



Planning & Zoning Commission

AGENDA

Thursday, February 3, 2022, 5:30 PM
Town Hall Council Chamber
600 9th Street, Wheatland, WY

- A. Call to Order – Roll Call
- B. Election of Chairman
- C. Citizen Comments
- D. Declaration of conflicts of interest
- E. Scheduled Business
 - a. **Request:** Special Use Permit to operate an in-home daycare within a Residential District
 - i. **Applicant:** Adriana Leinen
 - ii. **Location:** 804 14th St., Wheatland, Wyoming
 - b. **Request:** Special Use Permit to operate a meat processing facility with on-site slaughter in a Light Industrial District
 - i. **Applicant:** Mill Iron L LLC
 - ii. **Location:** 1810 9th Street, Wheatland, Wyoming
 - c. **Planning and Zoning Resolution:** 22-01 Planning and Zoning Fee Schedule
- F. Approval of minutes from the December 2, 2021 Regular Meeting
- G. Commission Discussion (if any)
- H. Adjournment



TOWN OF WHEATLAND PLANNING OFFICE

600 9TH STREET • WHEATLAND • WYOMING

OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Applicant: Adriana Leinen
Request: Special Use Permit (SUP) to operate an in-home daycare within a Residential District
Location: 804 14th Street, Wheatland, Wyoming



Proposal Details

Adriana Leinen has applied for a Special Use Permit (SUP) to operate an in-home daycare within a Residential District located at 804 14th Street, Wheatland, Wyoming. SUP requests are reviewed by the Wheatland Planning and Zoning Commission. According to Wheatland Municipal Code childcare facilities operating within a residential district require a Special Use Permit to be granted by the Planning & Zoning Commission to be in compliance. Mrs. Leinen's request for this SUP is a requirement to obtain state licensing through the Department of Family Services.

Agency Comments

Electric Superintendent Pinneo: No concerns.

Police Chief Willadsen: As long as she's following DFS guidelines I'm fine with this.

Neighbor Comments

None received

Analysis

Mrs. Leinen's request for a Special Use Permit (SUP) to operate an in-home daycare within a Residential District located at 804 14th Street, Wheatland, Wyoming is a requirement to obtain state licensing through the Department of Family Services. The Department of Family Services is the main enforcing authority for daycares within the state and has several requirements and guidelines that the applicant is required to meet and follow to maintain licensing.

As with many towns, Wheatland lacks state certified childcare options. Adding additional childcare options to Wheatland could help economic development within the community.

The Planning Office recommends approval of Mrs. Leinen's request for a Special Use Permit (SUP) to operate an in-home daycare within a Residential District located at 1001 22nd Street, Wheatland, Wyoming with one condition:

- 1) Schedule an initial childcare facility inspection with the Building Inspector.

Planning and Zoning Commission Options

- 1) Approve the request as proposed;
- 2) Approve the request with conditions recommended (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

Failure to achieve a quorum results in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

Letter of Intent

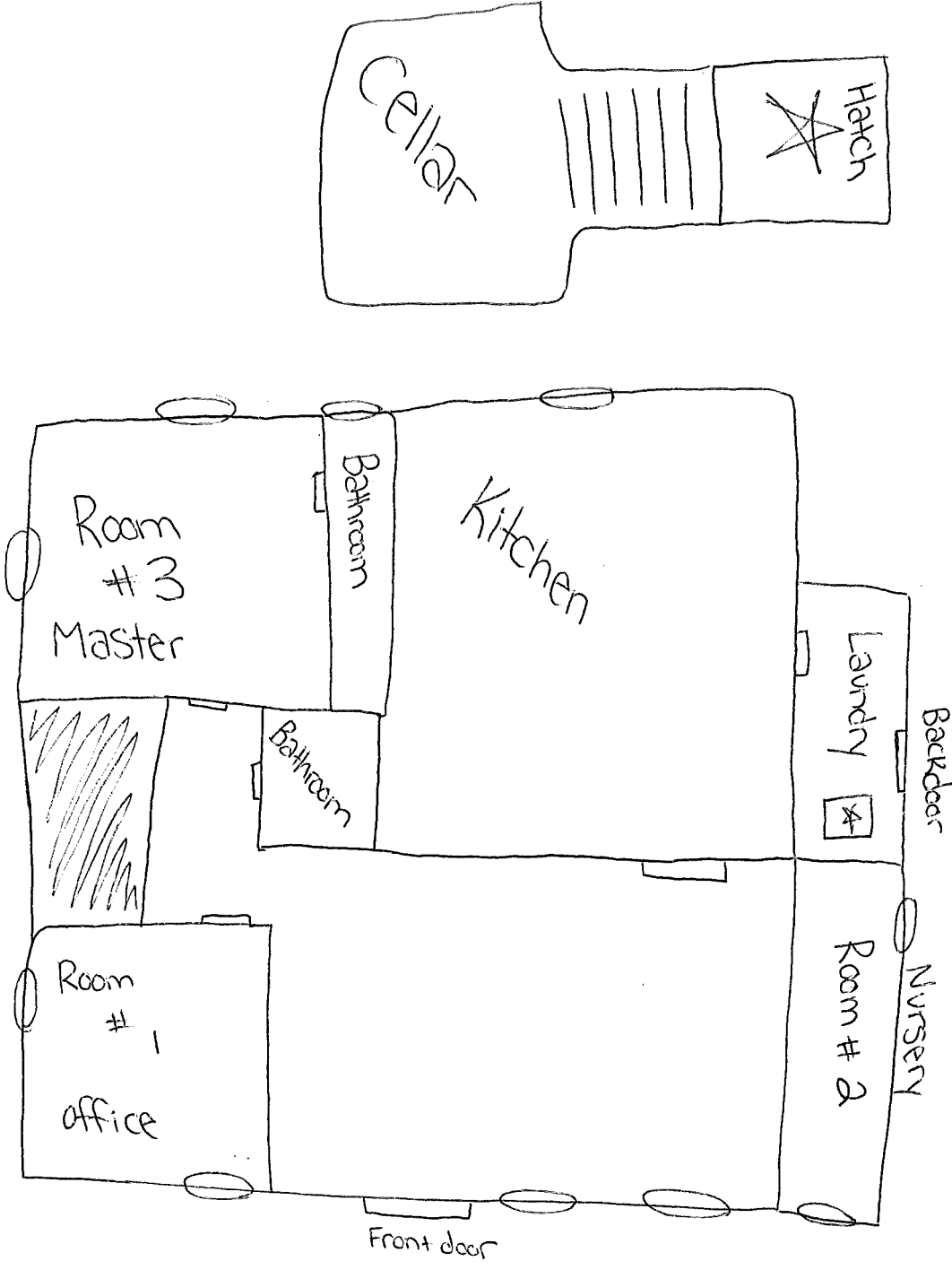
By: Adriana Leinen

I hope to open a Family in Home Daycare. With the permission of my landlords and the encouragement and guidance of the Department of Family Services, I have come up with many creative ideas for the children. I am still excited despite being in the early stages of licensing with DFS. I plan to watch infants up to one year in the nursery I have built. If the need arises that I need to watch children older than one year old, I will make the appropriate accommodations. My greatest goal is to be a help to the community of Wheatland through my love of children and their care. I am also striving to complete my CDA class which will allow me to be nation certified in childcare.

Thankful,

- Adriana Leinen

Rough Floor Plan



804 14th Street Site Plan



© All Pictometry

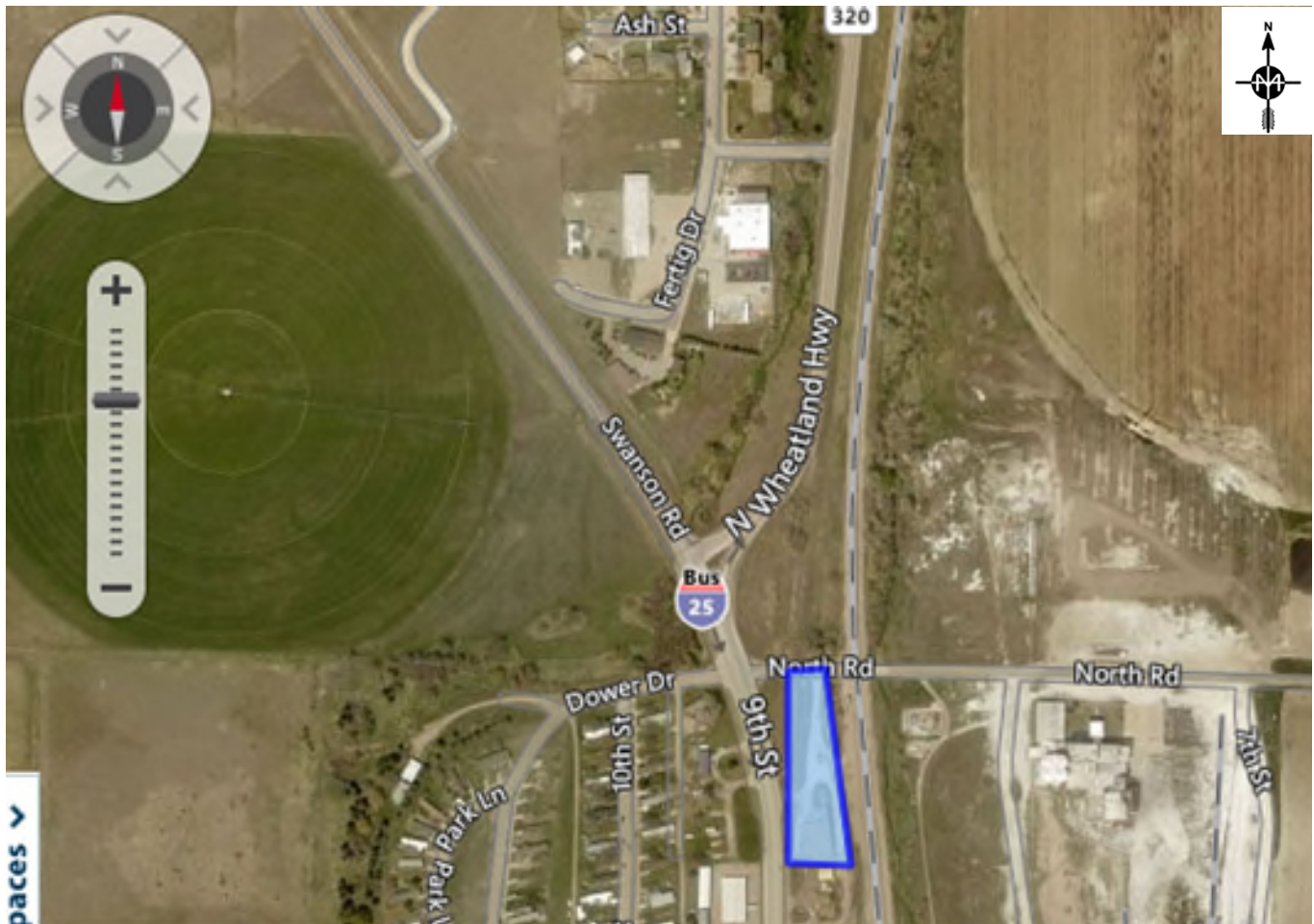


TOWN OF WHEATLAND PLANNING OFFICE

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Applicant: Mill Iron L, LLC
Request: Special Use Permit (SUP) to operate a meat processing facility with on-site slaughter in a Light Industrial District
Location: 1810 9th Street, Wheatland, Wyoming



Proposal Details

Mill Iron L, LLC has applied for a Special Use Permit (SUP) to operate a meat processing facility within a Light Industrial District located at 1810 9th Street, Wheatland, Wyoming. SUP requests are reviewed by the Wheatland Planning and Zoning Commission.

Agency Comments

Electric Superintendent Pinneo: No problems.

Police Chief Willadsen: Looks good to me. It's been a processing plant several times before and I have never seen or heard of issues when being operated in the past.

Water/Wastewater Superintendent Keck: How is the solid and animal waste going to be handled? Blood handling cannot be discharged directly into the sewer system without first going through a pretreatment or bucket and added to compost. Pretreatment and handling plans for wastewater need to be approved by the Town and possibly DEQ. Pretreatment is required to be designed by an engineer. The on-site wastewater system from the floor drains feeds into a manhole which is a lift station and does not contain any pretreatment before discharging into the Town's system.

Town Clerk Wright: The Town of Wheatland is concerned about the possible effect the biological matter could potentially have on the Town's wastewater system. The applicant should be required to coordinate with the Town's water/wastewater department to ensure the Town's system is not adversely affected by this operation. In addition, the applicant should be required to obtain and provide engineered pretreatment and handling plans for wastewater and any additional required state and/or federal permits.

Neighbor Comments

None received

Analysis

Mill Iron L, LLC's request for a Special Use Permit (SUP) to operate a meat processing facility with on-site slaughter within a Light Industrial District located at 1810 9th Street, Wheatland, Wyoming is a requirement of the Wheatland Municipal Code. As stated in Mill Iron L's letter of justification, they are working with the corresponding state and federal agencies to obtain the required state and federal permits to accompany this special use permit. In addition to working with the USDA, Mill Iron L has been working with the Building Inspector and Electrical Inspector to address all required updates to bring the building into compliance. Although, not currently required by WMC, Mill Iron L is willing to install a privacy fence along the chute area to meet the proposed Industrial code updates. (As shown on site plan)

Currently, 1810 9th Street is utilized as a meat processing facility with on-site slaughter. Mill Iron L is required to apply for a special use permit, because Town of Wheatland special use permits are non-transferable.

The Planning Office recommends approval of Mill Iron L's request for a Special Use Permit (SUP) to operate a meat processing facility with on-site slaughter within a Light Industrial District located at 1810 9th Street, Wheatland, Wyoming with the following conditions:

- 1) Continue to coordinate with the Building and Electrical Inspectors during the building update process.
- 2) Continue to coordinate with the Water/Wastewater Department to ensure the drain system adequately captures the required fats and debris to work with the Town's system.
- 3) Provide a copy of the discharge permit from DEQ, before operation can begin.
- 4) Provide a copy of the pretreatment and handling plan, before operation can begin.

- 5) Provide the Planning Office with a copy of all state and federal permits issued in relation to the special use permit.

Planning and Zoning Commission Options

- 1) Approve the request as proposed;
- 2) Approve the request with conditions recommended (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

Failure to achieve a quorum result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

Letter of Justification

To whom it may concern,

I, Colt Thayer, in conjunction with Mill Iron L, LLC, would like to open and operate the processing plant at 1810 9th street. The processing plant will maintain the ability of USDA inspected on-site slaughtering, processing, and distribution of beef cattle. The beginning focus will be processing one beef a day, and work towards incorporating hogs in later as we become more comfortable and settled into our new business. We will be working with the FSIS USDA on the best way to phase into hogs before we actually begin processing them.

I am in the application process with the USDA, Department of Environmental Quality, and am working with local lending institutions. I intend on completing everything required to operate a USDA meat processing facility that will process my own cattle with the option of custom processing. I plan on selling the processed meat from my own cattle locally, state wide, and across state borders as well. We project to have our building hours open Monday-Friday from 8AM-5PM. These hours are subject to change as we become more in tune with the needs of the community. We will start with employing one butcher and add butchers and retail employees as the business grows. I will also be included in all aspects as well. Our butchers will be up to date on any requirements or licenses that are required. I also plan on having an experienced butcher train our butcher for a period of time until they are comfortable with the process. When we start processing, we will most likely only be cutting steaks, a few specialty cuts, and grinding the rest of the beef into hamburger. The options of cuts will diversify as we have more hands-on experience. I will also try to employ a salesman as well. The salesman will be finding any method possible to sell our meat. Whether those methods are farmers markets, booths at events, social media, word of mouth, restaurants, or meat vending machines, I plan on providing a product that I will be proud to sell to people. I am also interested in constructing a smart phone app that can be used 24/7.

As for all the details of procedure, our facility will follow all requirements, licensing processes, and regulations needed. There is a grease trap that all drains flow into, located north of the main building that is required for drainage control. For odor control, there is a cooler, also located north of the main building that we will store our inedibles in until they are hauled off by a waste disposal company.

I have had Christopher Romero, the Frontline supervisor for the FSIS, USDA, come and inspect the facilities. He had stated that the facility is pretty much "turn key" with a few minor fixes needing to be done. Otherwise he had said that the facility is up to USDA standards. As of right now I am in the process of finding a HACCP consulting company to work with us creating a HACCP and SSOP plan. Once the HACCP plan is finished I can send it to the USDA to be approved and move into applying for our grant of inspection.

Conditions for Receiving Inspection

1. Before being granted Federal inspection, an establishment shall have developed written Sanitation Standard Operating Procedures (Sanitation SOPs), as required by 9 CFR 416.12 of this chapter.
2. Before being granted Federal inspection, an establishment shall have conducted a hazard analysis and developed and validated a HACCP plan, as required by Part 417.2 and 417.4 of this chapter. A conditional grant of inspection shall be issued for a period not to exceed 90 days, during which period the establishment must validate its HACCP plan.

I am hoping to create trustworthy and long lasting relationships with all agencies and individuals involved. I look forward to working with you on this and in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Colt Thayer". The signature is written in a cursive, slightly slanted style.

Colt Thayer



11TH ST

N RD

TENTH ST

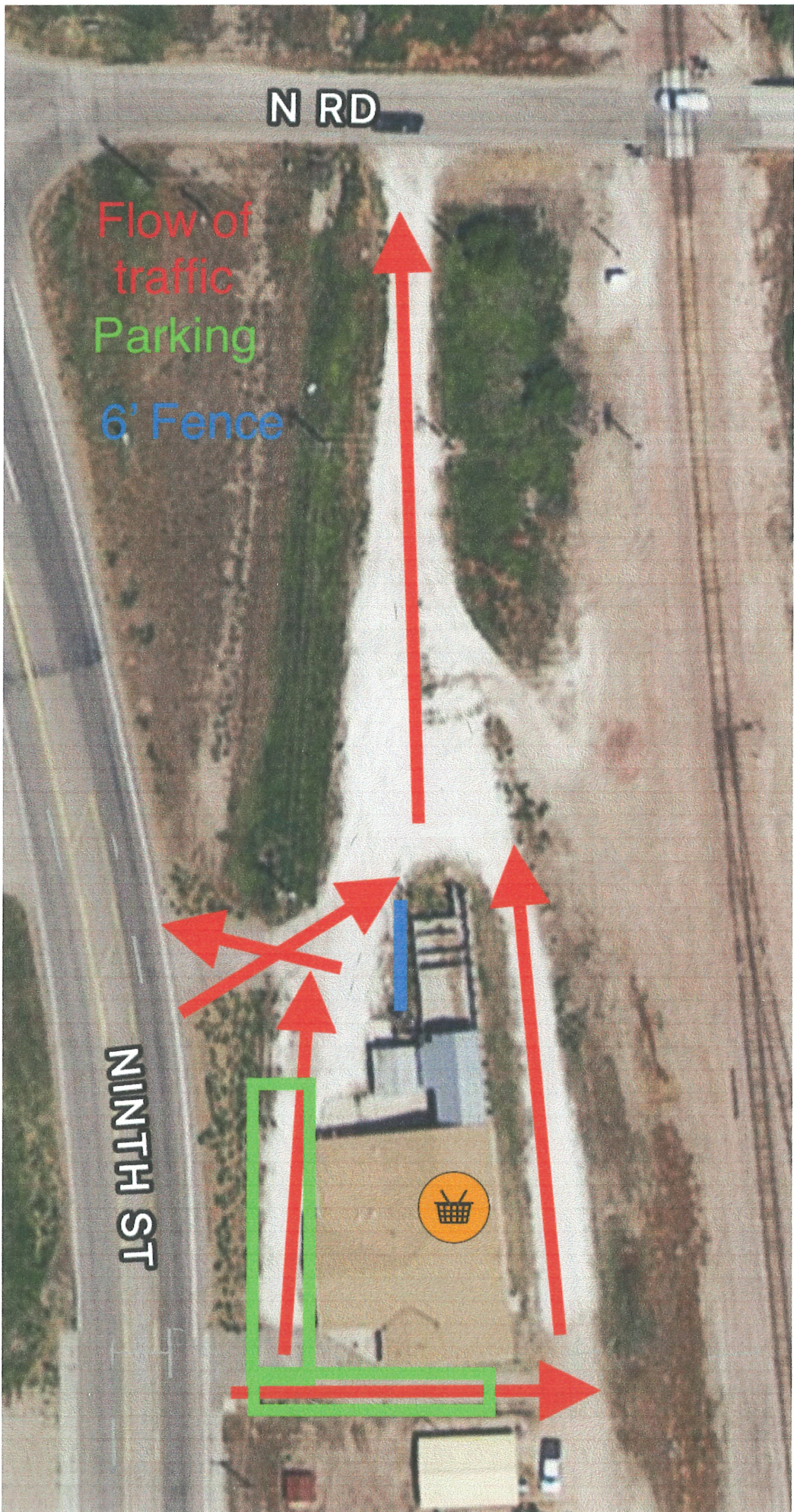
NINTH ST

Rock Creek

11TH ST

ROWLEY ST





N RD

Flow of traffic

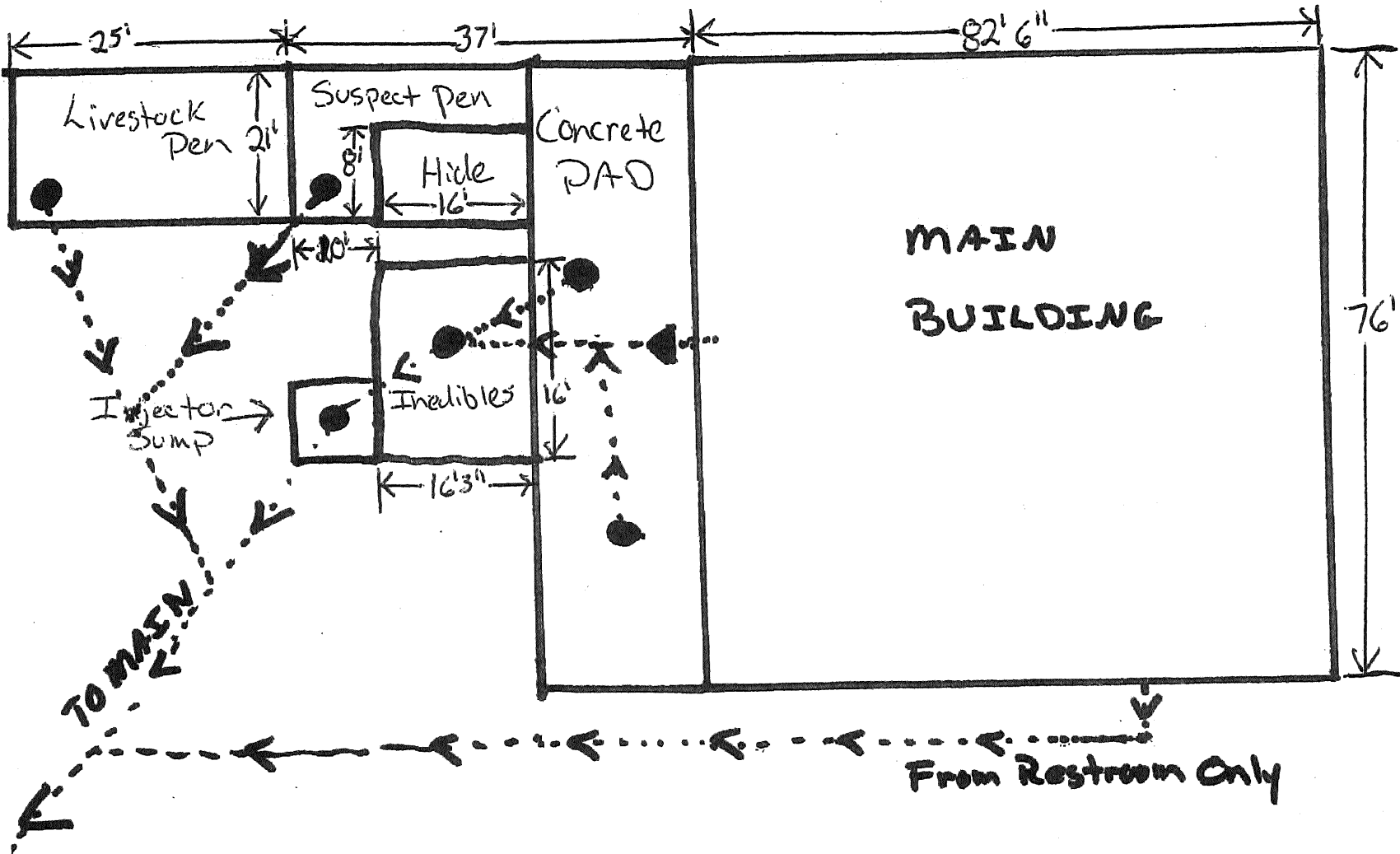
Parking

6' Fence

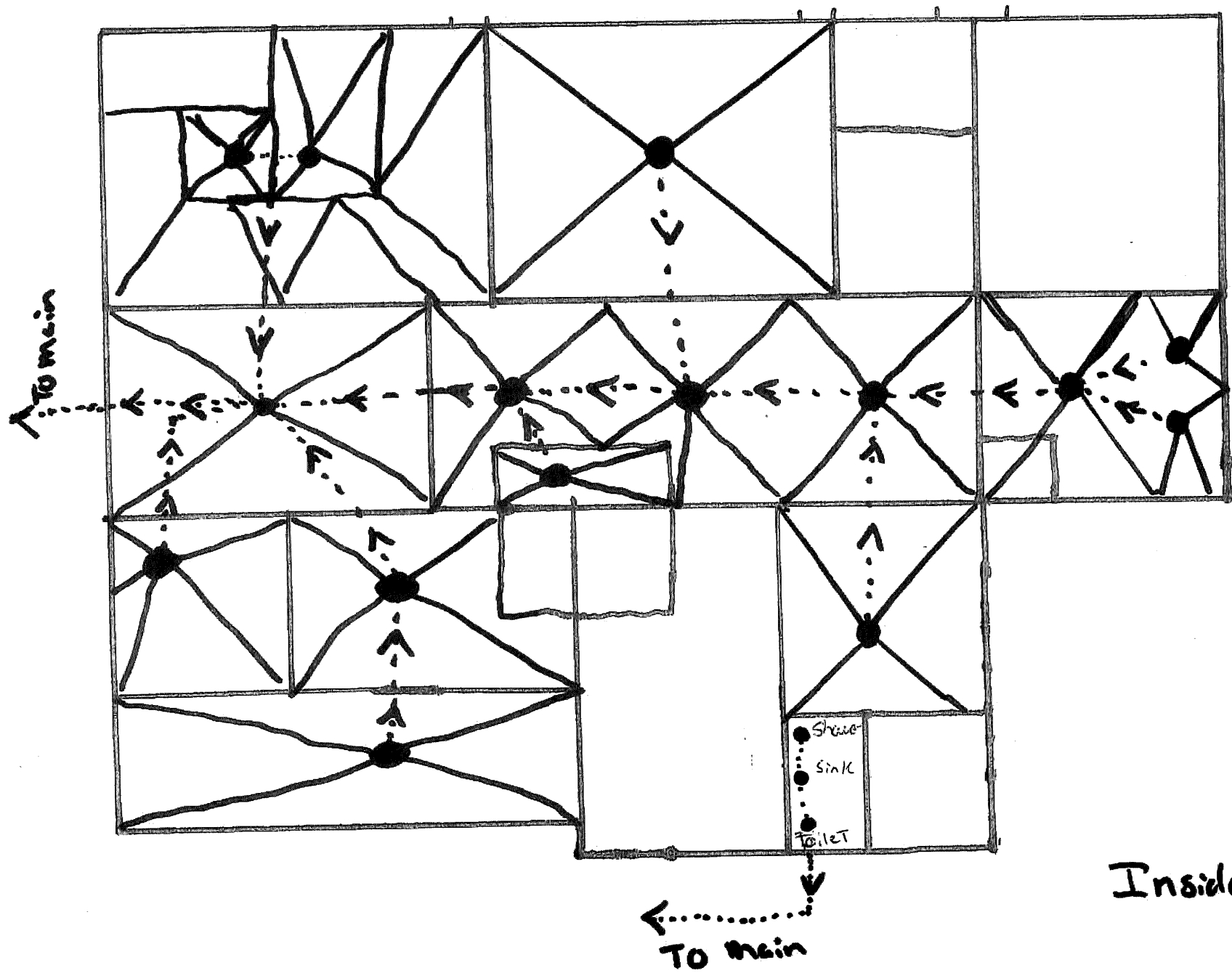
NINTH ST



Not to scale

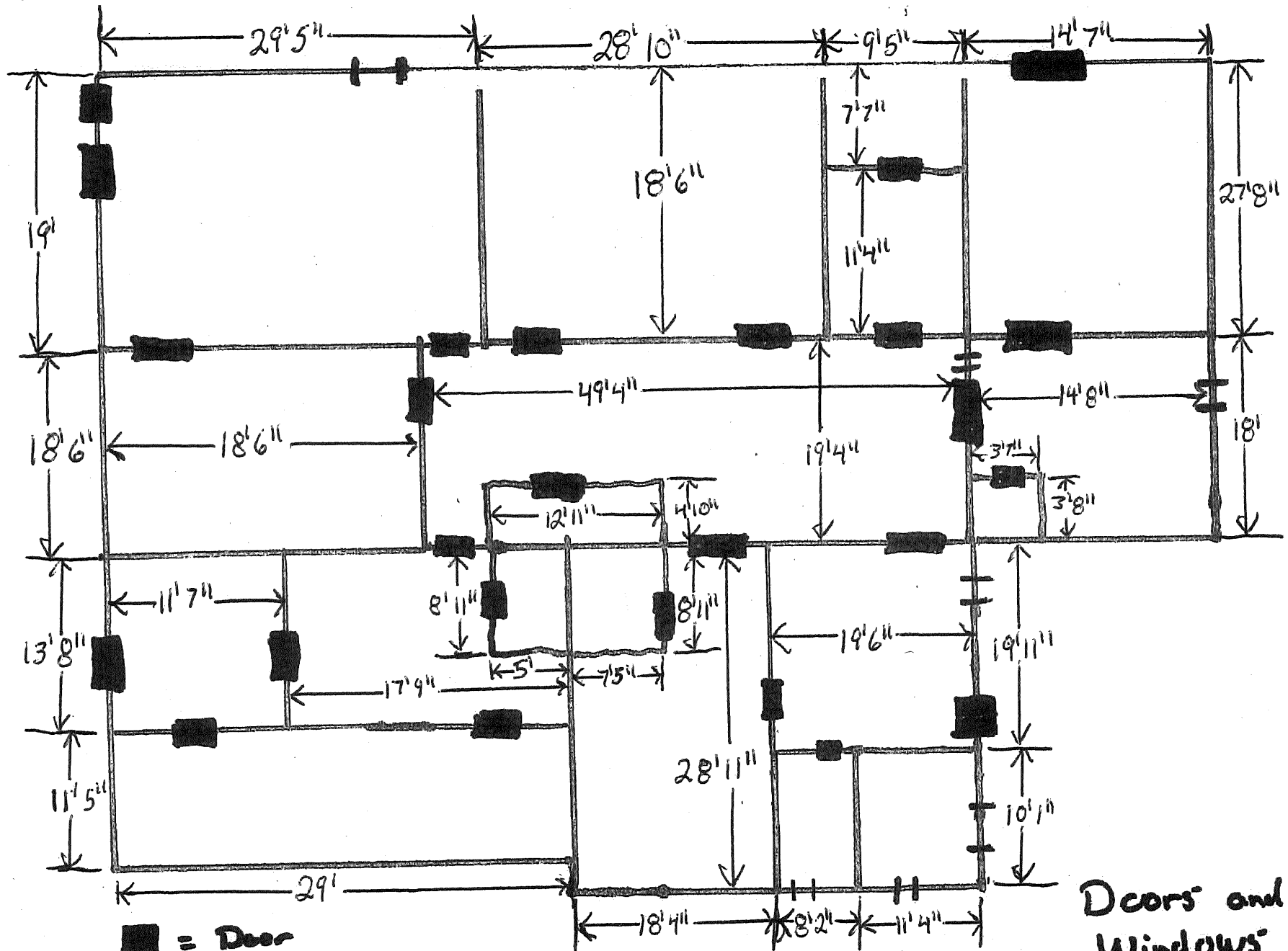


Outdoor Drainage..



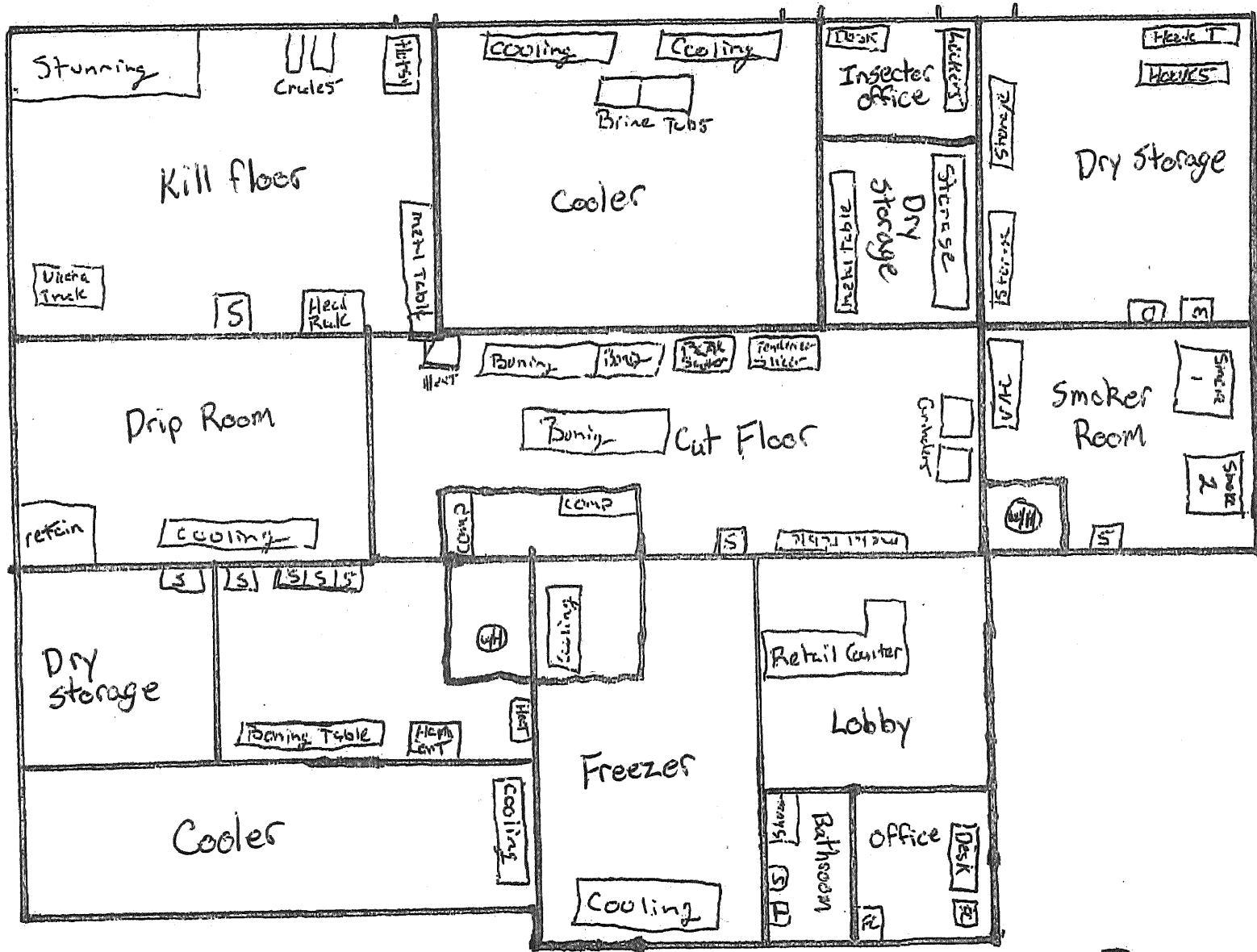
Inside Drainage

NOT TO SCALE



■ = Door
|| = Window

Doors and
Windows



Equipment Placement

1810 9th Street





Planning and Zoning Resolution 2022-01

A RESOLUTION ADOPTING THE 2022 PLANNING AND ZONING FEE SCHEDULE

WHEREAS, the Planning and Zoning Commission approved the 2022 Planning and Zoning Fee Schedule at its February 3, 2022 regular meeting, and;

WHEREAS, the Planning and Zoning Commission will review and update if necessary the Planning and Zoning Fee Schedule on an annual basis during the first regularly scheduled meeting of Planning and Zoning Commission of the calendar year,

THEREFORE BE IT RESOLVED by the Town of Wheatland Planning and Zoning Commission

From and after February 3, 2022 the 2022 Planning and Zoning Fee Schedule, attached hereto as Exhibit "A", shall be in effect until reviewed and updated if necessary.

Dated and signed this _____ day of _____, 2022.

Chairman of Planning and Zoning Commission

Planner

EXHIBIT A

WHEATLAND PLANNING & ZONING FEE SCHEDULE 2022

Annexation	\$500 plus certified mailing postage, publication fee, sign fee, and ordinance publication fees
Appeal to Board of Adjustment	\$300 plus certified mailing postage, publication fee, and ordinance publication fees if applicable
Aviation Development	\$350 plus certified mailing postage and publication fee
Deannexation	\$500 plus certified mailing postage, publication fee, special meeting fees, and ordinance publication fees
Engineering/Other Professional Review (for technical reviews)	Actual Cost
Fence or Shed Variance	\$150 plus certified mailing postage and publication fee
Floodplain Development Permit	\$300 plus certified mailing postage, publication, notice sign, and any engineering/professional fees
Industrial Development	\$350 plus certified mailing postage and publication fee
Land Use District Boundary Change (rezone)	\$300 plus certified mailing postage, publication fee, and ordinance publication fees
Map Amendment	\$500 plus certified mailing postage, publication fee, and ordinance publication
Physical Address/Address Verification	\$50 per address
Planned Unit Development (PUD)	\$1,500 plus certified mailing postage, publication fee and ordinance publication
Pre-application meeting for Floodplain Development, Special Use Permit, and Subdivision applications	\$60 per hour
Publication Fee with map (applies to all applications requiring a map be published with the public hearing notice)	\$350.00 per application
Publication Fee without map (applies to all other applications requiring a public hearing)	\$150.00 per application
Re-plat	\$250 plus certified mailing postage and publication fee

EXHIBIT A

Sign Permit	\$100 plus building permit fee, certified mailing postage and publication fee
Special Use Permit	\$200 plus certified mailing postage and publication fee
Special Meeting	Up to \$800 plus certified mailing postage, advertising and publication fee
Subdivision	\$500 plus \$10 per lot, certified mailing postage and publication fees
Vacation Request	\$300 plus certified mailing postage and publication fee
Variance	\$200 plus certified mailing postage and publication fee
Zoning Certification	\$10 per certification

VIOLATIONS

In the event of violation, per the Wheatland Municipal Code the following fines may be imposed. This list is not all inclusive.

Initiating use and/or project prior to obtaining the corresponding permit, rezone, or variance	fine of not less than \$100.00 nor more than \$750.00 for each and every day that such violation continues, plus a minimum \$20 fee for certified mailing postage
Subdividing prior to obtaining approval from the Town Council	



Town of Wheatland Planning and Zoning Commission

Regular Meeting December 2, 2021

Call to Order – Roll Call

The regular meeting of the Town of Wheatland Planning and Zoning Commission was called to order at 5:30 p.m. on Thursday, December 2, 2021, by Chairman Pile in the Town Hall Council Chambers.

Members Present: Chairman Pile, Member Futch, Member Mitchell, Alternative Member Windom, Member Bramlet, Member Kanwischer

Members Absent: Member Holt

Staff Present: Planner Clark, Town Clerk Wright

Citizen Comments

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

Declaration of conflicts of interest

Chairman Pile asked if there were any conflicts of interest in the matters to come before the commission. None were noted.

New Business

A request for a Special Use Permit (SUP) to operate an in-home daycare within a Residential District – moved to January agenda due to applicant not publishing notice in the newspaper

Request for a Land Use District Boundary Change to rezone from Residential District to Highway Business District

Planner Clark noted 1554 Gilchrist Street, Wheatland, Wyoming has long been utilized and zoned as residential. There was previously a single-family dwelling on the lot that had been constructed in approximately 1916. After the dwelling was demolished and the lot cleared it was listed for sale by the Rite Agency. Alvaro Cespedes Amaya purchased 1554 Gilchrist Street, Wheatland, Wyoming in November of 2020. At the time of purchase the lot was vacant land and zoned residential. Mr. Amaya placed sheds for sale on the lot in mid-May and was then informed in June by Planning and Zoning Chairman Pile that he needed to contact the planning office to come into compliance with the code. Mr. Amaya met with Planner Clark in mid-June and was given the recommendation to rezone to General Business in conjunction with a Special Use Permit to come into compliance. Planner Clark also suggested asking some of the neighbors to rezone at the same time to reduce costs and to prevent a spot zone. Planner Clark noted that a Special Use Permit could not be applied for within the Residential District for this use, because it is not listed under the Special Use Permit portions of the Residential District code. Mr. Amaya inquired about a variance in lieu of a rezone and Planner Clark noted that it was an option, but the rezone with special use permit would be a better option. Planner Clark supplied Mr. Amaya with both the Planning and Zoning and Board of Adjustments meeting and submittal deadline schedules. Mr. Amaya submitted a completed variance application on July 9, 2021. On August 17, 2021, the Board of Adjustment approved Mr. Amaya's request in the form of a temporary variance to operate a commercial business in a residential district until the end of May 2022 with the recommendation to rezone no later than May 2022 and abide by all setback requirements. 1556 Gilchrist Street, Wheatland, Wyoming has been utilized as a business on the lower floor and residential on the upper level. This usage started as conforming under Home Occupation but has become non-conforming over the years as ownership has changed, the owner no longer lives on-site, and the business has grown to more than the owner plus one additional employee. Attorney Weaver (phone comment): Yes, this would be a spot zone, but we have to start somewhere and eventually Gilchrist will be businesses to 9th Street and along 16th Street. Electric Superintendent Pinneo: No concerns. This request for a

Land District Boundary Change at 1554 and 1556 Gilchrist Street, Wheatland, Wyoming is needed to bring the properties into compliance and continue to promote business growth in Wheatland. As with many towns, Wheatland lacks housing units. Allowing mixed commercial and residential use in certain districts is a one way to continue to provide housing options to residents. Both, Highway Business and General Business districts allow for this mixed use of property if the dwelling is not part of the main floor storefront. However, as the code currently reads, in Highway Business a dwelling unit for occupancy by owners or managers of a business, or owners of the real property on which the structure sits and in General Business a dwelling shall be clearly incidental to the primary function of the structure. The mention of ownership in Highway Business maybe outdated and hard to track as quickly as people switch jobs. Highway Business District zoning make sense in this area with the location being located on the corner of Gilchrist and 16th Streets. However, due to each portion consisting of half a lot with the two making up one lot, the Planning Office cannot ignore that this is indeed a spot zone and although this is not ideal the request does start the process of converting more of 16th Street to Highway Business and more of Gilchrist Street to General Business to encourage and promote business growth in Wheatland. Another issue is the lot size, lots in Highway and General Business shall not be smaller than 10,000 square feet and both lots combined do not meet that requirement. The existing structure will not meet the setback requirements of either Highway Business or General Business. Being that the structure is already existing it would be considered allowed non-conforming. If rezoned to Highway Business the vacant lot located at 1554 Gilchrist would leave little if any useable area when taking the district setbacks into account. If rezoned, the lots size would be considered legal non-conforming, but the setbacks would still require a variance for all new development. With the potential for the west side of 16th Street and all of Gilchrist to eventually be home to businesses, the Planning and Zoning Commission may want to consider at adding additional blocks to 18.45.030 (c) (1) to promote future economic development. A copy of the draft minutes from the Board of Adjustment meeting are attached for your reference.

The Planning Office recommends denial of Mr. Amaya and Mrs. Faris's request for a Land District Boundary Change at 1554 and 1556 Gilchrist Street, Wheatland, Wyoming to rezone from Residential District to Highway Business District and recommends rezoning to General Business District with the following condition. Mr. Amaya obtain a Special Use Permit as per 18.45.020 (b) (3) and if needed a setback variance no later than May 2022.

Member Mitchell asked about the lot size referenced in the staff report noting 10,000 square feet if that was referencing only the vacant lot and if the vacant lot is two separate lots. Planner Clark answered, the vacant lot plus the lot to the west where the Cut and Yak is located are both half lots and the two combined would make one lot and when combined together they are still under the 10,000 square feet. Member Mitchell noted that due to be split happening years ago there is nothing that can be done in relation to the lot size at this time.

Mr. Amaya spoke in favor of the rezone request. He stated that he owns the vacant portion of the property and is selling sheds off the property. They are portable and are brought in and out, thus the size of the sheds on the lot will vary as inventory changes. I do currently have the sheds set back 25 feet due to the setbacks in the district. I can bring in smaller sheds, I do currently have a 16 foot by 24 foot that does leave ample room in the back for the rear setback. I understand that the lot is small, but it can be utilized in a commercial capacity. I do not plan on building a structure or office space there as I do a lot of my sales on the internet. The sheds are being built here in Wyoming in Glenrock.

Member Bramlet asked if the setback on the lot was considered the front. Planner Clark noted that that the lot has a front, two sides, and a rear setback. Member Bramlet asked about the setbacks in General Business and Highway Business and how it relates to the variance currently in place. Planner Clark noted that the variance requires Mr. Amaya abide by the setbacks for the current zoning of the lot which is residential and the front setback in residential is 25 feet. Member Bramlet asked what the total square footage of the lot is. Planner Clark noted that it is approximately 3,000 square feet. Member Bramlet asked if placing two units on the lot would max out the usable space? Mr. Amaya stated that currently he could fit about four units on the lots. Member Bramlet asked if a special permit would be possible in the residential district. Planner Clark noted that due

to the way the code is written any special use permits outside of the ones listed in the code would have to be approved by the Board of Adjustments and they only approved temporary commercial use to allow time for the rezone process. Member Bramlet noted that the Highway Business district does not allow much room to do anything at all and that General Business would allow more options. Planner Clark noted that (c)1 in the packet allows for deviation from the setbacks for specific blocks and this area could possibly be added to that portion of the code. Currently Mr. Amaya is following residential setbacks and if the rezone is approved, he will then be subject to the setbacks of the new district. Member Bramlet asked what additional uses are allowed within General Business as the code is currently? Planner Clark reviewed the allowed uses in General Business. Member Mitchell noted that it is like Rolling Hills Bank and how they built within the setbacks of the district. Member Bramlet asked if rezoned if any of the allowed uses were to go into that area then the commission would not be notified. Planner Clark stated that is correct. Member Mitchell asked for clarification on the current usage not fitting into the allowed uses. Planner Clark noted that the current business does not fall under one of the allowed uses and does fall under the special use permit requirement for commercial operations as declared by the building inspector. Member Mitchell noted that it is better to have the lots utilized and taken care of than to have them not taken care of. Member Bramlet noted however if we say that we will change that to business then we could have a drive-up liquor store in that same location. Chairman Pile asked if the item could be approved to exclude certain types of businesses from this location. Planner Clark noted that is not an option. Member Windom asked why the setbacks had to be limited. Planner Clark noted that different land uses fall under different portions of the fire code. Member Windom asked about the downtown areas being able to build up to the sidewalks. Planner Clark noted that specific blocks are excluded from the setback requirements in the code as noted in the report. Member Bramlet asked if the rezone is approved would Mr. Amaya need to go back to the Board of Adjustment to be able to utilize the areas within the setbacks? Planner Clark noted that the current variance is temporary and is specifically for commercial usage of the lot; thus utilizing the setbacks would require a separate variance. Member Bramlet clarified that we are currently only looking at the rezone and not the setbacks or variances and Mr. Amaya would need to go back to the Board of Adjustments even though he has already been there once. Planner Clark confirmed that is correct or Mr. Amaya would need to come to Planning and Zoning and request a code update. Member Bramlet noted that spot zoning is not something the commission has been fast to approve and understands Attorney Weaver's comments. Member Mitchell asked if the house to the north is occupied. Mr. Amaya noted it is occupied by cats. Member Mitchell noted that the commission needs to make this as simple as possible.

Motion by Member Bramlet with second by Member Windom to deny the request rezone 1554 and 1556 Gilchrist Street, Wheatland, Wyoming from Residential District to Highway Business and to approve the rezone of 1554 and 1556 Gilchrist Street, Wheatland, Wyoming from Residential District to General Business District.

Upon roll call the vote on the MOTION was:

YES: Member Futch, Member Mitchell, Alternative Member Windom, Member Bramlet, Member Kanwischer

NO: None

MOTION DECLARED CARRIED

A request for de-annexation of one approximately 16-acre parcel from the Town of Wheatland

Planner Clark noted On September 28, 2021, Jeremy Haroldson for Impact Ministries submitted a petition to the Town of Wheatland with a copy to the Platte County Commissioners on October 5, 2021, requesting that Impact Ministries' vacant land zoned Planned Unit Development be de-annexed. Included in the meeting packet are the reports from the Planning Office and County Commissioners. In the interest of time, I am not going to read the entire packet.

DEQ sent over information about septic systems in town limits: An application can be made to install a SWWS within the city limits if allowed by the city since cannot connect to city sewer. The problem usually with these is that the lots are too small to meet the setback requirements. If

permitted when the city has a sewer line to the property the system would need to be abandoned in accordance with Chapter 25 Section 10 (f) Abandonment of Septic and Holding Tanks.

Town Code Section 13.30.030 Private Wastewater Disposal (e) states, at such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection (d) of this section, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

In relation to wells, the University of Wyoming is the only entity allowed by state statute to drill a new water well within town limits.

Neighbor questions received and answered: Neighbor Questions: Question #1: What activities can be conducted on county property that are illegal or controlled on property within the city limits (i.e., hunting, discharge of firearms, raising livestock, etc.)? The Planning Office forwarded to Chief Willadsen for a more thorough answer, as the Planning Office is only assigned a small portion of the Town Municipal Code. In regard to livestock; raising of livestock is allowed within Town limits if within a zone that it is an allowed use and the parcel size meets the minimum requirement. Chief Willadsen had stated that the most common activity allowed outside of town limits would be the discharge of firearms.

Question #2: Are the building codes the same for commercial and residential building? Residential and Commercial building codes are different, and the building usage dictates which code applies. The Town of Wheatland has adopted building codes and Platte County has not.

Question #3: Does Impact Ministries have an approved building permit for their proposed facilities or is one necessary? We ask this question because building has commenced on the Impact Ministries property. Impact Ministries has not yet been issued a building permit. I did confirm with Impact Ministries that the poles currently in the ground are to support the paintball field netting and have forwarded that information to the Building Inspector.

Question #4: Does the public have access to view the approved building plans for the Impact Ministries property? Yes, plans can be requested via Public Records Request to the Town Clerk.

Question #5: If the De-Annexation request is approved, would the city consider other such requests from property owners within the city limits who are connected to city utilities? Impact Ministries currently does not have access to Town provided utilities. Infrastructure will need to be installed before they can connect to Town utilities. Property owners that wish to de-annex from the Town of Wheatland and continue to utilize Town utilities would not be allowed to do so, because the Town passed an ordinance that does not allow utility connections outside of town limits.

Police Chief Willadsen: The only concern I have thought about is the property lines and law enforcement jurisdiction issues. At this moment the Wheatland Police Department patrols the east side of Preuit Road between South Street and West Walnut Street. If this passes, I would need to know where the property lines are located on the North and South ends of this property de-annexation for jurisdiction purposes, and need to figure out who has lawful jurisdiction where this property connects on Preuit Road.

Town Clerk Wright: If this request is approved, due to Lot B being located within the Community Growth Area and having the potential to be annexed back into town limits and the structures being for community use; the structures should be built to the Town of Wheatland's adopted building code. This would not require a building permit to be issued by the Town Building Inspector but would require that the plans are reviewed and the structures are inspected during the construction process.

Potential impacts to the County, due to Impact Ministries being a non-profit organization, Platte County would not gain any yearly revenue from taxes if the de-annexation was to be approved. Platte County could potentially receive a rezone application fee (if granted agricultural zoning) and a building certificate fee of approximately \$40,000.00 (based off the \$8M project estimate given to the Town of Wheatland Building Inspector).

Potential impacts to the Town, Loss of Revenue to the Town. The proposed de-annexation would not result in a tax revenue reduction to the Town of Wheatland, because Impact Ministries is a non-profit organization. The proposed de-annexation would result in lost revenue from utilities and other services, i.e., water, sewer, electric, trash collection, building permit fees, grading permit fees, fence permit fees, inspection fees, and special use permit fees.

Loss of Potential for Development to Town Standards. Should the property be de-annexed, and should it be subject to commercial development at County standards in the future, that development would very likely not be to the same subdivision and construction standards that apply within the corporate limits of the Town of Wheatland.

Building Standards. At the time of this writing Platte County has not adopted a building code and does not have a building inspection program. This may result in commercial building construction on this property that is substandard, or even unsafe. However, in recent years it has been increasingly difficult to obtain financing or insurance for existing substandard buildings. In recent years, most developers and contractors within the County have self-regulated their compliance with established construction practices and certain nationwide building codes. Community buildings, regardless of location, are required to meet fire suppression standards. In Town, the Building Inspector is involved in this process and in the County the State Fire Marshall reviews, approves, and inspects these facilities.

Loss of Potential Water and Sewer Use. The development potential for these 16 acres was not calculated into the build-out estimates used to justify the Town's investment in its water and sewer infrastructure. However, as noted on the final recorded plat and in the previous reports, it is possible for this parcel to be connected to Town of Wheatland infrastructure and such infrastructure is the responsibility of the landowner.

Unregulated Activities. It may be argued that certain activities could occur on the premises that are regulated within the Town but not regulated in the County. However, upon review of the Town's ordinances these do not appear to be substantial. For example, the County's regulations for permitting a home-based business are little different from those in the Wheatland Municipal Code. Firearms may be discharged in the County without special permits and agreements.

Precedent. This petition, if successful, could influence similar petitions for lands to the east, south, and southeast. However, the Town must address each petition, and each property, on its own merits. There is little need for a precedent to justify either the approval or denial of a de-annexation request, since no two properties are exactly alike.

The de-annexation requested by Jeremy Haroldson for Impact Ministries property would have a negligible impact on Platte County and could potentially have a large impact on the expansion of the Town of Wheatland and potential for future revenue. Impact Ministries has been well informed of the tasks and financial burden associated with connecting to town utilities as stated on the final plat and the rezone report. The location of the requested de-annexation and the area to the west are located within the Community Growth Area. The approval of the de-annexation would result in a parcel surrounded by town limits on the north, east, and south; with the potential to be annexed into the Town with the natural expansion of the town limits similar to the expansion that occurred along Front and Oak Streets. The topography, access, and use of the property render it suitable for future development to Town standards. Town Engineer Wetstein did not mention infrastructure expansion or connectivity issues in his comments prior to the Town's extension of water and electrical services. The parcel shall remain within the Community Growth Area and due to the parcel not having any irrigation, would be suitable for non-agricultural development.

Although, Impact Ministries is a non-profit organization and does not add to the property tax income of the Town or the County, Impact Ministries' community center would be a great asset to the economic development of Platte County and the Town of Wheatland.

If denied:

- 1) As part of the PUD special permit requirements noted in 18.10.020 Permit procedure generally, Impact Ministries should request a special permit and negotiate with the Wheatland Town Council for the extension of town infrastructure.

- 2) Part of these negotiations should include:
 - a. Infrastructure design by the Town Engineer.
 - b. Comments from the Fire Chief on hydrant locations.
 - c. Comments from the Planning Office on possible future annexation areas.
 - d. Coordination with Platte County Road and Bridge to address increased road traffic.
 - e. Coordination with the Building Inspector for building requirements before construction begins.
 - f. Coordination with the Police Chief on special permits for the indoor shooting range.
 - g. Coordination with the Wyoming Alcohol, Tobacco, and Firearms office on the design and permitting requirements for a shooting range.

If approved:

- 1) Impact Ministries shall replat Lot B of the Willis Lot Split Subdivision to correct and update the real estate disclosure notes to address being in Platte County.
- 2) Impact Ministries shall build all structures to the Town of Wheatland adopted building codes in anticipation of future annexation.
- 3) Impact Ministries shall coordinate with the Wyoming Alcohol, Tobacco, and Firearms office on the design and permitting requirements for a shooting range.

Jeremy Haroldson clarification in relation to sewer, other than installing a lift station it could not be brought to the property and a septic would be the only way. Member Mitchell asked why when the neighbors have a sewer system. Mr. Haroldson noted that some of the neighbors have town water, but others have REA for electric and individual septic systems. We don't care if we are in town or out of town, but we are trying to find the most cost-effective way to get utilities onto the property. Today we are asking if the Commission would allow us to go into the county via de-annexation to allow us to utilize a well, septic and REA to move our project forward. We do want to build to city code, Capstone Industries will be the general contractor on this project. The large building will be fully regulated and inspected by the state. The information in front of you is very thorough the Planner did a great job. Do you have any questions? Chairman Pile asked are you actually going to move the church? Mr. Haroldson, as far as where we meet as a church? Absolutely, yeah. We have outgrown our current facility and we do not have enough parking. Plus, the 17 acres would allow us to bring everything that we have as a church onto that one piece of property. Our goal isn't to build a church, our goal is building a community center that we will meet in as a church. The gladiator course will be there, the basement will have a shooting range to help support our 4-H kids, wyhigh kids and law enforcement, an indoor archery range, indoor walking track, and CrossFit gym. The secondary building will be utilized for meeting the needs of the community and another large meeting area that will be open 7 days a week. Member Bramlet asked about the water, electricity, and sewer, but that would require a lift station. Mr. Haroldson noted that the city informed him that they are not willing to do a lift. Town Clerk Wright noted that the Council has never said that and has not been approached about the lift station. In reference to a lift station there isn't one in the Town of Wheatland and the employees would need to complete training and certifications before one could be installed. Eventually the Town of Wheatland will have a lift station and although Mr. Keck has stated his dislike for lift stations, Mr. Keck does not have the final say. Member Bramlet noted potential for water and electric and there is enough room for a septic system and when sewer becomes available you would have to abandon the septic. Why would the city be interested in demitting your land? Mr. Haroldson at this point it is the fact that we have an annexed property that does not have any utilities available to it. The beginning discussion with the Town Council was to bring utilities to the edge of property which the Council was willing to discuss, but the 16th Street project took precedence and the Council at the point said that de-annexation is an option. Member Bramlet asked if water and electric is accessible from the curve on South Street. Town Clerk Wright noted that the electricity is across the street on the south side of South Street, and they would need to bore. Mr. Haroldson added that it is about 300 feet and another 100 feet, so a total of about a 400-foot bore. Town Clerk Wright noted that water is already on the north side of South Street and Superior Contracting figured it would be about 770 feet to edge of property. Member Bramlet noted that the initial cost projections have been dropped substantially compared to what it was to what it is now. Member Mitchell asked if there is enough room for a leach field. Mr. Haroldson noted that there is. Chairman Pile asked if DEQ gets involved with the septic. Planner Clark noted that DEQ is the agency that would be doing the septic permitting. Member Bramlet asked if this property goes from city, which it is now to county would there be problems with adjustments and road and would they have to have roads to go around this property? How would the people that are to the east, how would they access their property?

Planner Clark noted that they currently access off South Street and the other neighbors have access off Pruitt Road. Member Bramlet noted again that he comes back to again where we are taking a chunk of ground out of the city, which Pruitt Road is a smooth boundary at the present time and we are potentially making a divot into that land and then of course we have the potential of others to follow. Again, I ask, if you are able to get water, electric and utilize a septic, then why would the city entertain the demit process? Mr. Haroldson if we do the de-annexation it is going to speed up the process of us being able to complete this project and bring value to this community. Member Bramlet so speed and money is what we are talking about. Mr. Haroldson stated absolutely, because we can move forward sooner. Member Bramlet noted that he does not see where us taking a chunk of ground to later potentially come back into the city and then we have the problem of that the project falling apart and the land would be up for sale and it could be utilized for anything that is allowed within the county, the neighbors and the future development of the city would be hindered because of that. Member Windom noted liking the intent of the project, but I am not worried about the future, whether we turn into a turkey farm later or whatever. The buildings will be the same whether its your church or another church or a defrag church, whether your shrunk or increased it. Seeing into the future does not concern me. It is a non-issue. Member Bramlet asked Member Windom, so you are not worried that the neighbors could have something less desirable than a church in that area, because of the Commission's choosing to demit. Member Windom stated he is not, and he puts up with the eighteen wheelers that drive in front of his house. Member Mitchell stated that there is no way to deal with every possibility that is going to come along we have to do the best with what we can at this point. Chairman Pile clarified that we are specifically looking at where or not to de-annex, this property and this property only; however, the decision could set a precedence for others to follow. Mike Haroldson on the building committee at Impact Church, is it possible to add a disclaimer that if it does change ownership that it automatically reverts to the city. Member Windom noted that any new owners would have to come to Planning and Zoning to request the land use that suites their needs and to pre-think what will happen in the future is not our issue. Member Futch noted that the land was annexed into the Town in the 1960's and there hasn't been utilities ran to it since then and now we have someone that wants to develop it and make it into something great. Member Mitchell added the development would be not just for the church, but for the entire community. Member Bramlet informed the Commission that we are talking about taking land away from the city to accommodate somebody that all they have to do is install water, electric, and septic and they would stay within the city limits. You guys are talking about losing city zoning where we have control to somewhere where we won't have control, because we are wanting to accommodate. If they want the project to move forward, they will find the money. We shouldn't just close our eyes and say because of this we are going to change the boundaries of the city. Member Kanwischer seconded on Member Bramlet's comment and stated not in support of the de-annexation. Mr. McCully asked a question in relation to timing regardless of budget, the timing to execute the project in the county versus in the town? If this has to go through the different state review processes, I want to know the amount of time for it to go forward. Mr. Haroldson did not have an answer. Mr. McCully noted being in support of Member Bramlet and Member Kanwischer, that is a major chunk out of the city and what is the benefit to move to the county. Planner Clark noted that on the county side of things well and state are permitted through the state, some take weeks and some take months. Mr. McCully added that fire suppression plan reviews have the same review timeline deviations. Planner Clark noted on the county side of things not knowing the State Fire Marshall's review turnaround time is and on the town side of things the review is completed by the building inspector. Mr. McCully stated that is the response he was looking for as he would suspect that the review time through the state is greater than the review time of the municipality for which it belongs and is zoned under. Mr. Haroldson added they will break the occupancy level per square footage and thus will require state review either way. Planner Clark noted that all community buildings require review by the state fire marshal. Chairman Pile asked if they go to the county, would their requests come before the town due to the one-mile clause. Planner Clark noted that only subdivisions requests are required to come to the town within one mile. Member Windom asked if it would speed the process up being in the county and would the utilities be more or less in the county. Mr. Haroldson noted they believed it would speed the process up being in the county and the utility cost would be more and the opportunity to have a well, which has its perks. Member Windom added; you could water your grass how and when you want to rather than being told when to water and how much. Member Bramlet asked; when you purchased this property, did you consider demitting or was it not until after you found out you had all these problems? Jeremy Haroldson, to be completely honest with you, it was after we were told by the Council that they would do a redundancy loop and we would be responsible for edge of property in and then they

changed their mind and told us that a de-annexation would be the best idea. Chairman Pile asked for clarification. Mr. Haroldson stated that the Council stated de-annexation was an option that they had and we have moved forward with the de-annexation. Member Bramlet stated he couldn't verify that one way or the other, because he was not at that meeting. It is not the Commission's responsibility to cure a problem, that was caused when you purchased the property in the city that you would need town utilities, you have an option to stay in the city and utilize city water and electric and installing a septic system, is that correct? Mr. Haroldson stated that is correct. Member Bramlet stated he cannot see why the town would ever consider demitting. Mr. Haroldson, I'll be honest, if it is a situation where the city is willing to work with us, in helping create a redundancy loop we are 100% in being a part of this city, we are not trying to skirt occupancy or building code, everything that we install on that property will be legal city or county, because of Ordinance 833 we can have the outdoor archery range with no issues. We weren't considering de-annexation until it was presented as an option during the Council meeting. We do not want to create issues; our goal is to be an asset to the community not a liability. Chairman Pile asked if they would be able to discharge firearms within the town for their indoor shooting range. Planner Clark noted to be able to discharge firearms within town limits for the purpose that they are seeking, they would need to obtain a permit from Chief Willadsen and abide by all ATF regulations. Chairman Pile asked if the regulations would be less in the county. Member Mitchell noted that it would be the same whether town or sheriff. Mr. Haroldson stated they are trying to fix an issue that the community has which is not having a shooting range in the county that is out of the weather and not membership based. Member Bramlet asked if that would be done if it was city or county. Mr. Haroldson confirmed yes. Mrs. Kyle stated it is not city versus county, it is utilities. How can we get utilities to move forward with our project. Member Bramlet stated that the Town has a lot more control when the property is in the city than if it was to become county. I have been on this Commission for a long time and although you may not be concerned about the future, I am, and I have seen things change over time in ways that we never thought of when the request came before the Commission.

Motion by Member Windom with second by Member Mitchell to approve Impact Ministries request for de-annexation of one approximately 16-acre parcel from the Town of Wheatland.

Upon roll call the vote on the MOTION was:

YES: Member Futch, Member Mitchell, Alternative Member Windom

NO: Member Bramlet, Member Kanwischer

MOTION DECLARED CARRIED

Member Bramlet exited the meeting.

Ordinance 834 Industrial and Airport Districts

Planner Clark noted that due to all uses not listed within Light Industrial needing a special use permit in Heavy Industrial there is no need for the two zones to be separated. There is a need for airport/aviation districts within the Town of Wheatland and the proposed districts are a result of workshops and collaboration with the Airport Board, as well as review and comments from the Town's Airport Engineer, WYDOT, and the FAA.

Mr. McCully noted that the Airport Board has been part of the review process and they do not have any additional comments. Mr. McNear asked for clarification on Section 18.25.050(f) on the exception on the height. Planner Clark noted that the area being referenced is outside of the airport itself. Mr. McCully and Mr. McNear concluded that was good and is outside of the clear zone. Mr. McCully added that these are established based on FAA regulations for the airport that we have and all clearances in all directions will be addressed in these regulations.

Motion by Member Mitchell with second by Member Windom to approve Ordinance 834 as presented.

Upon roll call the vote on the MOTION was:

YES: Member Futch, Member Mitchell, Alternative Member Windom, Member Bramlet, Member Kanwischer

NO: None

MOTION DECLARED CARRIED

Approval of Minutes –

Approval of Minutes – September 2, 2021 and November 4, 2021 Regular Meeting

Motion by Member Kanwischer with a second by Member Futch was made to approve the minutes of the September 2, 2021 and November 4, 2021 Regular Meetings as presented.

Upon roll call the vote on the MOTION was:

YES: Member Bullock, Member Mitchell, Member Kanwischer, Alternate Member Windom

NO: none

MOTION DECLARED CARRIED

Review of new 2022 Planning and Zoning Fee Schedule

Planner Clark noted that the Commission had requested to review this item during the December meeting before the resolution that will be on the January agenda. There are a few adjustments that the Planning Office recommends for 2022. To address having the notice ran in the newspaper, the County went to a flat fee for this service to be handled by the Planning Office. This arrangement has worked great, because the notice is submitted by the Planning Office and the publication fee is paid at the same time as the application fee. This saves the Planning Office and the applicant valuable time. The Planning Office recommends that this be two separate line items due to some publications requiring a map while others do not. Aviation Development is new line and corresponds to the requirements in O834. Engineering and other professional reviews is a new line and was added to cover the cost of the engineer's and other professional's time to review plats, plans, etc. The town is not trying to make money and thus this would be billed to the applicant at the actual cost. Floodplain and Industrial developments are new lines and are included in the Town Municipal Code, but fees have not been established. Pre-application meeting is another new line and addresses the need to meet with the Planner prior to submittal of complex applications. This has worked well in reducing the number and frequency of unneeded visits or unprepared visits with the Planning Office since being added to the Platte County Planning and Zoning fee schedule. The County Planning and Zoning Commission has left this charge up to the discretion of the Planner. Is that something that the Commission wants added to the fee schedule. Member Mitchell stated she thinks that is something that should be covered. Member Futch asked about the additional fees on the floodplain being cut off. Planner Clark noted the line needs adjusted to show all the verbiage to include the additional engineer and professional fees. Special meetings are necessary from time to time and cost the town money. Due to the special meetings not always being with Town Council, the suggested fee should be updated to state: up to \$800 plus any required certified mailing postage, advertising, and publication fees. This will leave the fee flexible to cover the items required for the specific special meeting. Some special meetings have time for publication in the newspaper and others do not. Others require more staff to be present than others. The special council meeting fee is \$600. Member Futch asked if possibly \$600 to \$800. Planner Clark noted that the Council members are paid per meeting and that is where the \$600 is derived from. If the special planning and zoning meeting does not require a lot of staff to be present then the cost would be lower. Member Futch stated then up to \$800 should cover required staff time. Planner Clark stated yes and some overhead for the use of the facility. The main reason that this was added was when the de-annexation came up, the timelines included in the statute can only be met by holding a special meeting. Member Windom asked if this covered the Commission's time or only Council's time. Planner Clark clarified that depending on the related application this fee could cover staff time, and Council's time. The other section added was the violation section was added at the bottom directly from the code and listing the most common application related violations. Member Mitchell asked how is the Planning Office notified of violations. Planner Clark noted that some are neighbor complaints, some come from the building inspector, some come from the Assessors Office, and some are special use permits that are non-transferable. If a fine is issued is up to the Town Attorney. Member Windom asked if too many weeds after a rainstorm is a violation? Planner Clark noted that weeds are not included in Title 17 and 18; therefore, it falls under the prevue of the Building Inspector and not the Planning Office. Member Mitchell noted that there have been some horrible yards around town. Member Windom add that he agreed and stated that he probably owns some of them. Asked for clarification on the preapplication meeting fee being open ended. Member Mitchell asked how is it open ended. Mr. McCully stated that this fee is intended to cover the time put forward by the Planning Office for

individuals that don't have a design team doing this work. Member Windom asked how is a little old lady that wants to change her zoning to a sewing shop going to afford this. Planner Clark noted that rezones are not included in the preapplication fee. Chairman Pile clarified that this fee is for developments. Mr. McCully noted working in cities throughout Wyoming for the last 45 years and this fee is not out of the ordinary for anywhere. Member Kanwischer stated that the fee schedule looked good as presented.

Board Discussion

Planner Clark noted providing the 2022 meeting schedule to the members present and that it is also available on the website. There will be a meeting on January 6, 202 for a special use permit and the fee schedule resolution and the mobile home park workshop following the meeting. Member Mitchell noted that she will be out of town for the next meeting.

The Building Inspector has informed the Planning Office that conex dwellings and accessory structures will be part of the building code that has to be adopted this year. I know conex/shipping containers have been discussed at length previously. Now that they have are part of the building code as an acceptable structure, would this be a good topic for the March or April workshop? Commission Members agreed this would be a good topic for March or April.

Adjournment

Meeting adjourned at 7:20 p.m.

Approve:

Attest:

Planning & Zoning Commission Chairman

Planner Clark