



Planning & Zoning

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

PLATTE COUNTY PLANNING & ZONING COMMISSION
RECORD OF PROCEEDINGS
TUESDAY, FEBRUARY 9, 2021

Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 6:00 PM on Tuesday, February 9, 2021, by Chairman Shepard in the Platte County Commission Chambers.

Members Present: Chairman Shepard, Commission Member Lockhart, Commission Member Klein, Commission Member Warner, Commission Member Brockman

Members Absent: none

Staff Present: Planner Clark

Citizen Comments

Chairman Shepard asked if there were any citizen comments. None

Declaration of Conflicts of Interest

Chairman Shepard asked if any of the Commission Members had conflicts of interest to declare. Chairman Shepard noted a conflict with the Shepard Farms request due to relation and would participate in the discussion but would not vote.

New Business

Request for a Simple Subdivision to divide approximately 5.5 acres out of approximately 130 acres and a request for a Simple Subdivision to divide approximately 17 acres out of approximately 130 acres

Planner Clark noted Mr. Hitt has applied for a Simple Subdivision of his father's 130-acre property to divide off approximately 5.5 acres located and to divide approximately 17 acres and create two parcels, both divisions would be off the same parcel located in part of the SW1/4 of Section 1, Township 24 North, Range 68 West, Platte County, Wheatland, Wyoming. Mr. Hitt has provided a copy of his Power of Attorney for his father and thus can sign the application and final plat on his behalf. Mr. Hitt has had businesses show interest in this location and hopes to sell to a business to boost the economy in Platte County.

The original parcel has had pieces divided out over the years and Mr. Hitt is aware that the final acreage of the parcels must be a minimum of 5-acres to meet the Simple Subdivision lot size requirements.

Mr. Hitt has supplied a signed Wheatland Irrigation District Water Plan Approval Form for Subdividers dated September 9, 2020.

At the time of application, the previous Simple Subdivision applied for by Mr. Hitt had not yet been recorded with the Platte County Recorder's Office. The previous Simple Subdivision has now been recorded with the Platte County Recorder's Office.

These requests were heard by the Town of Wheatland Planning and Zoning Commission and Wheatland Town Council. Both approved the divisions.

The Planning Office believes that if Mr. Hitt's request to divide approximately 17 acres out of approximately 130 acres and create two parcels should be combined with his other Simple Subdivision request to divide off approximately 5.5 acres located in the northwest portion of the same 130 acres, the division should be platted and recorded as a Subdivision and if approved the following conditions should apply:

That the final plat meets all of Platte County's Subdivision requirements due to the previous approval of a Simple Subdivision from the same parcel.

That a final plat be prepared and recorded with the Platte County Recorder's Office within one year of Platte County Commissioners' approval.

Mr. Hitt stated that he is continuing to divide and sell pieces to pay for his father's care at the Legacy Home. At \$250 per day the cost adds up quickly.

Members asked for clarification of the subdivision design if combined and where these lots would be in relation to the previously recorded Simple Subdivision.

Mr. Hitt clarified that the previous Simple Subdivision was acreage to the east of Gaddy's and these parcels would be to the west of the Childhood Development Center and in the north west corner.

Planner Clark noted that with the requests being combined into one Subdivision the result would be a subdivision with 4 large parcels.

Chairman Shepard asked why it could not be combined as Simple Subdivision. Planner Clark noted a clause in the regulations that requires additional divisions of previously divided acreage to be subdivisions and now that the previous Simple Subdivision has been recorded this would apply.

Motion by Commission Member Brockman was seconded by Commission Member Lockhart to combine these two Simple Subdivisions into one Subdivision with the recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Simple Subdivision to divide approximately 25.83 acres off approximately 383 acres located north of Washington Road and west of Ferguson Road

Planner Clark noted Lana Shepard has filed an application for a Simple Subdivision to divide approximately 25.83 acres off approximately 383 acres located north of Washington Road and west of Ferguson Road in part of the S2SE1/4 of Section 22, T24N, R68W, Platte County, Wheatland, Wyoming. Due to the proximity to Wheatland town limits this request for a Simple Subdivision to divide approximately 25.83 acres off approximately 383 acres will be reviewed by the Town of Wheatland Planning and Zoning Commission, Wheatland Town Council, Platte County Planning and Zoning, and Platte County Board of Commissioners. The Town Planning and Zoning Commission and Wheatland Town Council both approved this request.



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Mrs. Shepard is requesting this Simple Subdivision with the intent of selling/trading the approximately 25-acre tract with her neighbors to clean up the boundary lines of the approximately 380-tract and convert the underutilized southeast corner into hay fields. Mrs. Shepard has supplied a signed Wheatland Irrigation District Water Plan Approval Form for Subdividers dated November 11, 2020.

During the town meeting questions from neighbors about the future of the lot. Tract would be used for a single-family residence and with the boundary line adjustment the underutilized southeast could be cleaned up and used for hay production.

It is the opinion of the Planning Office that if Mrs. Shepard's request to divide approximately 25.83 acres off approximately 383 acres is approved the following conditions should apply:

- 1) That the final plat includes the new tract and references the boundary line adjustments for ease of tracking and to ensure an accurate legal description upon completion.
- 2) That a final plat be prepared and recorded with the Platte County Recorder's Office within one year of Platte County Commissioners' approval.

Members asked about the one-mile distance and needing to go to the town for approval; Planner Clark noted that in both the town code and the county regulations that the one-mile distance is included. However, in Wyoming State Statute 34-12-103(b) it references a half-mile for towns that have a population of less than 4,000. Members asked if we could investigate changing this. Planner Clark made notes to send this question to the County Attorney as it would have to be changed on both the county regulations and town code due to the stipulation of stricter regulations rule.

Motion by Commission Member Lockhart was seconded by Commission Member Brockman to combine these two Simple Subdivisions into one Subdivision with the recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Simple Subdivision to divide approximately 22 acres into 3 parcels located at 122 Bluffview Road, Wheatland, Platte County, Wyoming

Planner Clark noted Mr. and Mrs. Kernan purchased the 8 acres recorded in Book 308 on Page 117 with a mortgage. Later the Kernan's purchases the additional 14 acres and combined it with a boundary line adjustment shown on the records recorded in Book 393 on Page 869. When the boundary line adjustment was completed the mortgage was not updated to include the additional acreage. Mr. and Mrs. Kernan want to take advantage of the low interest rates and refinance; however, without dividing the original 8 acres from the now 22 acre parcel they will be forced to include all 22 acres in the refinance and this limits their refinance options. In addition, Mr. and Mrs. Kernan want to separate off a five-acre parcel to either sell or gift to family.

Planner Clark noted that she verified with the Assessor's Office that Mr. and Mrs. Kernan's mortgage is only for their home and the 8 acres.

It is the opinion of the Planning Office that if Angie Kernan's request to divide approximately 22 acres in three 5+ acre parcels is approved the following conditions should apply:

- 1) That the final plat includes references to the boundary line adjustments for ease of tracking.
- 2) That a final plat be prepared and recorded with the Platte County Recorder's Office within one year of Platte County Commissioners' approval.

Mrs. Kernan noted that being able to obtain better interest rates on a smaller parcel.

Member Brockman added that banks are more willing to loan on smaller acreage due to the foreclosure laws related to larger acreage and the amount of time it takes to complete the process.

Motion by Commission Member Warner was seconded by Commission Member Lockhart to combine these two Simple Subdivisions into one Subdivision with the recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 858 Bordeaux Road, Platte County, Wheatland, Wyoming

Planner Clark noted Visionary Communications is requesting a Special Use Permit to place a broadband communications tower in Platte County to service the unserved and underserved areas of the county with high-speed broadband internet. We have accepted CARES Grant funding through the Wyoming Business Council to aide in servicing these areas. This tower location will be used to communicate to other tower locations in the outlying rural areas of the county. Areas that are currently considered unserved will have the opportunity to have 100Mbps internet after these towers are operational. The FCC does not require paperwork on a tower this small, but any radio equipment on the tower that is required to be licensed by the FCC will be licensed accordingly. No agency or neighbor comments.

It is the opinion of the planning office that if Visionary Communications' request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 858 Bordeaux Road, Platte County, Wheatland, Wyoming is approved the following condition should apply:

- 1) Special Use Permit will be reviewed on a complaint basis.

Merlin Hitt with Platte County Economic Development stated that improved broadband is one of the mission goals of PCED and is in favor of this project.

Member Brockman asked Visionary representatives where are you getting the signal that you can do 100 Mbps?

Greg Worthen, Special Sales Engineer for Visionary noted Visionary has multiple routes into Wheatland and Platte County, we bring in fiber and redundancy through microwave that comes into Wheatland as well. So, we have microwave routes that actually go over to Goshen County and Laramie County and another route here also goes over to Albany County. We have that redundancy that way that we can build in through the fiber.



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Stacie McDonald, Director of Public Relations for Visionary added that it also depends the dishes and on what type of equipment you use.

Member Brockman asked how many can be served with this location that we are discussing and how far out can you reach?

Mr. Worthen answered, typically with the 100 Mbps like that, based on the equipment, you keep about 4 miles, but if it goes out farther it can be 50 Mbps or a step down as far as speed, it all comes down to signal strength for the distance. It is like your cell phone; drive up Sybille Canyon I may not be able to make a phone call, but in town I can.

Member Brockman asked if these towers used CARES funds.

Mr. Worthen confirmed, yes these were ordered with CARES funds.

Members Lockhart and Brockman asked if they had plans to put up more and if any would be on the east side of the county?

Mr. Worthen stated providing them with the area's information that is lacking coverage and Visionary could investigate expanding coverage within Platte County, because they do provide services to rural areas including Shawnee to the school and areas around out there.

Member Warner asked about the equipment needing to be licensed by FCC.

Planner Clark asked if they planned on adding radios to the towers?

Mr. Worthen stated, back to your question as far as speed, when you bring a, what we refer to as a back haul to a tower, a lot of time that is licensed equipment so you can do a higher speed and if those were to be on the tower they would be licensed by FCC. If there are other radios on the tower that don't require licensing, then they won't be licensed.

Chairman Shepard asked if the tower goes into disrepair who is responsible for maintenance and removal of the tower?

Mr. Worthen stated that Visionary is responsible.

Chairman Shepard recommended adding a second condition to the Special Use Permit that Visionary Communication is responsible for all maintenance and removal.

Member Brockman asked about the size of the solar panels and if they were like those on a stock well.

Mr. Worthen noted that depending on the size of the stock well, but these typically are larger than those on a stock well.

Motion by Commission Member Brockman was seconded by Commission Member Warner to approve this Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 858 Bordeaux Road, Platte County, Wheatland, Wyoming with the two recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 153 Small Road, Platte County, Wheatland, Wyoming

Planner Clark noted Visionary Communications is requesting a Special Use Permit to place a broadband communications tower in Platte County to service the unserved and underserved areas of the county with high-speed broadband internet. We have accepted CARES Grant funding through the Wyoming Business Council to aide in servicing these areas. This tower location will be used to communicate to other tower locations in the outlying rural areas of the county. Areas that are currently considered unserved will have the opportunity to have 100Mbps internet after these towers are operational. The FCC does not require paperwork on a tower this small, but any radio equipment on the tower that is required to be licensed by the FCC will be licensed accordingly. No agency comments.

Neighbor comments received; Ken and Patty Small - We would like to share our support of the special use permit at 153 Small Rd and any others that are connected to Visionary Communications and this project. We have very limited options for telephone and internet in this area and are very happy that Visionary Communications has been willing to work with us. Our whole community will benefit from this project, not just our family. Currently, CenturyLink and satellite internet providers are the only communications available. No cell service is available, and no other broadband companies would provide service. CenturyLink is getting very aggressive about wanting to cancel phone service and VOIP options with slow satellite internet are very frustrating. Again, we support Visionary Communications and ask that this special use permit be granted.

It is the opinion of the planning office that if Visionary Communications' request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 153 Small Road, Platte County, Wheatland, Wyoming is approved the following condition should apply:

- 1) Special Use Permit will be reviewed on a complaint basis.
- 2) Visionary Communication is responsible for all maintenance and removal.

Merlin Hitt with Platte County Economic Development stated that improved broadband is one of the mission goals of PCED and is in favor of this project.

Member Klein asked about the lifecycle of the towers.

Mr. Worthen stated it depends, because technology changes all the time, I do not know if you mean the structure or the unit.

Member Klein asked about the solar panels on skids vs putting it in permanently. To me it seems like it is a test deal to see if it works and if it doesn't are you going to abandon it?

Mr. Worthen added the solar panels are attached to a skid and they do require annual maintenance. No, part of that was due to the CARES and dealing with the time constraints there. It was having things built and time constraints and easy of having things, in a sense, mass produced then trucked up and placed on site versus building on site. As far as the longevity of it, I see no reason that something would not last for 10 years; the question comes down to if there isn't alternate technology that comes out and solar panels are very hardy and if they are damaged by hail then they are replaced and or refurbished.

Member Klein noted that he hopes the people allowing these to go on their property realize that they are going to be there for the next 20 to 50 years.

Mr. Worthen noted if technology changes to the point that this was obsolete that these set ups are easy to go out with a trailer and load them up and haul them away. It is not something that we would look at leaving on site if it was no longer useful. Some of these are in remote sites and we



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have had some instances where WyoLink has asked to add to the tower because they do not want to put up a structure of their own, because they have a hard time using their radio systems with some of their officers out in these areas. Those are discussions that have taken place in other counties, but not here yet. In that sense, if it came to where it was not used for us, but it was used for them then we visit with the landowner and work out a deal between them and the equipment owner.

Ms. McDonald noted that part of that is in their lease agreement with the landowners and we go over all of these things with the landowners and they usually use an attorney, so they look out for their best interests.

Member Brockman asked if the CARES money was through the State of Wyoming.

Ms. McDonald confirmed yes.

Motion by Commission Member Lockhart was seconded by Commission Member Brockman approve this Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 153 Small Road, Platte County, Wheatland, Wyoming with the two recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 3652 Highway 34, Platte County, Wheatland, Wyoming

Planner Clark noted Visionary Communications is requesting a Special Use Permit to place a broadband communications tower in Platte County to service the unserved and underserved areas of the county with high-speed broadband internet. We have accepted CARES Grant funding through the Wyoming Business Council to aide in servicing these areas. This tower location will be used to communicate to other tower locations in the outlying rural areas of the county. Areas that are currently considered unserved will have the opportunity to have 100Mbps internet after these towers are operational. The FCC does not require paperwork on a tower this small, but any radio equipment on the tower that is required to be licensed by the FCC will be licensed accordingly. No agency comments.

Neighbor comments received; Steve Neff- Asked for additional information due to the confusion of the Special Use Permit request coming after the tower had already been erected and what type of services would be provided. After answering his questions no further comment was received by the Planning Office.

It is the opinion of the planning office that if Visionary Communications' request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 3652

Highway 34, Platte County, Wheatland, Wyoming is approved the following condition should apply:

- 1) Special Use Permit will be reviewed on a complaint basis.
- 2) Visionary Communication is responsible for all maintenance and removal.

Merlin Hitt with Platte County Economic Development stated that improved broadband is one of the mission goals of PCED and is in favor of this project.

Members asked for a little clarification on the tower's location.

Mr. Worthen noted that it is located on Getaway Ranch and is on the north of highway 34.

Motion by Commission Member Lockhart was seconded by Commission Member Brockman to approve this Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 3652 Highway 34, Platte County, Wheatland, Wyoming with the two recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 1256 Sybille Creek Road, Platte County, Wheatland, Wyoming

Planner Clark noted Visionary Communications is requesting a Special Use Permit to place a broadband communications tower in Platte County to service the unserved and underserved areas of the county with high-speed broadband internet. We have accepted CARES Grant funding through the Wyoming Business Council to aide in servicing these areas. This tower location will be used to communicate to other tower locations in the outlying rural areas of the county. Areas that are currently considered unserved will have the opportunity to have 100Mbps internet after these towers are operational. The FCC does not require paperwork on a tower this small, but any radio equipment on the tower that is required to be licensed by the FCC will be licensed accordingly. No agency comments.

Neighbor comments received; Kim and Lee Ludeman - My husband and I live at 1995 Sybille Rd, Wheatland, WY. We have been very excited to find out that Visionary Communication was putting up a communication tower in our area. We have been trying to get internet service to our home for several years. This tower will provide a reliable source of internet service at a reasonable price. Thank you for your time and consideration.

Ray and Michelle Parker - We are very much in favor of Visionary putting up a communications tower at 153 Small Road. It will be of huge benefit to our Sybille Canyon community as we have had major issues with good, reliable internet service.

It is the opinion of the planning office that if Visionary Communications' request for a Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 1256 Sybille Creek Road, Platte County, Wheatland, Wyoming is approved the following condition should apply:

- 1) Special Use Permit will be reviewed on a complaint basis.
- 2) Visionary Communication is responsible for all maintenance and removal.



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Merlin Hitt with Platte County Economic Development stated that improved broadband is one of the mission goals of PCED and is in favor of this project.

Motion by Commission Member Warner was seconded by Commission Member Lockhart approve this Special Use Permit to erect and operate a 50 ft communication tower with solar panel skids located at 1256 Sybille Creek Road, Platte County, Wheatland, Wyoming with the two recommended conditions.

Upon roll call the vote on the MOTION was:

YES: Commission Member Lockhart, Commission Member Warner, Chairman Shepard, Commission Member Brockman, Commission Member Klein

NO: none

MOTION DECLARED CARRIED

Approval of Minutes

Approval of Minutes – January 12, 2021

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

Upon roll call the vote on the MOTION was:

YES: Commission Member Klein, Chairman Shepard, Commission Member Lockhart, Commission Member Warner, Commission Member Brockman

NO: None

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted the next regular meeting will be March 9, 2021 at 6 p.m. with a Simple Subdivision on the agenda.

Merlin Hitt noted that it has been rumored that Robert Hilty purchased the old sugar beet location previously owned by Renewable Fiber out of Fort Collins. Rumor is Western Building Supply will be moving their truss manufacturing operation to this location as they are unhappy with their current location next to the transfer station on Y-O Road.

Planner Clark noted that the Wild Horse facility has received horses and should be building their office shortly as a Building Certificate has been issued.

Planner Clark noted that a draft violation letter for Mr. Spring at 180 S Chugwater Highway is being reviewed by County Attorney Weaver and will be sent out certified mail after receiving Attorney Weaver's go ahead. Mr. Spring needs to complete a rezone, apply for both a special use permit

and building certificate as well as work with the State Department of Environmental Quality to obtain an UIC permit and with the State of Wyoming to obtain a State Health Permit before beginning operation of a slaughter and meat packing facility.

Planner Clark asked the Commission to review the final plat of the Lee Simple Subdivision before having Chairman Shepard sign.

Chairman Shepard adjourned the meeting at 7:16 PM.

Approve:


Chairman Planning & Zoning Commission

Attest:


Planning Director