, and snow removal. Also, would be priority for any future improvement. Wheatland Irrigation District approved Option 2 of Water Plan Approval for Subdividers. If approved; per Platte County Rules and Regulations, Mr. Williams shall, within one year, submit the

final plat to the Planning and Zoning Commission and the Board of County Commissioners for review and approval.

Commission Member Tiltrum motioned, second by Commission Member Brockman to approve Mr. Williams request for a Simple Subdivision to create one approximately eight acre parcel to be zoned Residential.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Approval of Minutes

Approval of Minutes – February 8, 2022

Motion by Commission Member Brockman with a second by Vice Chairman Klein was made to approve the minutes of the previous February 8, 2022, meeting as presented.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted that there will be an April meeting with two simple subdivisions on the agenda.

Chairman Shepard adjourned the meeting at 6:07 PM.

Approve:

Attest:

Chairman Planning & Zoning Commission

Planning Director Clark