

**PLATTE COUNTY**  
**PLANNING AND ZONING**  
**AUGUST 13, 2014**

Acting Chairman Bill Klein called the Platte County Planning and Zoning Commission regular meeting to order at 7:00 P.M. Commission members present were Bob Brockman, Sherry Warner, and Bonnie Lockhart. Also present were Reed Elmquist, Planner, Tim Millikin, County Commissioner, and Chris Kanwischer, County Clerk.

The Commission reviewed the minutes from the July 9, 2014 meeting. Commission member Lockhart made a motion to accept the minutes from that meeting. Commission member Brockman seconded the motion and it carried.

**New Business**

**Item #1:** Reed Elmquist, Planner, presented a Subdivision Request to subdivide one parcel into four parcels in a Residential District from David and Conilee Swantek, applicants and titleholders.

The applicants wish to subdivide this 40-acre property into 4 10-acre parcels. Although the property is described as Tract 3 of Oregon Trail Hills Subdivision, as no plat was recorded and as only four parcels are proposed, this can be processed as a simple subdivision.

The property is zoned Residential District and is surrounded by residential zoning on three sides, with agricultural zoning on the east side. Tracts A and B would have direct access to Lakeside Drive, maintained by WYDOT as Highway 317; while Tracts C and D would access Lakeside Drive through a proposed easement.

**ADVANTAGES:** The proposed lot sizes easily allow for adequate individual water supply. Wastewater disposal systems will be approved by DEQ. There is an existing single family residence on Tract A and no structures on any of the other three proposed lots. The property has decent access to Lakeside Drive.

**DISADVANTAGES:** There appear to be none.

**AGENCY COMMENTS:** The property lies outside the boundaries of the Wheatland Irrigation District.

Scott Cowley, County Engineer, commented that the access road/approach to Lakeside Drive will need to be coordinated with WYDOT.

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

ANALYSIS: The proposed lot sizes easily allow for adequate individual water supply and wastewater disposal systems. All lots should have access to Lakeside Drive.

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

1. That a maximum of four (4) parcels be created, each being a minimum of five (5) acres; and
2. That Tracts C and D be granted access to Lakeside Drive via an easement.

Acting Chairman Klein opened the floor to public comment.

David Swantek stated that Mrs. Swantek's family had first subdivided this property and that they've lived on that parcel for the last 20 years. The covenants allow the parcels to be further subdivided into a minimum of 10 acres each, while a Simple Subdivision allows for a minimum of 5 acres.

Acting Chairman Klein closed the floor to public comment and brought the issue to the Board for discussion. Commission member Brockman asked about the two separate plans for the access easement. Mr. Swantek answered that ultimately they would choose whichever plan would be more acceptable to WYDOT.

Commission member Lockhart asked whether all parcels would have access to electricity. Mr. Swantek answered that Tract D would likely need an electric easement along with an access easement.

Hearing no further Board discussion, Acting Chairman Klein called for a motion. Commission member Brockman moved to recommend do pass for the Subdivision Request to divide one parcel into four parcels in a Residential District. Commission member Warner seconded the motion. Acting Chairman Klein called for discussion, there was none; he called for questions, there were none. Acting Chairman Klein called for the vote and the motion carried.

**Item #2:** Planner Elmquist presented a Special Permit to allow an unmanned telecommunications tower in an Agricultural District from Bridger Wireless, applicant, and Harding & Kirkbride Livestock Co., titleholder.

The applicant proposes to construct a wireless communication tower south of Chugwater to the east of Interstate 25. There are no existing towers of similar height within 2 miles of this site for carriers to collocate on. The site would access the South Chugwater Highway via the County Road 241 underpass.

There appears to be one residence within one mile of the proposed tower. It is proposed to be 195' in height and does not require lighting.

**ADVANTAGES:** Wireless communication towers are necessary and improved communication services are important for emergency calls. The property is zoned Agricultural District, which is where such uses are allowed with a Special Permit. Call coverage will be improved for emergency services providers, local residents and travelers on I-25.

The applicant appears to meet the setback requirements. We have been asking for one hundred ten percent (110%) of the tower height for setbacks, which is not in our regulations, but is just good practice. We have no rules on that distance issue so discussion and consideration by the Board is appropriate.

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

**AGENCY COMMENTS:** None received at the time of this report.

**OTHER COMMENTS:** Linda Anderson questioned why the tower is proposed to be 195 feet tall and why another tower is necessary when there is an existing tower on the other side of the interstate. (Copy of letter attached)

**COMPATIBILITY:** Much like billboards, there is no widely-agreed upon definition of compatibility in this case. Properties that are zoned Agricultural District can be compatible with such uses. A shared location of facilities with another tower or similar uses is preferable. Sharing existing tower locations is a positive aspect as it minimizes tower sprawl.

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

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

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

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

1. That the applicant submit a Building Certificate application for the new facility prior to construction or initiation of the use;

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

Acting Chairman Klein opened the floor to public comment. Darren Hunter, consultant for Bridger Wireless, stated that the tower would have marker balls and be painted orange and white to increase visibility for aircraft. If four different wireless carriers collocate on this tower, there would be a maximum of 4 maintenance trucks per month at this site. A utility easement runs along the access road. Acting Chairman Klein asked if Bridger Wireless was aware of all the conditions. Mr. Hunter answered that they intend to comply.

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

Hearing no Board discussion, Acting Chairman Klein called for a motion. Commission member Warner moved to recommend do pass for the Special Permit to allow modifications to an unmanned telecommunications tower in an Agricultural District with the eight (8) conditions in the staff report. Commission member Lockhart seconded the motion.

Acting Chairman Klein called for discussion, there was none; he called for questions, there were none. Acting Chairman Klein called for the vote and the motion carried.

**Item #3:** Planner Elmquist presented a Special Permit to allow a small campground in an Agricultural District from Terry and Cary Higgins, applicants and titleholders.

The applicant desires to establish a small campground for personal use. The plan is for a total of four camper trailer spots with a separate well and sewage area. This property is located on the south side of Patten Creek Road, just outside the Sandy Beach campground at Glendo State Park.

The property abuts Agricultural Zoning District on all sides.

While this represents the applicant's intent at this time, this office feels that the Commission should consider any future expansion along with this request; i.e., permitting the additional spaces with a condition to allow future expansion with an approved Building Certificate rather than another Special Permit.

ADVANTAGES: The site is in close proximity to an existing campground.

DISADVANTAGES: Neighboring property owners might have concerns and other small RV parks could be requested by other landowners.

AGENCY COMMENTS: Platte County regulations require compliance with Wyoming State Standards Governing Mobile Home Parks, Travel Trailers, Truck Campers and Tenting Units, developed by the Wyoming Department of Health and Social Services; however, there are no longer any regulations or enforcement at the State level for these issues.

Comments from Todd Hepworth of the State Department of Environmental Quality include:

- 1) Please confirm if the campground will be for private use only or do the applicants intend a commercial operation where they will rent out spaces?
- 2) I do not see a well from the SEO database on the site. Do they intend to construct a well or simply haul water?
- 3) Do the applicants intent to install a septic system or simply use a holding tank / RV holding tanks?

We have allowed owners to use holding tanks provided they only use hauled water. If they construct a well or have a permanent water source, then they should have a septic permit. If it is a "private" system for family use only & not rented spaces, it's fine to go through the County under the Delegation Agreement. If it is a commercial enterprise, then they should come through DEQ.

(Copy of comments attached)

The matter was routed to SHPO with no comment at the time of this report.

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

COMPATIBILITY: A small facility like this can appear generally compatible, especially with a similar facility nearby. Approval, as necessary, from the State for the water supply system and the wastewater disposal system should satisfy health and safety concerns.

ANALYSIS: The proposed use should fit the general vicinity and existing uses. There may be some impact on neighboring properties.

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

1. That this approval be conditional upon approval of all required State permits, with the understanding that final approval is expressly not granted until issuance of required State permits;
2. That the facility be constructed to all State standards and that the facility continually maintain compliance with all State agencies;
3. That the park be adequately graded and drained to insure runoff and that interior streets are constructed and maintained to a standard satisfactory to the County;
4. That a minimum distance of twenty feet (20') between units be planned in the development and maintained in daily use;
5. That any work done on the wastewater disposal system require State approval;
6. That a Building Certificate be issued for the development of the facility;
7. That any future expansion require an approved Building Certificate and, if necessary, review by the Planning Commission; and
8. That this permit be reviewed on a complaint basis.

Terry Higgins stated that this property has been in Mrs. Higgins' family for over a hundred years.

Hearing no additional comments, Acting Chairman Klein closed the floor to public comment and brought the issue to the Board for discussion. He asked Planner Elmquist why he felt a Special Use Permit was required of the applicants. Planner Elmquist answered that the regulations do not specify a minimum definition of a travel trailer park and if they were only asking for one to two trailers he would not have even had them apply for a Building Certificate, but with three or more he felt it would be safer to go through the Board should the applicants wish to have more spaces or a commercial enterprise at any point.

Mr. Swantek asked what sort of precedent this might set, if a group of relatives wanted to come camp on his property. Acting Chairman Klein answered that the Board was not the least bit concerned about family members visiting from out of town.

Commission member Brockman asked Mr. Higgins if he would accept a limit of 10 trailers. Mr. Higgins answered that it would be more than twice what he wanted.

Hearing no further Board discussion, Acting Chairman Klein called for a motion. Commission member Warner moved to recommend do pass for the Special Permit to allow a small campground in an Agricultural District with the following conditions:

1. That this approval be conditional upon approval of all required State permits, with the understanding that final approval is expressly not granted until issuance of required State permits;
2. That the facility be constructed to all State standards and that the facility continually maintain compliance with all State agencies;
3. That the park be adequately graded and drained to insure runoff and that interior streets are constructed and maintained to a standard satisfactory to the County;
4. That a total of ten (10) recreational vehicle spaces be allowed;
5. That a minimum distance of twenty feet (20') between units be planned in the development and maintained in daily use;
6. That any work done on the wastewater disposal system require State approval;
7. That a Building Certificate be issued for the development of the facility;
8. That any future expansion require an approved Building Certificate and, if necessary, review by the Planning Commission; and
9. That this permit be reviewed on a complaint basis.

Commission member Lockhart seconded the motion. Acting Chairman Klein called for discussion, there was none; he called for questions, there were none. Acting Chairman Klein called for the vote and the motion carried.

**Item #4:** Planner Elmquist presented a Request to Rezone from Agricultural to Industrial District from Hiland Crude LLC, applicant and titleholder.

The northeastern 24.8 acres of this property were rezoned to Industrial District in May. Hiland Crude proposes to construct three to six crude oil tanks and a 12" diameter pipeline that will start at this site and run 488 miles to Dore, ND. A connection to the nearby Pony Express pipeline is also proposed. Hiland Crude is now proposing to expand this site by an additional 31.4 acres for more tanks and rezone the remainder to Industrial District. The property to be rezoned lies just over a mile west of the existing Guernsey Tank Farm. No plans for development of this additional acreage are proposed at present.

There appear to be no more than three residences within one mile.

**ADVANTAGES:** A portion of this property is already zoned Industrial District. The property has direct access to a County-maintained road.

**DISADVANTAGES:** This proposal could eventually result in a significant increase in truck traffic that Tank Farm Road cannot accommodate in its present condition.

**AGENCY COMMENTS:** Scott Cowley, County Engineer, commented that in the previous application, the well and septic tank/leach fields were not shown on the site plan, nor did the drainage plan show where runoff flows after leaving the property. As of this report, he has not received clarification on either of those items.

**OTHER COMMENTS:** Gay Carroll believes that this rezone would dramatically increase truck traffic, and Tank Farm Road is inadequate to handle the present volume of traffic as it is. (Copy of letter attached)

Another neighbor called in expressing similar concerns.

**ANALYSIS:** Industrial District appears wholly appropriate. This property is within one mile of another Industrial District. While this rezone in itself would not immediately increase truck traffic, this will create an issue that would better be resolved sooner than later.

**STAFF RECOMMENDATIONS:** Staff recommends approval of this request to rezone to Industrial District.

Mike Lackey, project engineer from Hiland Crude, stated that the property will be fenced per the purchase agreement with the Fredericks.

Dennis Peterson stated that Tank Farm Road is becoming more unsafe and that he had numerous close calls with trucks. He had heard Hiland Crude was going to have as many as 300 trucks coming in and out per day and suggested that they build an alternate access to South Guernsey Road. Mr. Lackey responded that as of now Hiland Crude has no plans for any trucks to be using this site but that it is a possibility later on. They are willing to coordinate with the County Engineer and Road & Bridge to improve the road.

Lana Peterson stated that she and Mr. Peterson live on Whiterock Trace half a mile south of Tank Farm Road and that Tank Farm Road is in definite need of wider shoulders. Commission member Brockman asked if Whiterock Trace is maintained by the County. Mrs. Peterson answered that it is. Commission member Lockhart asked if Whiterock Trace County Commissioner Millikin added that Tank Farm Road is one of the County's top priorities to improve but funds are minimal. Commission member Brockman stated that a joint effort of the oil companies to improve Tank Farm Road would be much appreciated by the County.

Acting Chairman Klein closed public comment and brought the issue to the Board for discussion. Hearing none, he called for a motion. Commission member Lockhart moved to recommend do

pass for the rezone to Industrial District from Agricultural District. Commission member Brockman seconded the motion. Acting Chairman Klein called for discussion, there was none; he called for questions, there were none. Acting Chairman Klein then called for the vote and the motion carried.

With no further public business Acting Chairman Klein called for a motion to adjourn. Commission member Brockman moved to adjourn and Commission member Warner seconded. Acting Chairman Klein called for discussion, there was none; question, there was none. Acting Chairman Klein then called for the vote and the motion carried. The meeting closed at 7:48 P.M.

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Respectfully Submitted, Reed Elmquist, County Planner