



Planning & Zoning

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

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

Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 6:05 PM on Tuesday, March 9, 2021, by Chairman Shepard in the Platte County Commission Chambers.

Members Present: Chairman Shepard, Commission Member Klein, Commission Member Brockman
Members Absent: Commission Member Warner, Commission Member Lockhart
Staff Present: Planner Clark, Deputy Clerk Shubert

Citizen Comments

Chairman Shepard asked if there were any citizen comments.
None noted.

Declaration of Conflicts of Interest

Chairman Shepard asked if any of the Commission Members had conflicts of interest to declare.
None noted.

New Business

Request for a Simple Subdivision to divide 20 acres into 4 parcels located 335 Olson Road, Wheatland, Platte County, Wyoming

Planner Clark noted Mr. Angle applied for a Simple Subdivision to divide 20-acres into four 5-acre tracts. Mr. and Mrs. Angle purchased the property in April 2020. The property has been an individual 20-acre parcel since the 1970s and is not part of a previous subdivision or simple subdivision. The property is currently zoned Agricultural, and the zoning will remain as such. Mr. Angle has provided a copy of the proposed Subdivision Disclosure which was included in the meeting packet along with all neighbor letters received before the publishing of the packet. Wheatland Irrigation District approved Option 2 of Water Plan Approval for Subdividers on January 6, 2021 and Mr. Angle provided a copy of the approval from the WID. First State Bank VP Martinez responded to the division notice that FSB is aware of the request and grant approval since this property is currently financed with our bank.

WREA Operations Manager Wright commented that WREA's only concerns is that there is not a length for the utility easement noted on the site plan and there is not an easement to lot 3. Mr. Beal's 20-acre parcel is in an Agricultural zoning district and has parcels ranging in size from one acre to 200+ acres within close proximity. The land to be subdivided is not located within a platted subdivision or record of survey and will not be served by a central sewage disposal system or central water supply system. The request meets the requirements to be a Simple Subdivision.

Olson Road is classified as a Category Two county road meaning it is of good quality gravel-surfaced road, is well-drained and signed, with high traffic volume, may be a main artery, connector road or local collector and is a high priority for grading, snow removal, and future improvements.

Wheatland Irrigation District approved Option 2 of Water Plan Approval for Subdividers which requires Mr. Angle to include show all WID infrastructure and easements; both recorded and unrecorded, if applicable on the plat; and show the water conveyance facility to each lot to protect each lot owner's right to receive water on the plat.

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

Chairman Shepard noted taking the time to drive out and look at the site and read all of the letters submitted by neighbors and I can only speak for myself, but if Mr. Angle dots all his l's and cross all his t's, this board is not a good ol' boy board, it's not a matter of whether we like Mr. Angle or dislike Mr. Angle, it is a matter of if he follows the current rules and regulations that we have in place then we can't stop him. I know a lot of you in attendance are not for this, but I can assure you that everybody in this room that I know, your property has been divided and chunked off. So, it seems if you can have your little piece of heaven, we shouldn't begrudge these people right here and you should be neighbors and get along and move on and the idea of growing beans from one letter and corn, I don't understand at all, because you could all do the same thing and so could he. The water thing I 100% don't understand, if Mr. Angle decided to apply for an irrigation well, he would probably get it, he may have to drill, who knows how deep, but if he were to turn it on and pump and irrigate that 20-acres he is going to far surpass his domestic well and he is going to pump your wells dry in a matter of days. I really do not think you want him going down that road. Water is not this boards deal our deal is if he applies and adheres to our rules and regulations it is going to be awful hard to say no. With that being said, I am going to open this request up to public comment.

Pam Metz asked I know that it says that the parcels can't be any smaller than 5-acres; what if once it is surveyed that there is not 20-acres there is less and it is not possible to all the parcels to be 5+ acres? What would Mr. Angles options be?

Mr. Angle stated that he hadn't considered that before, but yes if they went to do the plat and it surveyed less than 20-acres instead of four parcels we would probably do three and move the lines around a bit.

Clay Brow asked about the notice sign being posted; neighbors and Chairman Shepard verified that they sign is posted by his mailbox. Clay continued that Chairman Shepard kind of shut him down with his opening and I do have concerns as you said we do want those who live here to be happy with their surroundings and we were real happy out there and I know it's not the Commission personally, but it is personal for me. Ida Black was a great neighbor and she had 20-acres and she was proud of those 20-acres and she would not have sold them. Clay asked about the vicinity map to be able to point some things out on the water delivery. Planner Clark provided the vicinity map; Clay continued that the property has been split up as it was the Premier Property and its very functional with the placements of the cement ditches as boundaries and they provide good irrigation; concerned if there is a wreck in the water that it would probably get into my basement, but I will deal with that when the time comes. Clay referenced some of the proposed



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irrigation on the site plan and that he does not want anyone knocking a hole in the ditch come irrigating season and there's no weir. Chairman Shepard noted that Mr. Angle will have to put in a weir and a measuring device. Chairman Shepard noted not speaking as the Chairman as Planning and Zoning and speaking for the Wheatland Irrigation District, because he is on that board as well; WID is trying to clarify and clean things up and this is one way for us to start, because previously people didn't have to come to the WID when they subdivided, now we are making them do that so we can rectify and/or fix a problem before they sell their property to someone else and the new guy says well that's not what it is, WID is trying to be proactive instead of reactive, and one way for us to do it is to make Mr. Angle include on the plat how each lot gets their water and where the head gates are located. So, down the road, if you have an easement through there, that is included, referenced, and included on the final plat so it cannot be cut off without going through the proper legal channels to remove the easement.

Citizens in attendance and Commission Members discussed how water could be allocated depending on the year, how neighbors need to work together when ordering, diverting, and irrigating, WID requires calling and ordering of water, WID minimum order is half a foot, water is ordered from WID, but what happens on the lateral is not WID's issue, and that it is not the Planning and Zoning Commission's duty to monitor the laterals, that is why there are ditch riders and why you pay an irrigation assessment.

Mr. Angle verified that he would have measuring devices and used the draft site plan to give an overview of how the current water plan would work with the current four parcel layout.

Shannon Brow noted that they received a letter and were told that we could show up and voice our concerns if we are for or against the proposal; from the start I got a picture that we don't have a voice in the decision and that it was done deal. When we built on the property that we are on, it was the intent to live like we live now with no neighbors next door. If I want to live next to neighbors, I am going to move to town, and that is my option, I can do that if I choose to.

Chairman Shepard noted that the other option would be to purchase a portion of the subdivision from Mr. Angle.

Mrs. Brow noted that they offered, and they did not accept; I felt that I had the opportunity to come and voice my opinion, but it doesn't feel that way and I could be home hanging out with my dogs. I would like to have a say in what happens, but it does not feel like I have a say in the outcome.

Chairman Shepard thanked Mrs. Brow for coming to the meeting to voice her concerns and opinions and noted if the speed limit is 55 it is 55 and if Mr. Angle follows Platte County Planning and Zoning Rules and Regulations then how can the commission tell him no?

Mrs. Brow stated she was trying to understand if he was following the commissions regulations and wants to understand the process.

Commission Member Klien clarified that the commission is governed by and follows the Platte County Rules and Regulations.

Commission Member Brockman added that the Planning and Zoning Commission is the advisory board to the County Commissioners.

Chairman Shepard added that we do not write the rules, we do not write the regulations, our job is to enforce what is put in front of us.

Mrs. Brow asked why the neighbors were not notified earlier when the irrigation plan was dated in January.

Chairman Shepard asked Planner Clark to touch on the notice requirements. Planner Clark noted that the letters are sent earlier than the ten business day requirement to give neighbors more time to provide comments and the submittal deadlines in the county are forty-two days in advance of the regularly scheduled meeting; which due to the Platte County Record Times only publishing on Wednesday's and their prior Thursday submittal deadline gives the Planning Office two days from the application submittal deadline to the advertising submittal deadline to have the ad in the paper for the required noticing.

Mrs. Brow stated that she appreciated giving neighbors the opportunity to have a voice.

Chairman Shepard noted that Pam Metz brought up a good point about the acreage and that is what makes our board important, because we could say yes, and the commissioners could say no and then what are we doing here? Pam brought up a good point through this conversation maybe the way to look at Planning and Zoning is as a mediation board as we are trying to make it so we can all get along.

Mrs. Brow stated that it sounds like the Angle's started this process back in January and I live next door to them, I want to be neighborly, and have known Audrey Angle my whole life, I want to be neighbors and I like Audrey and have nothing against Audrey and I have nothing against Beal, I don't him very well, but I have nothing against him, I want us to be good neighbors. But not once was there that neighborly conversation like you're talking about across the fence and to me there was some common courtesy that was not put out there as well. I appreciate the process and I know that it's a process and I understand that, and I think as neighbors that we wanted to be a little more informed when it came down to it.

Chairman Shepard noted that it may have gone a long way if Mr. and Mrs. Angle had talked to their neighbors and said hey we are thinking about doing this, hopefully you will be on board, but at the same time it is their choice to move forward.

Terry Brant stated that no one is saying that we want to go subdivide and if you let him subdivide it gives him more freedom to subdivide correct? And I am on Carl Mickles place, but I did not subdivide.

Chairman Shepard stated that we understand that you did not subdivide, but at some point in the past someone did.

Terry Brant continued, same way with this land here, Chris Laffette subdivided that, it wasn't a simple subdivision? How did he get all those lots to start with?

Chairman Shepard and Commission Member Klien both stated that the division happened prior to the county subdivision rules were adopted and back then it was most likely a handshake deal for ten acres and away they went.

Planner Clark noted that the subdivision regulations started in the late-70s, were updated in the mid-80s, Planning and Zoning was implemented in 2001 and updated in 2012.

Chairman Shepard noted that there is a lot of back history that we can't fix, but going forward we are trying to be proactive by including the water delivery system on the plats, because if that were done back in the 70s, all you guys on that ditch could go to your plat and your easement and say, yep, here is my access, here is my easement, or what I thought was my easement is not my easement, so we are trying to make it better.



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Terry Brant references the Wyoming Water Rights and it says subdivisions with attached water rights have three options, abandon rights, transfer rights, or develop a subdivision with irrigation plan, which is what they are trying to do; it says each of these actions requires the review by the State Engineer's Office or the State Board of Control before they can be approved by the prospective county. So, has that been done?

Chairman Shepard noted that when the WID signed off on the water plan it is going to get approved and Mr. Angle's plan was signed by the WID Manager.

Commission Member Brockman added that State Engineer has abrogated their rights to the WID because it is within a district and I have been involved in the past with three of these and the State Engineer says to talk to the local irrigation district.

Chairman Shepard added prior to any of the subdivisions every acre can only get so much water, so the ditches were supposedly built to handle the water for the current property when it was built, the property area hasn't changed, it hasn't gotten bigger or small, it now has more users, so the ditches in essence over the hundred years they have been in existence they blow in, they silt in, they get covered up, and we have to deal with it.

Terry Brant agreed that it is not the ditch water that we have to deal with it is the users and if you get three more people on and then we all want to irrigate, and everyone is kind of set.

Commission Member Klien noted with their water plan that four of them will not be able to come on at one time. In those four properties one person can use it for today, one for another day, however they have it set up, they can't come on with four feet to cover that twenty acres, because you are regulated.

Commission Member Brockman asked about Mr. Angle reviewing the water plan with WID.

Mr. Angle verified that he did sit down with WID to establish a working water distribution plan.

Citizens in attendance stated that they may not have attended had they had more information from the Wheatland Irrigation District about the water distribution plan.

Commission Member Klien informed that this is what this board does a lot of times is we educate people on how the rules and regulations are read or how the district works so that if you do go to the commissioner meeting you know what they are talking about, because we are one step down the line.

Pam Metz asked the Angle's if they had considered creating longer thinner tracts with country road frontage like the existing neighboring lots? Because of the slope of the land and the way the water is going to flow. We are talking subdivision with covenants and basically people are going to have their own little cul-de-sac. That's what you think of.

Chairman Shepard noted that when you hear the word subdivision everyone panics.

Commission Member Klien noted I think the reason that happens is because you see these subdivisions south of here in Colorado where they have a hundred homes on five acres and these folks do not want these people to sell it off to a developer that is going to come in and put a hundred homes on that five acres, but that what they have applied for. It is called a simple subdivision, but they can only sell each parcel to one buyer.

Chairman Shepard also clarified that they can not subdivide it again without going through the full-blown subdivision process that requires geotechnical study on the property of drainage and the cost would be, I cannot imagine.

Commission Member Klien noted that a subdivision like that would be more likely on something like eighty acres versus five acres.

Terry Brant asked if Mr. Angle was to change the layout to two ten-acre parcels, and this would still be under a Simple Subdivision correct? And as such it would stay at ten-acres unless someone was to go through the full subdivision process?

Planner Clark noted that once subdivided through the Simple Subdivision process that to divide again, even if the parcels are over five-acres it would require going through the subdivision process.

Shannon Brow asked if there was a study somewhere that shows if there is enough well water, drinking water, because I don't want to be trucking water into my house. So has there been a study that says it can support three more houses?

Commission Member Brockman noted that the current wells should be registered with the State Engineer's Office and reported and adjudicated, so if it is a 1980 well and if they drill a well and yours starts going down you notify the State Engineer's Office theoretically under Wyoming Water Law will restrict the new well until you are pumping what you were adjudicated. That is the responsibility of the State Engineer and not Platte County.

Clay Brow noted that the County is concerned with health issues and the road out there gets pretty darn dusty come summertime, not so bad now, but summertime if Terry is down there changing his water and if there is a fog of dust and where I work out at the mine and anything that goes off of property they monitor, I guess will the county or whoever monitor to see how much dust?

Chairman Shepard stated no, I mean think about what you are asking, I could come and drive on your road 400 times a day and there is nothing the county can do, you live in what is called welcome to the country. If we watered one road, we would have to water all the roads.

Deanna Brant asked about the survey and if I had to be a legitimate survey, because we personally have had issues in the past with surveyors not completing jobs accurately. I want to make sure Beal is going to go out and survey it himself or his best friend or his brother, I want to make sure it is completed properly because it has happened in the past to us and we have been burned in the past and the easements will be recorded on the plat?

Chairman Shepard stated absolutely it must be done correctly and they want it surveyed correctly and if they are going to sell it by the acre, they need to know how much is in each tract and the easements will be on the plat or it will not make it through the plat review process.

Commission Member Brockman stated that it must be performed by a licensed surveyor, licensed in the state of Wyoming.

Planner Clark noted that if the draft received by the planning office is not completed by a surveyor licensed by the State of Wyoming the county will not sign the plat, which means that it cannot be recorded.

Mr. Angle noted that they wanted to go with this layout to potentially sell the two west lots and build our retirement home with my own hands on the rear east lot and probably should have spoken with more of the neighbors sooner, but I was pretty sure I knew what your feelings would be on this request, but it may have eased everyone into it a little better. Ultimately the reason that we went with this layout is it gives more options.

Mrs. Angle noted that they had talked to the Brow's about the back five-acres but didn't know if this would get turned down.



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Mrs. Brow stated that since they hadn't heard anything in two weeks that they thought they had turned down their offer to purchase.

Chairman Shepard noted what if this proposal was turned down, then there would not be land to sell to you and that is probably why they have not given an answer to the proposal.

Mrs. Angle explained how the five or ten acres could be an option for their neighbors to purchase, but we needed to know if this would get approved before moving forward.

Mr. Brow thanked Mrs. Angle for her clarification and noted that they should visit more down the road.

Mr. Angle asked if the survey shows that there is under twenty acres and the lots need to be adjusted if he would need to start the application process over again.

Planner Clark noted that if the changes are not significant and all the parcels are still over five-acres; going up in parcel size and down in tract size would not be considered a significant change; therefore, the application would not need to be resubmitted and both the Planning and Zoning Commission and the County Commissioners will do the final plat review before signing for approval. Planner Clark added that the plat is reviewed by the planning office and the county engineer for accuracy and to make sure the needed real estate disclosures are included, if needed road disclosures are listed on the plat, and make sure WREAs request for easement has been fulfilled.

Commission Member Klien asked Planner Clark if she had any recommendations for the commission in relation to this request.

Planner Clark noted that due to herself and Mr. Angle both being employed as department heads by Platte County to keep with neutrality and ethical division she did not provide any formal recommendations only background analysis of the request.

Chairman Shepard added that they would need to add any recommendations to the motion.

Motion by Commission Member Klein was seconded by Commission Member Brockman to approve Mr. Angle's Simple Subdivision request with the following conditions:

1. The final plat to include and show all WID infrastructure and easements; both recorded and unrecorded.
2. Show the water conveyance facility to each lot to protect each lot owner's right to receive water on the plat.
3. Within one year, submit the final plat to the Planning and Zoning Commission and the Board of County Commissioners for review and approval.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Approval of Minutes

Approval of Minutes – February 9, 2021

Motion by Commission Member Brockman with a second by Commission Member Klein was made to approve the minutes of the previous February 9, 2021 meeting as presented.

Upon roll call the vote on the MOTION was:

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

NO: None

MOTION DECLARED CARRIED

Board Discussion

Planner Clark noted the next regular meeting will be April 13, 2021 at 6 p.m. with a Special Use Permit the agenda. Starting in May the meeting time will move to 7 pm.

Planner Clark noted Mr. and Mrs. Hale attended the Town Council meeting last night and I gave council an overview of the Hale’s request to vacate and re-plat Y-O Ranch 3rd Filing and Town Council approved the request to be a joint applicant and move forward. The Hale’s will need to work with the Town on the re-platting portion as both property owners may want to make additional adjustments to boundary lines during this process.

Commission asked Merlin Hitt with Platte County Economic Development about the Renewable Fiber Building; Mr. Hitt stated that it is his understanding that Robert Hilty is currently leasing the building from Renewable Fiber and will have an option to purchase this summer. It is also his understanding that Stone Welding/Stone Crazy has until October 2021 to move out of the blue building.

Planner Clark noted informing the Commission via email of a violation letter that was sent to Alex Spring in Chugwater in relation to building without a building certificate, needing to rezone, and needing a special use permit for the intended usage. Re-inspection will occur at the end of the month. Commission asked if Mr. Spring had since contacted the Planning Office and Planner Clark noted that he had not made any contact to resolve these issues.


Chairman Shepard adjourned the meeting at 7:25 PM.

Approve:



Chairman Planning & Zoning Commission

Attest:



Planning Director