

PLATTE COUNTY
PLANNING AND ZONING
FEBRUARY 12, 2014

Chairman Marty Shepard called the Platte County Planning and Zoning Commission meeting to order at 7:00 P.M. Commission members present were Bob Brockman, Bonnie Lockhart, and Sherry Warner. Also present were Reed Elmquist, Planner, and Mayor LaDonna Sand and Town Attorney Rocky Edmonds of Chugwater.

The Commission reviewed the minutes from the January 15, 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 two parcels in an Agricultural District from Stephen Stenson, applicant and titleholder.

The applicant proposes to subdivide this 14-acre property into a 9-acre and 5-acre parcel. Because only two parcels are proposed and because both parcels will be over five acres in size, this can be processed as a simple subdivision. The property has good access to a publicly maintained road, Sunrise Highway, maintained by the state of Wyoming as Highway 318.

The property is zoned Agricultural District, with a Commercial District to the east.

ADVANTAGES: The property has good access to a state-maintained road.

DISADVANTAGES: There appear to be none.

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

Brady Irvine, Platte County Resource District Manager, commented that there appear to be limitations regarding soils associated with dwellings, small commercial buildings, ponds, embankments, roads, streets, shallow excavations, lawns, landscaping, and sewage disposal. (Please call this office for a copy of the full report.)

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.

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

1. That a maximum of two (2) parcels be created, each being a minimum of 5 acres.

Chairman Shepard opened the floor to public comment.

Hearing none, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Hearing none, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Subdivision Request to divide one parcel into two parcels in an Agricultural District. Commission member Warner seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard then called for the vote and the motion carried.

Old Business

Planner Elmquist presented a Special Permit to a shooting range in an Agricultural District from the Town of Chugwater, applicant and titleholder.

The Chugwater Town Council has unanimously voted to request a Special Permit for a shooting range on Town-owned property 2 miles outside of town. Two to four short-range galleries and four to six long-range galleries are proposed. The range would be open to paying members. Range specialists from Camp Guernsey and the NRA will help identify the most suitable location on the property.

ADVANTAGES: The community would benefit from such a facility by allowing patrons to shoot firearms in a controlled environment and offering gun safety training to children. There are no residences within a mile and the lay of the land appears to allow for adequate containment of any stray bullets. The site has direct access to a county-maintained road, Diamond Road.

DISADVANTAGES: The only potential disadvantages are safety issues that may arise if the range is not monitored. (This matter has been routed to the County Sheriff with no comments received)

AGENCY COMMENTS: Brady Irvine, Platte County Resource District Manager, commented that there appear to be limitations regarding soils associated with dwellings, small commercial buildings, roads, streets, lawns, and landscaping. (Please call this office for a copy of the full report.)

OTHER COMMENT: Karen Giudice, president of Chugwater Economic Development Inc., supports this request.

Irma Wortman opposes this request. She expressed concern over stray bullets from long-range weaponry hitting her property and endangering her livestock, pointing out that the Town has not indicated that the range would be monitored during business hours. (Copy of letter attached)

John Burns opposes this request for the same reasons. He stated that his land borders approximately 2 ¼ miles of the east, south, and west perimeter. He expressed concerns about devaluation of his property, decreased potential for residential and oil/gas development in the area, trespassers, and that he may be found liable on the remote chance that someone were to be killed by a stray bullet on his property. If approved, he would like to have the property boundary surveyed and fenced at the Town's expense. He compared Mark Virant's experience living next to the Town of Wheatland shooting range, stating that for all the effort the Town has put in to containing bullets, no measures have been fully effective.

ANALYSIS: The lay of the land appears to make this property an ideal location for a shooting range. Safety of surrounding properties is an obvious concern; however, that issue is more of a law enforcement matter.

STAFF RECOMMENDATION: This office recommends approval of this request to allow a shooting facility in an Agricultural District with the following conditions, plus any others the Board may deem necessary:

1. That this approval be confined within the SW1/4NE1/4 and that part of the N1/2NE1/4 lying to the southwest of Diamond Road;
2. That a Building Certificate application for any structures in excess of 2,500 square feet or costing over \$50,000 to build be submitted per standard County requirements; and
3. That this Special Permit be reviewed on a complaint basis.

Chairman Shepard asked if anyone wished to speak in favor of this proposal. Bill Hutchinson stated that it was his understanding that the shooting range would have to meet NRA standards and that should create a safe and secure environment to shoot in. He had been stationed at F.E. Warren Air Force Base in the mid-1980s and they never had any problems from the adjacent shooting range.

Mac McKenzie believed that the lay of the land would provide more than adequate containment from any stray bullets and that a gun would have to be tilted at least 45 degrees for one to land outside the property.

Leonard Stanley stressed that he would only support this proposal if it were a safe and secure facility, and that he was satisfied from what he had heard. He stated that this proposal is much safer than using road signs as targets and that the status quo is unacceptable.

Mayor Sand presented a conceptual drawing to the Board and stated that she had spoken with F.E. Warren AFB and they had informed her there was an easement with a radius of 25 feet from decommissioned missile silos, and 1,200 feet from active silos. The silo to the immediate east of this property is highly unlikely to be re-commissioned in the foreseeable future. The NRA has approved a \$25,000 grant for a shooting range, with another \$50,000 grant pending.

Rocky Edmonds, Chugwater Town Attorney, stated that he was not representing the Town in a legal capacity at this meeting but as a certified NRA range specialist. He has worked at a shooting range in the Cheyenne area and been involved with determining where to locate the galleries. He pointed out that the NRA requires the impact areas for bullets to be located within 8 feet of their respective target and that nobody will be allowed into the range without the presence of a certified range officer authorized by the Town.

Chairman Shepard then asked if anyone wished to speak in opposition to this proposal. John Burns stated that the proposed location would appear to encroach on his property and that there would not be enough space on the Town's property to accommodate a 1,000-yard gallery. He believed that a single-range bullet could travel up to 40 miles under certain conditions, and was skeptical that having the property manned would be fully effective. Chairman Shepard asked Mr. Burns if there was any sort of a compromise that could be reached between him and the Town. Mr. Burns stated that he would like to see a more detailed plan and for the property to be surveyed and fenced.

Chairman Shepard asked Mr. Edmonds at which angle guns would be fired. Mr. Edmonds answered that shooters would be aiming in a downward direction.

Chairman Shepard closed public comment and brought the issue to the Board for discussion. He stressed that it would not be possible to keep trespassers off the property 100 percent of the time and asked Mr. Burns whether requiring that the Town survey their property would help to satisfy him. Mr. Burns answered that it would help and that he also wanted Class 3 weaponry, silencers, and tracer rounds banned from the range. Chairman Shepard asked Mr. Edmonds whether that condition would be acceptable to the Town. Mr. Edmonds replied that no Class 3 weaponry, armor-piercing or tracer rounds, and shooting after dark would be allowed. Prohibiting silencers would not adversely affect anything.

Chairman Shepard went on to say that while confining the permit to the area specified by the Town in Condition 1 would likely be inadequate to accommodate a 1000-yard gallery, neither

did he believe that permitting the shooting range for anywhere within the 405 acres would be acceptable.

Mayor Sand stated that the Town had already taken precautions regarding one neighbor's horses.

Commission member Brockman asked where the long gallery might be placed on the property. Mayor Sand answered that it would extend from the southwest to northeast. If the NRA could not determine a suitable location for a 1000-yard gallery, they would try for 600 yards instead. Mr. Burns asked whether the NRA grant was contingent on having a 1000-yard gallery, and Mayor Sand answered that it was not.

Mr. Burns stated that he was still concerned that the boundary issue would not be addressed. Commission member Lockhart asked Mayor Sand how much of the perimeter was fenced. Chairman Shepard believed that the cost of erecting a fence should be split between Mr. Burns and the Town, asking Mr. Burns if he would agree to bear half the cost. Mr. Burns answered that while he would accept that, he was concerned that the Town would fail to keep all their promises.

Chairman Shepard asked Mayor Sand how the Town would enforce the rules and regulations of the shooting range. Mayor Sand answered that anyone found to be in violation would have their membership revoked. Mr. Burns stated that even under supervision, it would only take one mishap to cause a tragedy. Chairman Shepard pointed out that denying this request would do nothing to prevent accidental shootings.

Commission member Warner made a motion to recommend do pass for the Special Permit to allow a shooting range in an Agricultural District with the following conditions:

1. That this approval be confined to an area specified by the Town and a copy of the site plan be submitted to this office;
2. That the property be surveyed;
3. That no Class 3 fully automatic weaponry, silencers, armor-piercing or tracing rounds be allowed;
4. That all shooters be accompanied by a supervisor duly authorized by the Town and that no nighttime shooting be allowed;
5. That a Building Certificate application for any structures in excess of 2,500 square feet or costing over \$50,000 to build be submitted per standard County requirements; and

6. That this Special Permit be reviewed on a complaint basis.

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

The meeting closed at 8:15 P.M.

Respectfully Submitted, Reed Elmquist, County Planner