



600 9th Street · Wheatland, WY 82201 · (307) 322-2962

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 in 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, Commission Member Brockman, Commission Member Tiltrum

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:



Chairman Planning & Zoning Commission

Attest:



Planning Director Clark

