



# Planning & Zoning

600 9<sup>th</sup> Street · Wheatland, WY 82201 · (307) 322-2962

PLATTE COUNTY PLANNING & ZONING COMMISSION

RECORD OF PROCEEDINGS

TUESDAY, JUNE 8, 2021

## Call to Order – Roll Call

The regular meeting of the Platte County Planning and Zoning Commission was called to order at 7:00 PM on Tuesday, June 8, 2021, by Chairman Shepard in the Platte County Commission Chambers.

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

Members Absent: Commission Member Warner

Staff Present: Planner Clark

## Citizen Comments

Chairman Shepard asked if there were any citizen comments for items not on tonight's agenda. None noted.

## 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 for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline in part of the S2 of Section 18, Township 26 North, Range 65 West, Guernsey, Platte County, Wyoming

Planner Clark noted Colorado Liberty Pipeline has filed an application for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline and submitted a building certificate application that the County Commissioners approved on May 4, 2021. No neighbor or agency comments were received. Colorado Liberty Pipeline's request for a special use permit to operate an originating pump station for Liberty Express Pipeline fits well with the industrial usage that currently exists in the proposed area. The proposed site along with a large portion of the surrounding area is zoned industrial. If approved, the recommendation of the Planning Office for Colorado Liberty Pipeline's request for a Special Use Permit to operate an origination pump station for Liberty Express Pipeline would be to review upon a complaint basis. Planner Clark noted that the additional design handout is for this project and was being provided after verifying that the information was not considered confidential.

Motion by Commission Member Klein was seconded by Commission Member Lockhart to approve Colorado Liberty Pipeline's request for a Special Use Permit to be able to operate an originating pump station for Liberty Express Pipeline in part of the S2 of Section 18, Township 26 North, Range 65 West, Guernsey, Platte County, Wyoming.

1. Review upon a complaint basis

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Chairman Shepard asked Planner Clark to add a few informational notes that relate to both of the following items on the agenda before hearing those items. Planner Clark noted that the rezone and special use permit process is to utilize and regulate land use in Platte County and that the state agencies would be the primary enforcement on meat processing facilities. On the Planning and Zoning Applications page there is an application packet for Meat Processing Facilities that includes ten pages from Platte County, twenty-five pages from Wyoming Department of Environmental quality, and one thousand one hundred sixty-four pages from Wyoming Department of Agriculture. The information from the Department of Agriculture includes several forms that the licensee is required to have on-site and keep up to date. If the producer chooses to become USDA certified, then USDA would be the enforcing authority for that facility. Meat processing is mostly regulated by the Department of Agriculture and USDA and most complaints related to these facilities would be investigated by the Department of Agriculture or the USDA. In addition, meat processing facilities are required to be inspected by the Department of Agriculture if they are a state facility or by the USDA if they are a federal facility. How frequently these inspections occur depends on the level of processing. For more detailed information on what these inspections entail and how often they occur please reach out to the Department of Agriculture or the USDA office. Planner Clark reminded the Commission that these items will be presented together because they correspond with each other and are for the same location, but the motion for Rezone needs to be made before the motion for the Special Use Permit, because without the rezone the special use permit request is void.

Request for a Rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a butcher shop with on-site slaughtering Located next to 180 South Chugwater Highway, Chugwater, part of the N2SE4 of Section 1, Township 20 North, Range 67 West, Platte County, Wyoming (Parcel ID: 20670140003700)

Planner Clark noted Alex Spring has filed applications to rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a butcher shop with on-site slaughtering located next to 180 South Chugwater Highway, Chugwater, Wyoming. The proposed location is an approximately 20-acre parcel. In addition to Mr. Spring's letter of intent, Mr. Spring provided the engineering design report to answer questions related to how the facility will manage its wastewater treatment system. Mr. Spring is working with WYDOT to obtain a dedicated access off South Chugwater Highway for the facility. In the meantime, the facility is easily accessed off Mr. Spring's driveway to his parcel to the west. No neighbor or agency comments were received. The proposed location of Mr. Spring's meat processing with on-site slaughtering is approximately 1.32 kilometers (0.8 of a mile) from



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Chugwater town limits. Mr. Spring's request to rezone from Agricultural to Industrial would provide for additional business opportunities in this area south of Chugwater and is needed for him to operate the meat processing portion of his proposed business.

Today, Dan Kirkbride called the Planning Office with the following questions: in the engineer's report the engineer makes several suggestions for the design of the system, will Mr. Spring be incorporating those suggestions into his design? Will inspections of this system be required? What will the frequency of the facility inspections be? Will Mr. Spring be restricted to specific hours of operation? Why is Mr. Spring taking the risk of building the facility ahead of Platte County approval? How did he get approval to build ahead of the permitting process? Planner Clark noted that the Department of Environmental Quality would be responsible for the suggestion incorporation, approval, and inspections of the waste disposal system. The type and frequency of facility inspections will be determined by the type/level of certificate Mr. Springs applies for and this will also dictate which agency is the inspecting and enforcing agency for those regulations. Planner Clark noted issuing a notice of violation to Mr. Spring for building before obtaining a building certificate and has since received the building certificate application.

If approved, the Planning Office will include the parcel ID of 20670140003700 in the rezone approval to differentiate between Mr. Spring's two parcels and for ease of future reference, because his two parcels are listed on one deed, but are two separate parcels and the Assessor's Office already has them separated in the tax system. In conjunction with his rezone request, Mr. Spring submitted a request for a Special Use Permit to operate a butcher shop with on-site slaughtering at the same location. Meat processing is an allowed use within the Industrial zoning district and slaughtering requires a special use permit. Per Mr. Spring's letter of justification, Mr. Spring is hoping to process two beef a day, offer wild game processing during the hunting season, and have a bakery with retail space. Mr. Spring provided a copy of the engineering design report related to how the facility will manage its wastewater treatment system (attached).

This facility/business would be of great value to Chugwater, the surrounding area, and would benefit Platte County's economic development.

If approved, Mr. Spring's request for a Special Use Permit to operate a butcher shop with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Spring provide the Planning Office with a copy of the WYDOT access approval.
3. Mr. Spring provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.
4. Mr. Spring provide the Planning Office with a copy any additional federal or state permits as they are issued.

Mr. Spring what level of processing have you applied for with the Wyoming Department of Agriculture? Mr. Spring stated he will be processing for personal use.

Do you plan to have the bakery on site? How do you plan to keep the baked good separate from the meat items in the store front? Mr. Springs noted that they bakery would be part of Phase II of the business and would be baked off site. Do you plan on doing any rendering? (Rendering is a

process that converts waste animal tissue into stable, usable materials.) Mr. Springs – No. What is your plan for storage of and disposal of inedibles? Mr. Springs stated he planned to utilize TDS' special dumpster for disposal and when needed would haul to TDS to keep smell to a minimum. Do you plan to sell product across state lines now or in the future? Mr. Springs stated possibly if we decide to obtain USDA certification. Do you plan on having additional employees? If so, how do you plan on recruiting employees? Mr. Spring stated, yes, eventually up to 5 and plan to recruit by word of mouth.

Emily Jensen asked how many jobs? Mr. Springs reiterated up to five. Kelly Wensel asked what are you doing with the beef? Commission Member Lockhart clarified that Mr. Spring would be processing beef brought to him. Cindy Goertz asked about putting waste in the dumpster how often will it be emptied. Mr. Spring answered that TDS has a specific dumpster for this purpose and if needed TDS will be requested to make a special trip or I will be hauling it, because especially in the summertime it will need to be emptied every day.

Commission Member Klein asked if Chugwater has Planning and Zoning and if these items were required to be heard by the Town of Chugwater Planning and Zoning as well. Planner Clark noted that Chugwater does have Planning and Zoning, but these items are not required to be reviewed by Chugwater, but subdivision of land would be and the Town Clerk for Chugwater was included on the request for comment for this item.

Chairman Shepard asked if this could be considered a spot zone. Planner Clark noted that there are other areas in the county that have been rezoned that are like this and due to the county starting as all Agricultural Classification when zoning was first started there is not a good way to avoid pockets of differently zoned areas. When the request for comment was sent out to the county departments Attorney Weaver did not comment, which I took to mean that he is not of the opinion that this would be a spot zone.

Commission Member Klein asked Mr. Spring how far are you from your closest neighbor? Mr. Springs noted his closest neighbor is located on the 40-acre lot next to him. Planner Clark noted that Mr. Springs did take the time to go around and talk to his neighbors to let them know of his plans.

Larry Alexander asked Mr. Springs how far is the slaughterhouse going to be located from residency? Mr. Springs stated less than a quarter of a mile.

Motion by Commission Member Brockman was seconded by Commission Member Lockhart to approve Mr. Spring's request to rezone from Agricultural to Industrial classification.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Motion by Commission Member Brockman was seconded by Commission Member Klein to approve Mr. Spring's request for a Special Use Permit to operate a butcher shop with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Spring provide the Planning Office with a copy of the WYDOT access approval.
3. Mr. Spring provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.



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4. Mr. Spring provide the Planning Office with a copy any additional federal or state permits as they are issued.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Request for a Rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming located in the NW4SW4 of Section 1 of T24N, R68W, Platte County

Planner Clark noted Clint Philipps has filed applications to rezone request to rezone from Agricultural to Industrial in conjunction with a request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming. The proposed location is an approximately 5-acre parcel. Per Mr. Philipps letter of justification this venture will be in conjunction with Ranching for Hunger a 501c3 non-profit focused on providing beef to families in need. Mr. Phillips is currently estimating 10-15 full-time employees and shows long-term interest in the area. Mr. Phillips is working with the Department of Environmental Quality and Wyoming Department of Agriculture during the design process to make sure the facility meets all their required guidelines. Neighbor comments received from Doug Kafka, Emily Jensen, Brian Dubois, Carl Jensen, and Margaret Jensen are included in the packet and are available in the packet on the website for review. Only agency comment received was from Mr. Latham - Manager for Wyoming Department of Agriculture Consumer Health Services to Rich Cripe with DEQ: Hope you are doing well. I received this document from Platte County about the rezoning of this property. I noticed on the sketch provided they have a compost section and a lagoon. I thought someone from DEQ might be interested in those portions because I am not certain it meets the regulations. The Planning Office did not receive any comment or response from DEQ. In speaking with the inspector of the meat processing facility previously located on 9<sup>th</sup> Street in the Town of Wheatland, the inspector noted that no complaints were received in relation to smell. The proposed location of Mr. Philipps's meat processing facility with on-site slaughtering is located on an approximately 5-acre parcel, would be approximately 0.55 kilometers (0.34 of a mile) from Wheatland town limits and would be approximately 0.94 kilometers (0.6 of a mile) from a residential zoning district. Mr. Philipps's request to rezone from Agricultural to Industrial would provide for additional business opportunities in this area north of Wheatland and is needed for him to operate the meat processing facility portion of his proposed business. The proposed location is part of Mr. Hitt's subdivision approved by the Platte County Commissioners in February 2021. At the time of this report the Planning Office had not yet received a draft plat for review and the last update received from the surveyor noted that they were waiting on Mr. Hitt to finalize adjustments to his original plan. Since the report, the Planning Office received the first draft plat of Mr. Hitt's subdivision and sent it back to the surveyor for adjustments, because it included a Simple

Subdivision that has already been recorded and was missing a parcel. This may be an advantage if during the design process the state agencies require additional acreage, it could allow for an adjustment to be made to that parcel to accommodate the design. If approved, the Planning Office would ask that the rezone not go into effect until the recording of the final plat of Mr. Hitt's subdivision.

In conjunction with his rezone request, Mr. Philipps submitted a request for a Special Use Permit to operate a meat processing facility with on-site slaughtering at the same location. Meat processing is an allowed use within the Industrial zoning district and slaughtering requires a special use permit. Per Mr. Philipps's letter of justification, Mr. Philipps is estimating an operation size of 10 to 15 full-time employees and plans to work towards becoming an USDA facility. This facility/business would be of great value to Wheatland, the surrounding area, and would benefit Platte County's economic development. If approved, Mr. Philipps's request for a Special Use Permit to operate a meat processing facility with on-site slaughtering the recommendation of the Planning Office would be as follows:

1. Be reviewed upon a complaint basis.
2. Mr. Philipps provide the Planning Office with a copy all federal and state licenses as they are obtained.
3. Mr. Philipps coordinate with DEQ and Wyoming Department of Agriculture during the design process to ensure the proposed acreage meets their requirements for the proposed operation.
4. Mr. Philipps provide the Planning Office with a copy of the approved DEQ permit, before beginning operation.
5. Mr. Philipps obtain a Platte County Building Certificate before construction of the facility.

Mr. Philipps what level of processing have you or will you apply for with the Wyoming Department of Agriculture? Mr. Philipps stated this will be custom state of the art facility processing up to fifty head a week and only processing domestic cattle, sheep, and hogs.

Do you plan on doing any rendering? (Rendering is a process that converts waste animal tissue into stable, usable materials.) Mr. Philipps stated no rendering.

What is your plan for storage of and disposal of inedibles? Mr. Philipps noted that what is not sold will be composted in a sealed form.

Do you plan to sell product across state lines now or in the future? Mr. Philipps stated that the facility will start as state certified and inspected moving up to federal certification and inspection to be able to sell across state lines.

How do you plan on recruiting employees? Mr. Philipps stated he wants to hire local as much as possible but will recruit from butcher school and online.

Planner Clark noted when the request for comment was sent out to the county departments Attorney Weaver did not comment; which I took to mean that he is not of the opinion that this would be a spot zone and again noted that there are other areas in the county that have been rezone that are similar and due to the county starting as all Agricultural Classification when zoning was first started there is not a good way to avoid pockets of differently zoned areas.

The following attendees spoke in favor of the business, but in against the location:

Larry Alexander, Margaret Jensen, Doug Kafka, Emily Jensen, Christine Alexander, Carl Jensen, Amy Wenmier, Jeremy Haroldson

Highlights of the against comments: purchasing cheap agricultural land and rezoning it to avoid paying industrial land prices when there are other locations already zoned industrial that are available, this location will negatively affect my property value, shouldn't there be a buffer zone not



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allowing this type of operation so close to residents, will greatly impact tourism in Wheatland, the market/store front portion of the operation should be located downtown, increased traffic on the roads, will greatly increase the number of flies and predators, increased truck traffic by the early childhood development center, predators will bring disease and it will seep into our water the water table is only three feet in that area.

A few neighbors noted offering to purchase the property to keep it agricultural but stated Mr. Hitt would not sell to him and they felt he was doing this project because of his position with PCED. Doug Kafka requested that Merlin Hitt removed from the Planning and Zoning board. Mr. Hitt is not a member of the Planning and Zoning Commission.

Kelly Wenzel spoke in favor of the project as a whole- Platte County has a need for this facility. Jennifer Stone spoke in favor of the project as whole and noted that the facility in Buffalo is on smaller acreage, very close to a residence, and with today's technology you cannot tell that it is a slaughter/processing facility and there is no smell.

Ian Jolovich noted that growing up in Torrington in grade school touring the slaughterhouse was one of their field trips and as children we viewed every step in the process, this is a part of life. Merlin Hitt; as a neighbor and citizen, spoke in favor of the project and added that the some of the neighbors did not talk to him about a purchase and others refused to pay the asking price.

Lori Milness as a citizen of Platte County spoke in favor of the project. As an employee with the Wyoming Childhood Development center she has concerns for how the location could affect their DFS licensing.

Question to Mr. Philipps- Where are you on the design process? Mr. Philipps stated that they are still working on the design and are focusing on getting the required permits in place before wasting money on an engineer if the project is not going to move forward.

In relation to inedibles: Commission Member Lockhart asked if there is a backup plan in place Mr. Philipps stated utilizing a rendering plant out of Colorado, but has not yet contacted them.

Motion by Commission Member Lockhart was seconded by Commission Member Klein to approve Mr. Philipps's request to rezone from Agricultural to Industrial classification with the following conditions:

1. Rezone will not go into effect until the subdivision plat has been recorded with the Platte County Recorder's Office
2. Rezone will not go into effect until the slaughterhouse Special Use Permit is approved

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

Motion by Commission Member Brockman was seconded by Commission Member Klein to postpone Mr. Philipps request for a Special Use Permit to be able to operate a meat processing facility with on-site slaughtering located off Red Fox Road, Wheatland, Wyoming located in the NW4SW4 of Section 1 of T24N, R68W, Platte County until July 13, 2021.

Upon roll call the vote on the MOTION was:

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

NO: none

MOTION DECLARED CARRIED

#### Final Plat Review of Shepard Farms Simple Subdivision

Planner Clark noted that the Planning Office sent two requests for revisions to Steil Surveying before approving for printing. Commission Members did not have any questions or concerns, and Chairman Shepard signed the plat.

#### Final Plat Review of Tract 12 of Guernsey Lake Retreat Subdivision

Planner Clark noted that the Planning Office working in conjunction with the Assessor's Office and through correspondence with the State Engineer's Office and the State Archives was able to add clarity to the north boundary of Guernsey Lake Retreat Record of Survey and thus proceed with the review and printing of Mr. Wheeler's subdivision. Commission Members did not have any questions or concerns, and Chairman Shepard signed the plat.

#### **Approval of Minutes**

##### Approval of Minutes – May 11, 2021

Motion by Commission Member Klein with a second by Commission Member Lockhart was made to approve the minutes of the previous May 11, 2021 meeting as presented.

Upon roll call the vote on the MOTION was:

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

NO: None

MOTION DECLARED CARRIED

#### **Board Discussion**

Planner Clark noted the next regular meeting will be July 13<sup>th</sup> with two items on the agenda: rezone and simple subdivision.

Planner Clark noted that they will be starting construction on the courthouse and starting in August the Commission will be meeting in the Town Hall Council Chambers until the new Commissioner Chambers are completed and will send out a reminder prior to the meetings.

Planner Clark updated the Commission on the progress of the vacation and replat of Y-O Ranch Filing #3; the Town of Wheatland in conjunction with Lori and Don Hale are working with Steil Surveying on the reconfiguration of the parcels. The first draft submitted by Steil Surveying is missing components that were included in the scope of work and will be sent back for revisions. Planner Clark asked the Commission to have their notes for solar energy back to the Planning Office by the end of June.

Planner Clark noted with the designation of the Wheatland Downtown Historic District by the National Park Service the Wheatland Historic Preservation Commission is now working on



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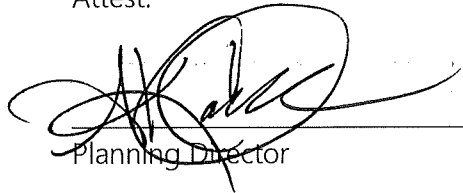
wayfinding signs for the area and the first one will be WYDOT Community signs at both Wheatland exits. These signs have to be approved by both the Town Council and the County Commissioners and the proposal will go to both the Council and Commissioners next week. The proposed signs will include the Wheatland Downtown Historic District and the Platte County Fair and Rodeo Grounds.

Chairman Shepard adjourned the meeting at 9:00 PM.

Approve:

  
Chairman Planning & Zoning Commission

Attest:

  
Planning Director

