



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

AGENDA

Natrona County Planning Commission
Tuesday September 13, 2016 – 5:30 P.M.
Commissioner's Meeting Room
200 North Center St.
Casper, WY 82601

ITEMS ON THIS AGENDA ARE SUBJECT TO A SECOND PUBLIC HEARING BEFORE THE [BOARD OF COUNTY COMMISSIONERS](#) FOR FINAL ACTION. RECOMMENDATIONS BY THE PLANNING COMMISSION ON ITEMS FROM THIS AGENDA MAY BE CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT ITS MEETING OCTOBER 4, 2016 AT 5:30 P.M.

1. Approval of the June 14, 2016, July 11, 2016, and August 9, 2016 Planning Commission Meeting Minutes.
2. **PS16-4** – A request by Mountain Properties, LLC represented by Nancy Yust for approval of a final plat for the Sunburst Acres Subdivision, a major subdivision consisting of approximately 69.85 acres divided into 6 lots located in portions of Sections 17 & 18, Township 32 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming. The parcels are located off Micro Road.
3. **ZC16-2** – A request by Lisa Burrige for approval of a Zone Map Amendment to change the zoning from Residential One (SR-1) to Residential One (SR-1). The property is approximately 20 acres, from [REDACTED] to 33 North, Range 81 West of the 6th Principle Meridian, Natrona County, Wyoming and is more commonly referred to as 14465 Pine Ridge Road.
WITHDRAWN
4. **CUP16-3** – A request by Pronghorn Propane, represented by Luke Ginsbach for approval of a Conditional Use Permit to allow storage of flammable and combustible liquids in excess of 12,000 gallons. Applicant is requesting one 30,000 gallon tank in addition to two 3,200 gallon propane trucks and dozens of 33 lb., 100 lb., 500 gallon and 1,000 gallon propane tanks. The property is located in a portion of Section 2, Township 33 North, Range 80 West of the 6th Principle Meridian, Natrona County, Wyoming. More commonly referred to as 450 Gehring St.
5. **CUP16-4** – A request by Mercury Towers, LLC for approval of a Conditional Use Permit to construct a 195' Telecommunication Tower within a 80' x 80' lease area. The tower will be located in a portion of Section 13, Township 30 North, Range 83 West of the 6th Principle Meridian, Natrona County, Wyoming. The property is more commonly referred to as 22014 State Highway 220.

Natrona County Planning Commission Agenda
September 13, 2016

6. **ZC16-3** – A request by Separate, LLC for approval of a Zone Map Amendment to change the zoning district classification of approximately 48 acres, from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA). The property is located in a portion of Section 24, Township 30 North, Range 83 West of the 6th Principle Meridian, Natrona County, Wyoming and is located roughly ½ mile west of Sloan's General Store on the south side of State Highway 220.
7. **PS16-5** – A request by Cattle Trail, LLC for approval of a preliminary plat of Cattle Trail Subdivision, a major subdivision consisting of approximately 80 acres and is located a portion of Section 22, Township 34 North, Range 81 West of the 6th Principal Meridian, Natrona County, Wyoming. The parcels are located off Cattle Trail Road.

---PUBLIC COMMENT---

8. "Public Comment" is a time when citizens may bring forth items of interest or concern that are not on the agenda. Please note that no formal action will be taken on these items during this time, due to the open meeting law provision. However, they may be scheduled on a future posted agenda, if action is required.

ADA Compliance: Natrona County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Natrona County Development Department at (307) 235-9435 so that appropriate auxiliary aids and services are available.



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

MINUTES OF THE NATRONA COUNTY PLANNING COMMISSION June 14, 2016

MEMBERS PRESENT: Harold Wright, Bob Bailey, and Tom Davis

MEMBERS ABSENT: Jim Brown, and Hal Hutchinson

STAFF MEMBERS PRESENT: Jason Gutierrez, Trish Chavis, and Peggy Johnson

OTHERS PRESENT:

Chairman Wright called the meeting to order at 5:31 p.m.

ITEM 1

Bailey moved and Davis seconded a motion to approve the February 9, April 12, and May 10, 2016 meeting minutes. **Motion carried unanimously.**

ITEM 2

Chairman Wright opened the public hearing PS16-2 - A request by SST Development, LLC for approval of a preliminary plat for the SST Industrial Park, a major subdivision consisting of approximately 300 acres divided into 31 lots located in portions of Sections 29 & 30, Township 34 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming. The parcels are located south of West US Highway 20-26 across from Natrona County International Airport.

Gutierrez gave the staff report. Staff proposes that the Planning and Zoning Commission enter a motion and vote to recommend approval of the requested SST Industrial Park with conditions, by the Board of County Commissioners.

Conditions being:

- A non-adverse recommendation from Department of Environmental Quality be received;
- All requirements from the State Engineer's Office and compliance with W.S. 18-5-306 (c)(i) be submitted and approved prior to approval of the final subdivision permit;
- The SST Improvement and Service District be in the final stages of formation prior to final approval of a subdivision permit;
- The Federal Aviation Administration Documentation/Avigation Easement from the Airport Board be submitted;
- Easements for water/sewer be completed, recorded and on the final plat;

- Evidence satisfactory to the Board of County Commissioners that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider.
- That the applicant show how protection of the watershed to Six Mile Drainage will be accomplished.

These items will need to be addressed prior to the final subdivision; the final subdivision will be brought back before the Planning Commission and Board of County Commissioners.

Discussion between the Planning Commission and Staff

Public hearing open

Speaking in favor – Brad Holwegner of Casper, representative of SST Development, LLC.

Discussion between the Planning Commission, Staff, and applicant’s representative.

Speaking in opposition – Ramel Lawyer, Casper

Public hearing closed

Davis moved approval of PS16-2 to the Board of County Commissioners, and incorporate by reference all findings of fact set forth herein and make them a part thereof as presented by staff. Bailey seconds the motion. Motion carries unanimously.

ITEM 3

Chairman Wright opened the public hearing **PS16-3** – A request by Roadrunner, LLC for approval of a final plat of Bypass Industrial Park No. 2 comprised of approximately 4.7 acres located in portions of Section 31, Township 34 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming. The parcels are located west of Salt Creek Highway and north of US Highway 20-26 Bypass.

Gutierrez gave the staff report. Staff proposes that the Planning and Zoning Commission enter a motion and vote to recommend approval of the requested Bypass Industrial Park No. 2, by the Board of County Commissioners.

Discussion between the Planning Commission and staff.

Speaking in favor –Tom Brower, Casper.

Speaking in opposition – None

Davis moved approval of PS16-3 to the Board of County Commissioners, and incorporate by reference all findings of fact set forth herein and make them a part thereof as presented by staff. Bailey seconds the motion. Motion carries unanimously.

ITEM 4

Chairman Wright opened the public hearing for the **Development Plan** – A request by the Development Department for approval of the 2016 Development Plan.

Discussion between the Planning Commission and Staff.

Speaking in favor – none

Speaking in opposition - none

Bailey moves approval of the 2016 Development Plan to the Board of County Commissioners as presented by staff, Davis seconded the motion. Motion carries unanimously.

Adjournment @ 6:07 pm

Harold Wright, Chairman
Natrona County Planning and Zoning Commission

Renea Vitto
Natrona County Clerk



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

**MINUTES OF THE
NATRONA COUNTY PLANNING COMMISSION
JULY 11, 2016**

NOTHING ON THIS AGENDA

Harold Wright, Chairman
Natrona County Planning and Zoning Commission

Renea Vitto
Natrona County Clerk



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

MINUTES OF THE
NATRONA COUNTY PLANNING COMMISSION
AUGUST 9, 2016

NOTHING ON THIS AGENDA

Harold Wright, Chairman
Natrona County Planning and Zoning Commission

Renea Vitto
Natrona County Clerk

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Proof that the applicant has published Notice of Intent to apply for a Subdivision Permit once a week for two (2) separate weeks within thirty (30) days prior to filing this application. (see Appendix G).

Eight (8) copies of percolation tests approved by the City of Casper/Natrona County Health Department, with test locations shown on a copy of the preliminary plat indicating soil types, percolations rates, depth to ground water, and suitability for on site waste water disposal. One by the City of Casper/Natrona County Health Department or State Department of Environmental Quality.

Is the current access part of an existing Improvement and Service District? If so please provide the appropriate paperwork. Major Subdivisions will be required to join any existing Improvement and Service District.

1. Applicant: Mountain Properties, LLC Owner: Nancy Yust - Manager
Name Mountain Properties, LLC Name Nancy Yust - Manager
2. Address 122 N. McKinley Address 122 N. McKinley
3. Phone 307-235-9086 Phone 307-259-4787
4. Explain why you are requesting this major subdivision and detail the proposed use:
For the purpose of selling 5 Acre parcels along Micro Road
GeoCode: 3279120000500
5. Legal description, acreage and Parcel Identification number (PID) (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range).
Portion of W1/2 Section 18 & E1/2 Section 17
T.32., R79W., 6th P.M. Containing 69.85 Acres
6. Current zoning of property MR-2
7. Type of sewage disposal Public Septic Holding Tank Other
8. Source of Water Well
9. This property was purchased from: Nancy I. Yust
10. The date this property was purchased August 7th, 2002

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge.

Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant Nancy Just
(Signature)

4-22-2016
Date

Owner Nancy Just
(Signature)

4-22-2016
Date



State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002
(307) 777-7354 FAX (307) 777-5451
seoleg@seo.wyo.gov

MATTHEW H. MEAD
GOVERNOR

PATRICK TYRRELL
STATE ENGINEER

August 8, 2016

Chairman
Natrona County Board of Commissioners
200 North Center
Casper, WY 82601

RE: Sunburst Acres Subdivision (WDEQ 16-266), Natrona County

Dear Commissioners:

The State Engineer's Office – Ground Water Division received application material related to the Sunburst Acres Subdivision from the Wyoming Department of Environmental Quality, requesting information and advice to the Water Quality Division. Our office reviewed the referenced submittal in compliance with W.S. 18-5-306(c)(i).

The proposed subdivision is to be located in parts of Section 17 and Section 18, T32N, R79W, Natrona County, Wyoming. Water supply for lots 1-4 is proposed to be provided by individual wells, with no proposed water supply for lot 5, and lot 6 already having a well that appears to be properly permitted with the State Engineer's Office. Based upon the review of both the subdivision application and a preliminary search of the agency's water rights database, the State Engineer's Office offers the following:

1. If any new wells are proposed, they must be constructed in accordance with the State Engineer's Office Rules and Regulations, Part III, Water Well Minimum Construction Standards. An approved permit from the Wyoming State Engineer's Office is required prior to the drilling of any water well.
2. The procurement of the necessary and appropriate State Engineer water right permit allows the applicant to attempt to develop a water supply adequate to meet the proposed needs, and is no guarantee that any water will be physically available.
3. Any well not to be used must be properly plugged and abandoned as outlined in the above referenced rules and regulations.
4. Any wells developed for uses that do NOT fall within the definition of domestic or stock use require adjudication by the Board of Control.
5. The water right search revealed that there are no subject existing water rights of record that attach to the subdivision lands. If this is the case, further action on the part of the subdivider or his agent in addressing Wyoming Statute 18-5-306 (a) (xi) would not be required.

Surface Water
(307) 777-6475

Ground Water
(307) 777-6163

Board of Control
(307) 777-6178

In summary, the State Engineer's Office is generally supportive of approving the development of the proposed action at this time.

In all correspondence regarding this application, please reference "State Engineer Subdivision Review Number 2016-21-1".

If you have any questions, please feel free to contact me at (307) 777-6166, or if you prefer email, at markus.malessa@wyo.gov. Thank you for the opportunity to comment on the subdivision application.

Sincerely,



Markus Malessa
Natural Resources Analyst

Cc: Karen L. Farley, P.E., Northeast District Engineer, DEQ, 152 N. Durbin St., Suite 100, Casper, WY 82601
Jerry Hunt/Ben Jordan, Weston Engineering, Inc., 1050 North 3rd Street, Suite E, Laramie, WY 82072
Jason Gutierrez, P.E./Trish Chavis, Natrona County Planning Office, 200 N. Center, Rm 202, Casper, WY 82072
Lisa Lindemann, Administrator, Ground Water Division
Rick Deuell, Administrator, Surface Water Division
Cheryl Timm, Administrator, Board of Control Division
Brian Pugsley, Superintendent, Water Division I
Forrest Keizer, Hydrographer/Commissioner, Water Division I, District II



Department of Environmental Quality

To protect, conserve, and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

152 N. Durbin St., Suite 100 · Casper, WY 82601 · (307) 473-3450

Todd Parfitt, Director

July 27, 2016

Chairman
Natrona County Board of County Commissioners
200 North Center
Casper, WY 82601

RE: Sunburst Acres Subdivision, Natrona County
WDEQ Application #16-266

Dear Commissioners:

The Wyoming Department of Environmental Quality (WDEQ) received application material related to the Sunburst Acres Subdivision for review of the safety and adequacy of water supply and sewer systems pursuant to W.S. §18-5-306. The application material was received July 18, 2016. As described in the statute, WDEQ has 30 days to respond with comments and recommendations; however, if necessary WDEQ may extend the review period for an additional 30 days. Therefore, WDEQ's recommendations will be provided to the Commission no later than September 16, 2016.

A copy of the subdivision application package has been provided to the Wyoming State Engineer's Office for their information and advice to the Water Quality Division.

Please do not hesitate to contact me at (307) 473-3478 if you have any questions regarding this subdivision application or WDEQ's subdivision application review process.

Sincerely,

Karen L. Farley, P.E.
Northeast District Engineer
Water and Wastewater Program, Wyoming Water Quality Division

cc: Nancy Yust, 2700 Micro Road, Casper, WY 82601
Jason Gutierrez, P.E., Natrona County Planning Office, 200 N. Center, Rm 202, Casper, WY 82601
~~Trish Chavis, Natrona County Planning Office, 200 N. Center, Rm 202, Casper, WY 82601~~
Jerry Hunt/Ben Jordan, 1050 North 3rd Street, Suite E, Laramie, WY 82072
WDEQ Subdivision File
Markus Malessa, SEO (w/enclosure)



Cheyenne
200 West 17th St., 4th Floor 82002
(307) 777-7937

Lander
510 Meadowview Drive 82520
(307) 332-3144

Sheridan
2100 W. 5th St. 82801
(307) 673-9337



REQUEST FOR APPROVAL OF
SUNBURST ACRES SUBDIVISION—A MAJOR SUBDIVISION

PS16-4

STAFF REPORT: Trish Chavis
August 29, 2016

For

September 13, 2016
Planning and Zoning Commission Meeting

And

October 4, 2016
Board of County Commissioner Meeting

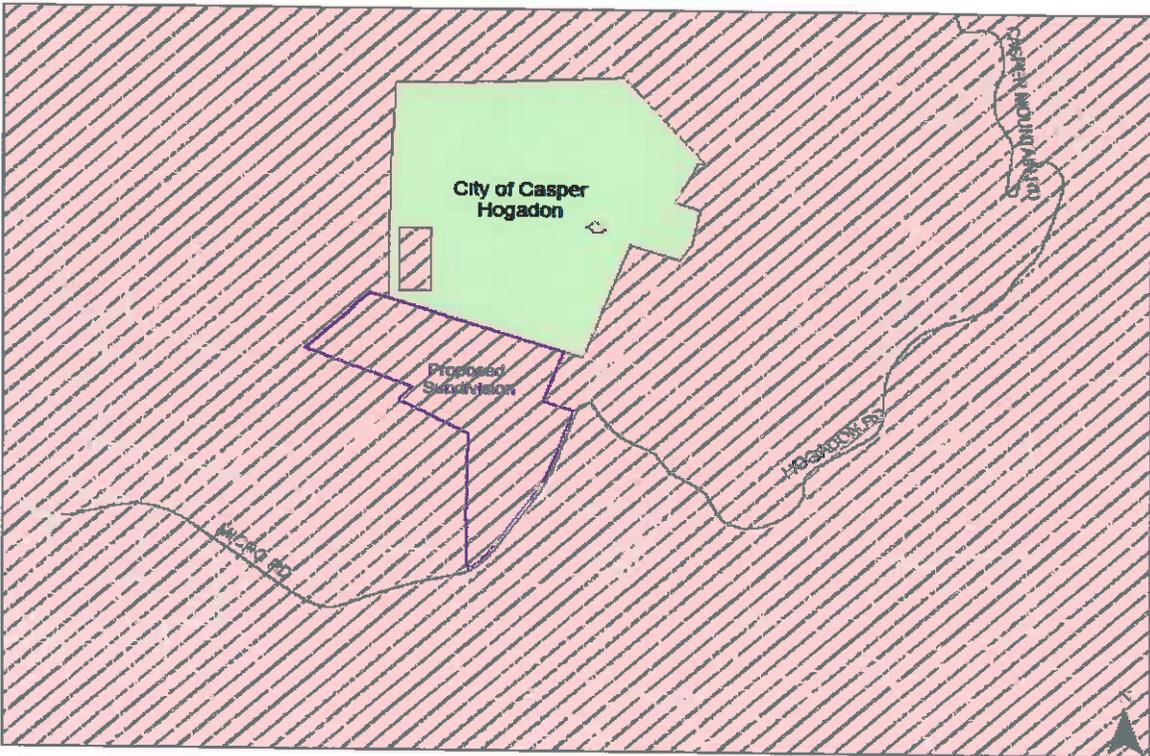
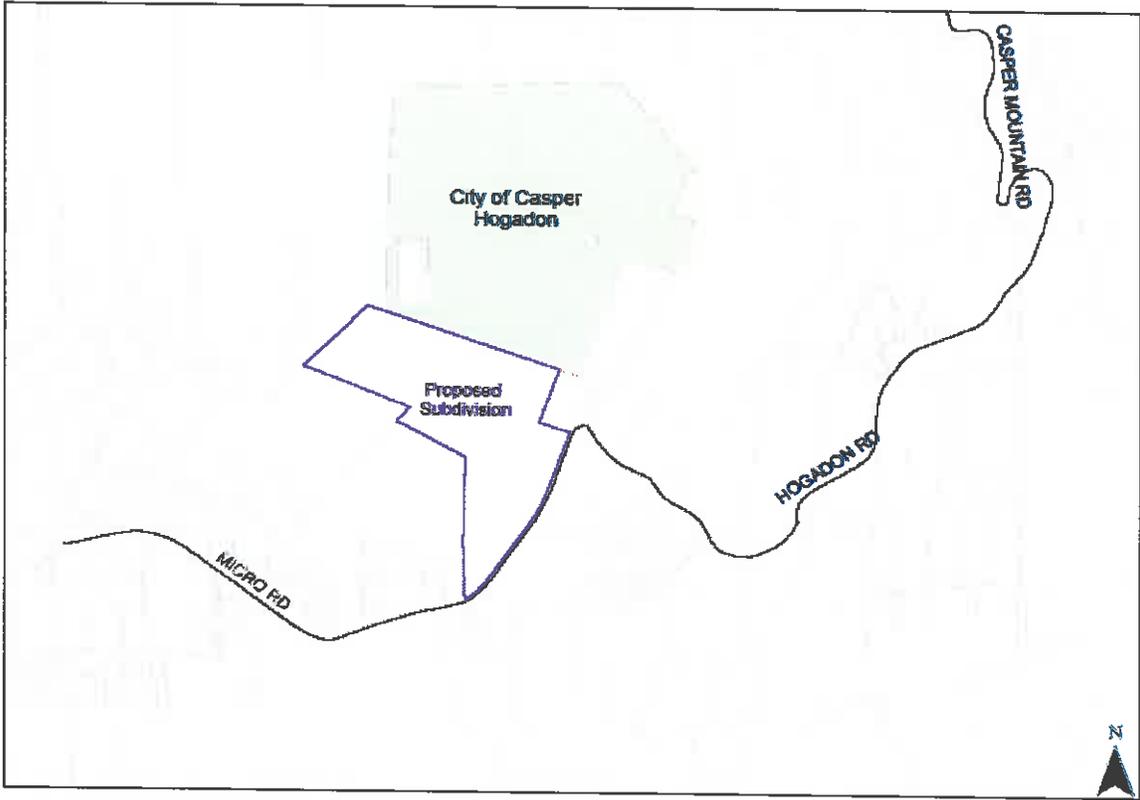
APPLICANT: Mountain Properties, LLC

REQUEST: Approval of Sunburst Acres Subdivision, a Major Subdivision, consisting of 6 lots.

LOCATION AND ZONING

The proposed Sunburst Acres Subdivision, comprising 69.85 acres, is located in portions of Sections 17 & 18, Township 32 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming.

This tract of land is zoned Mountain Residential Two (MR-2). The surrounding properties are zoned Mountain Residential Two (MR-2) with the City of Casper (Hogadon) to the north.



DEFINITION AND APPLICATION

1. **Intent and purpose.** The intent and purpose of the Mountain Residential Two (MR-2) District is to establish and protect areas for low density residential uses, recreational uses, accessory agricultural uses, and commercial uses (upon approval of Conditional Use Permits and in those areas designated for commercial in the 2004 Casper Mountain Land Use Plan). *Zoning Resolution of Natrona County, Wyoming, Chapter VI, Section 4 at page 27.*

The proposed subdivision will create lots that vary in size from 5 acres to 41 acres. Low density residential is defined by the 2016 Development Plan as a maximum of 1 unit per 5 acres. This subdivision would be considered low density.

2. **Major Subdivision.** A Major Subdivision is a division of one parcel into two or more parcels. *Subdivision Regulations of Natrona County, Wyoming, Chapter 2, Section 1d at page 9.*

The proposed subdivision will consist of six (6) lots.

GENERAL STANDARDS FOR MAJOR SUBDIVISIONS

1. **Criteria for Approval**

- a) The subdivision is consistent with the Natrona County Development Plan and the Natrona County Zoning Resolution.

Finding of fact. The proposed subdivision is consistent with the 2004 Mountain Land Use Plan.

The Mountain Residential Two district would accommodate existing and new single family dwellings at a density of one dwelling unit per five acres, with on-site water and sewer systems. *2004 Casper Mountain Land Use Plan Pg. 23*

- b) The subdivision is in conformance with the General Provision (Chapter 1) and Subdivision Design Standards (Chapter 7).

The proposed subdivision meets the criteria and has been sent to the municipalities within one mile for their recommendations. The applicant is working with the City of Casper to address their comments.

- c) The applicant has provided evidence that a sufficient water supply system will be acquired in terms of quantity, quality, and dependability for the type of subdivision proposed.

Finding of fact. There is no public water source; the applicant is proposing each lot to have individual wells. Application materials have been submitted to Wyoming Department of Environmental Quality (WDEQ) for review of the safety and adequacy of the water supply. Recommendation will be provided no later than September 16, 2016.

- d) The applicant has provided evidence that a public sewage disposal system will be established and, if other methods are proposed, evidence that the system complies with state and local laws and regulations.

Finding of fact. There is no public sewer source; the applicant is proposing each lot to have individual on-lot septic systems. Application materials have been submitted to Wyoming Department of Environmental Quality (WDEQ) for review of the safety and adequacy of the sewer system. Recommendation will be provided no later than September 16, 2016.

- e) The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of the areas are compatible with such areas.

Finding of fact. The proposed subdivision has lots with steep grades that will be addressed during the building of any structures in the future. This is typical with mountain property.

- f) Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

This subdivision will be within the Natrona County Sheriff's jurisdiction. No other services would be required.

- g) The subdivision appears to be compatible with the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, and general welfare of the inhabitants of the area and the County.

The proposed subdivision will not be detrimental to the surrounding area as the uses will be low density residential and compatible with the surrounding area.

- h) Documentation satisfactory to the Board of County Commissioners that the Improvement and Service District requirements have been met.

Natrona County maintains Micro Road; access to these lots will be directly from Micro Rd.

- i) Documentation that the subdivider has adequate financial resources to develop and complete water and/or sewage systems or any facility proposed or represented to be the responsibility of the subdivider, but not limited to the above mentioned.

As stated above, access will be from a County Road and there is no water/sewer systems proposed by the applicant, no financial guarantee is required.

PUBLIC COMMENT

The property owners within ½ a mile were notified resulting in 102 neighbors being notified.

As of the date of this staff report, two comments in opposition and one undecided have been received. The comments are in concern to water and sewer services (this item will be addressed with the pending DEQ non-Adverse recommendation). The other concern was opposition to development of Casper Mountain.

PROPOSED MOTION

Staff proposes that the Planning and Zoning Commission enter a motion and vote to recommend approval of the requested Sunburst Acres Subdivision, Major Subdivision, by the Board of County Commissioners with the following condition:

- A Non-Adverse recommendation from DEQ shall be received prior to Board of County Commissioner approval.



Natrona County Conservation District

5880 Enterprise Drive, Suite 100 • Casper, Wyoming 82609 • 307-261-5436, ext. 5592

May 23, 2016

Natrona County Planning & Development
Attn: Trish Chavis
200 North Center Street, Room 202
Casper, Wyoming 82601

RE: Sunburst Acres Subdivision Review

Dear Ms. Chavis:

Included are a Soil Resource Report and Subdivision Review Checklist for the proposed Sunburst Acres Subdivision reviewed and discussed by the Natrona County Conservation District (NCCD) Board of Supervisors during their May 17, 2016 board meeting. Please review the checklist for specific comments and recommendations regarding this subdivision proposal.

As with all subdivisions, the NCCD Board recommends minimizing erosion before, during and after construction of any roads or buildings. Re-seeding and replanting needs to be implemented in a timely manner in order to minimize erosion and also limit the spread of weeds. The Board of Supervisors recommends contacting Natrona County Weed and Pest for further information regarding weed control.

If there are any additional questions, please don't hesitate to call.

Sincerely,

Lisa Ogden
District Manager

"Conserving natural resources for our future"

www.nccdwyoming.com

From: [Bob Fawcett](#)
To: [Trish Chavis](#)
Subject: RE: Subdivision review on Casper Mountain
Date: Wednesday, August 03, 2016 9:14:19 AM

As always my issues are access and water supply. We should have good access from Micro road and water is a problem on the entire mountain. I don't see an issue with the proposed subdivision.

BoB Fawcett
Fire Marshal
Natrona County Fire Protection District
307-234-8826

From: Trish Chavis
Sent: Tuesday, August 02, 2016 8:31 AM
To: Bob Fawcett <bfawcett@natronacounty-wy.gov>; DON DAVIS- (dond@wlcwyo.com) <dond@wlcwyo.com>
Subject: Subdivision review on Casper Mountain

Please review the attached Major Subdivision. The proposed subdivision is located on Casper Mountain, adjacent to Hogadon.

If you have any questions please let me know.

Thank you,

Trish Chavis, Planner
Natrona County Development Department
200 N. Center St. Ste 202
Casper, WY 82601
(307)235-9330

All Natrona County e-mails and attachments are public records under the Wyoming Public Records Act, W.S. § 16-4-201 *et seq.*, and are subject to public disclosure pursuant to this Act.

From: [Fascist Spies](#)
To: [Peggy Johnson](#)
Subject: RE: PS16 Sunburst Acres Subdivision
Date: Thursday, August 25, 2016 2:06:05 PM

Kristiana Jourgensen

8/25/16

1445 S. Fairdale Ave. #3

Casper, WY 82601

KJourgensen@gmail.com

To Natrona County Development Department:

This letter is to address the notice I received regarding the PS16-4 request by Nancy Yust for approval of the Sunburst Acres Subdivision as an adjacent land owner.

First of all I want to say that the land on the mountain and the people who use it to live full time or just for recreational purposes is held dear to us because it is a place to get away from all things we view as wrong, distasteful or stressful, downtown in the city. One of those things is watching beautiful land and views turned into developments for investors and profits. I have met Nancy and spoken to her regarding services for her bed and breakfast Sunburst Lodge which I am really not sure about the zoning of her holding a business in what is a residential neighborhood in the first place. This project to build a subdivision seems like a way for an already wealthy woman to simply make profits without regard to the people who hold Casper Mountain very dear as a place of refuge from a very stressful world. I would suggest if she would like to earn her money by being a developer that she take her project down the mountain away from the land and people of the mountain that are trying to avoid exactly that kind of careless and greedy mentality towards sacred land to us. That is my personal viewpoint.

On a more logistic note, there are serious concerns as to how she plans to supply water to this development that would potentially greatly cut into the water supply of adjacent land owners that are responsibly only using what is needed for reasonably sized personal use homes. I would also like to know how the septic systems would be built, how much clear cutting she plans on and therefore potential erosion problems especially considering the location of the planned subdivision. These are all the concerns of mine as an adjacent landowner and things that seem like often get tossed aside in the quest for profits.

In conclusion, as an adjacent landowner and member of the Jourgensen family who homesteaded on Casper Mountain in the 1940's, I greatly oppose a project such as this and ask Natrona County Development Department to understand how sacred the mountain is to the existing landowners and public. To be responsible in not approving massive subdivisions on Casper Mountain but conserve the existing plots and land up there, and only approve small projects when someone wants to build a private home up there to enjoy the peace and nature not turn a profit. We do not need more development on Casper Mountain, we have plenty of land downtown for

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entrepreneurs and home builders that we can afford to leave the mountain alone for future generations to also enjoy the peace and quiet that come with it instead of us becoming another Boulder, CO where every single plot is sold and you have neighbors on all sides of you in a place you bought to get away from exactly that.

Sincerely,

Kristiana Jourgensen

Gary and Marci Hoggatt
3620 Misty Mountain Road
Casper, WY

September 1, 2016

Natrona County Development Department
200 N. Center St.
Casper, WY 82601

Regarding the approval of a final plat for the Sunburst Acres Subdivision, we would raise the following objections:

1. Nancy Yust built her bed and breakfast in an area zoned for residential use and then upon completion, asked for a change in the zoning. Is she now asking for another change back to residential? The noise coming from weddings/bands at her bed and breakfast this summer have been more than disturbing to the solitude that most mountain residents live there for. These events have also created an increase in the traffic along Micro Road with guests sometimes parking along Micro Road. We do not welcome additional development on Nancy Yust's property. There is already too much noise and traffic associated with her bed and bed operation as is.
2. Our other concern is for the already depleting water aquifer. Additional development will further deplete the resident's water supply.

Thank you for your attention,

Gary and Marci Hoggatt

2

Peggy Johnson

From: Jason Turo <jasonturo@gmail.com>
Sent: Thursday, September 01, 2016 3:10 PM
To: Peggy Johnson
Cc: Hayley Christine Lanier
Subject: Sunburst Acres - proposed subdivision
Attachments: Turo_Lanier_Sunburst Acres.pdf

Dear Natrona County Commission Office,

Attached are comments related to the Planning and Zoning Commission meeting for the final approval of Sunburst Acres Subdivision. Within the document there is a request to invite a representative from the Wyoming State of Engineer's Office, Ground Water Division, 307-777-6163, to attend the meeting scheduled Tuesday, September 13th, 2016 at 5:30pm, in order to provide a more informed view regarding the impact this subdivision (and future development) will have on groundwater availability on the mountain.

Would you please help to ensure this document reaches the right person within your department to request and schedule their attendance? Thank you for your help and if you wouldn't mind to let us know by September 7th, 9am if contact with the Ground Water Division has been made?

Thank you for your time and help,
Jason Turo & Hayley Lanier
Casper Mountain Residents

Jason Turo and Hayley Lanier, Ph.D.
3245 Whitcomb Rd.
Casper, WY 82601

Natrona County Development Department
200 N. Center St, Room 202
Casper, WY 82601

Dear Members of the Natrona County Commission,

August 31, 2016

Thank you for taking the time to address the concerns of the Casper Mountain residents in relation to the proposed Sunburst Acres Subdivision. In brief, we are seriously concerned about development of *any* additional property on Casper Mountain, for any reason, without first establishing baseline projections for water availability and quality in the area. Although we are not specifically opposed to the subdivision itself, we believe concerns about groundwater need to be addressed before any development (specifically development involving drilling any additional wells) is permitted by the county. We would appreciate the county commission to comment on the issue below before final approval for any new subdivision on Casper Mountain including Sunburst Acres.

Water is a vital resource for daily living, including but not limited to uses for drinking water, cooking, and showering. At the moment, it is not clear to us that there is an adequate understanding or projection for the sustainability of the groundwater we all benefit from. The most recent available report from the Wyoming Water Development Commission Projects and Studies, "*Feasibility of Obtaining Groundwater from Sediments on Casper Mountain and Vicinity*",¹ was from November 1982. There have been many changes over the past 34 years. Data from the Census Bureau of Casper Mountain states a 35% increase in population between the 2000 census and the 2010 census, six years ago (298 residents to 401 residents).² In addition, several new construction projects have occurred in recent years, including the new Hogadon Ski Lodge, the new Casper Mountain Biathlon Complex, and development of private businesses on the mountain. While these new developments represent exciting resources for the area and a potential economic benefit, they also place additional strain on what may or may not be limited water resources.

As may be expected, with the additional residential and non-residential development on the mountain, the demand for water resources will increase. The United States Environmental Protection Agency states the average daily use for a family of four is 400 gallons.³ However, per capita usage in Casper is considerably higher, with a Casper Master Plan estimate of 170 gallons per person per day,⁴ or 680 gallons per four-person household per day. Even at the

¹http://library.wrds.uwyo.edu/wwdcrept/Casper/Casper_Mountain-Feasibility_of_Obtaining_Groundwater_from_Sediments-Final_Report-1982.html

² Census data for the Casper Mountain CDP was not separately available in the 1990 census, and none of the Wyoming data is available online from the 1980 census. Data on the 2000 and 2010 resident populations in the Casper Mountain CDP are available from:
http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF1_H010&prodType=table

³ <https://www3.epa.gov/watersense/pubs/indoor.html>

⁴ <http://library.wrds.uwyo.edu/wwdcrept/wwdcrept.html>

estimated average 2.26 person household on Casper Mountain,⁵ based on the 2010 census data, the current usage should be around 435 gallons per household per day, or a combined 68,170 gallons per day for the 401 residents,⁶ and the mountain population has likely increased since 2010. The bottom line is that there is already significant demand for water based upon the mountain's current population, and we have no way of knowing if the groundwater we are currently using can supply current use, much less usage related to further development of property on the mountain.

None of the recent city or county development projects on the mountain have adequately addressed groundwater resources in their planning documents. Neither the available Casper Mountain Parks Trail System Assessment & Conceptual Plan⁷ nor the Casper Mountain Resource Management Plan⁸ assess the availability of groundwater reserves or factor in the demand on groundwater reserves from recreational usage in the area. Although the Hogadon Master Plan notes that water resources are scarce and may need to be developed (albeit generally with reference to snowmaking and not residential use), it only indicates that a study should be solicited. Furthermore, it is unclear if such a study has begun or if it would extend beyond the immediate vicinity of the ski area.⁹ As the groundwater resources for Hogadon and those available to homeowners on Casper Mountain are the same, such a study would benefit business, recreational, and private users.

The current level of the aquifers that make up the groundwater supply for residents and businesses on Casper Mountain is unknown. While reports on the geology and hydrology of the region exist generally, we have been unable to locate any thorough studies that estimate availability and sustainability of our water resources on the mountain. The most recent report on Casper Mountain groundwater (1982) noted that "only a small fraction of the annual precipitation on the study area percolates to groundwater aquifers."¹⁰ Although, as the study notes, very little is (or was) known about the actual water levels, this suggests that we may be unable to expect significant groundwater recharge from even good snow years in the future.

This leaves surrounding residents vulnerable to the extreme risks of their wells running dry, as several of our neighbors have recently experienced. Should this continue to occur, many residents would be forced to risk a significant financial burden to drill deeper wells, in hopes of again accessing groundwater for an unknown amount of time, or simply putting their residence up for sale. With a median resident age of 53.8 years,¹¹ there are many people on the mountain who are retired (or approaching retirement) and may not have the financial flexibility to recover from such a monetary burden. In addition, the lack of usable groundwater and no source of easily accessible city water will negatively impact home values for all residents on the mountain.

⁵factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table

⁶factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table

⁷ <http://www.natronacounty-wy.gov/DocumentCenter/View/2462>

⁸ <http://www.natronacounty-wy.gov/DocumentCenter/View/2488>

⁹ <http://skihogadon.com/master-plan>

¹⁰http://library.wrds.uwyo.edu/wwdcrept/Casper/Casper_Mountain-Feasibility_of_Obtaining_Groundwater_from_Sediments-Final_Report-1982.html; Page 27

¹¹ <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

A similar situation in Tulare Co, California, in 2015 led to many residents moving out of the area.

¹²

In order to agree with further development on Casper Mountain, we would like to request for an expert opinion from the Wyoming State of Engineer's Office, Ground Water Division (307-777-6163), to attend the scheduled meeting on September 13th, at 5:30pm. We invite them to join the discussion on the current state-of-knowledge related to the sustainability of groundwater so that residents, businesses, local government and the community have some basis on whether to be moving forward with additional development. We realize this may be short notice and they may not be able to attend. In this case, we would like to request a moratorium on all new groundwater development and hold a public stakeholder meeting aimed to define the aquifer. We sympathize for those who make their living from drilling water wells and value their professional input, and urge them to also attend. There is too much at risk without the current composition of this essential resource, let alone approving further development to access the groundwater before a thorough study can be conducted.

In reference to the proposed Sunburst Acres Subdivision, at this time we could only agree with the request should it *not* contribute to new drains on groundwater resources. It is not that we are opposed to the subdivision itself, and intermediate solutions may be possible. One potential solution would be to approve the subdivision contingent upon the outcomes of a geohydrologic report should it indicate a sufficient amount of water for all current and future residents. Alternatively, if a report finds insufficient water available for future development, the subdivision could be approved but without the possibility for new dwellings to access the groundwater (e.g., a resident's options may include hauling water from town to a residential holding tank).

Again, we thank you for your time and for taking the steps necessary to ensure Casper Mountain has the resources available for year-round residence, businesses, and recreation over the long term. If there is any other current information available about the Casper Mountain groundwater system that we may have missed, please feel free to contact us to help us have a better understanding. We look forward to the public hearing on September 13th to discuss what options might be available for an updated geohydrologic plan.

Sincerely,

Jason E. Turo, MBA

Hayley C. Lanier, Ph.D.

¹² <http://time.com/4017476/a-town-without-water/>

CHAPTER 4

LAND USE PLAN

◆ Primary Themes

◆ Other Factors

◆ RESIDENTIAL

CHAPTER 4—LAND USE PLAN

Chapter 3 lists the goals and policies of the Casper Mountain Land Use Plan. They cover five topic areas: residential, commercial, recreation, resource preservation, and facilities and services. The primary theme of each topic area includes:

1. New residential development should occur at a low density and be sensitive to the natural resources potentially impacted by the development. Quality land development is of great importance, including the enforcement of septic standards, assurance of water quality, and wildfire mitigation practices.
2. Commercial development should be limited in intensity and area and designed to blend in with the natural setting. Mineral and gravel extraction shall be done pursuant to County, State and Federal regulations.
3. Recreational facilities and activities should be upgraded at existing sites with new sites being developed as needed. Activities and trails should be further dispersed in a manner that has the least potential for impact on surrounding land uses and wildlife.
4. Unique natural resources, water quality, and forest health warrant protection through voluntary and regulatory methods. Open space should be encouraged to protect the north face watershed and viewshed and to maintain areas for recreation, grazing, and wildlife habitat.
5. Individual property owners and local improvement and service districts will be responsible for their water supply, sewage disposal, private roads, and access. Fire fighting should continue to be handled through mutual aid agreement, and Firewise strategies should be implemented throughout the study area. Communication towers should be limited to established areas in the study area.

Other factors that are relevant to the formation of the land use plan are:

1. Existing use, ownership, and natural resource patterns suggest that future development and recreation activities should take place in the central and eastern portions of the study area. The western portion, due to larger ownership tracts, lack of access, and sensitive eagle habitat, should remain relatively undeveloped.
2. Water availability and sewage disposal are major constraints to development. Shallow wells, leach fields, and shallow bedrock may cause long term water quality problems. Future residential densities should be carefully controlled, and community water and sewage treatment systems encouraged when appropriate.

3. Much of the study area has 25 percent or greater slope. These areas must be carefully analyzed before development takes place to protect public safety, aesthetics, and environmental values.

4. The values of the study area are its scenic beauty and proximity to the Casper urban center.

Based on these factors, Figure 6 illustrates the study area land use plan. The land use categories are described as follows.

RESIDENTIAL

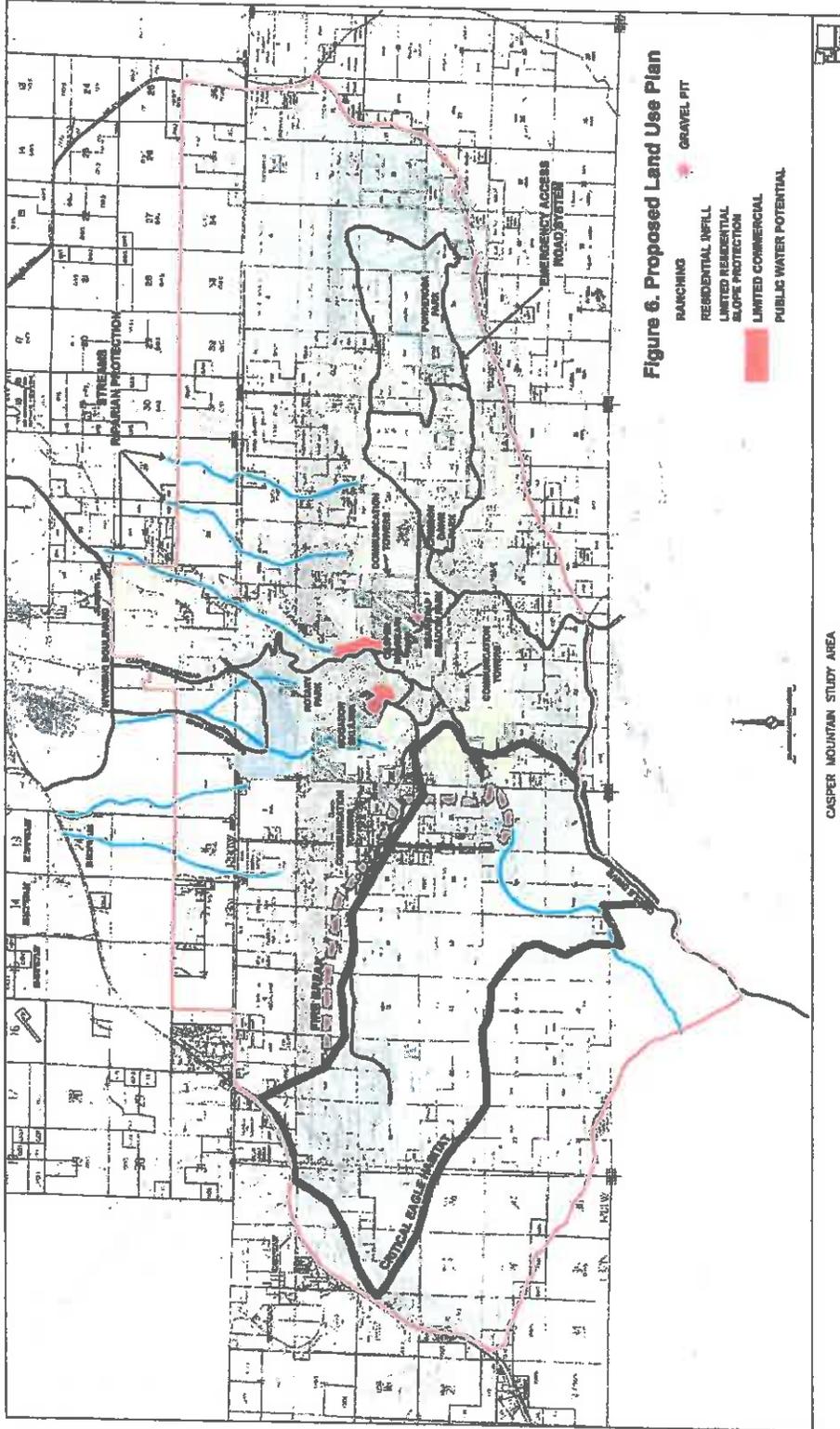
Residential land uses are reflected on the land use plan as areas that are already used for housing. Land available for in-fill, and sites where additional development may occur. Two new zoning districts are proposed to encourage low density growth and, where feasible, the use of clustering or planned unit developments to consolidate structures and infrastructure.

The northern portion of the study area is proposed to be zoned Mountain Residential (MR-1). It includes land on the flues of the study area where residential development has been occurring. The recommended density is one unit per 10 acres, utilizing individual wells and septic systems. The zoning district would primarily be intended to allow single family dwellings on ten acre parcels.

The forested region in the central portion of the study area is proposed to be the MR-2 zoning district. Much of this area is already developed in residential lots ranging in size from 8,000 square feet to 10 acres. The MR-2 district would accommodate existing and new single family dwellings at a density of one dwelling unit per five acres, with on-site water and sewer systems.

These densities were selected to protect groundwater quality, reduce impact on the vegetation and wildlife, promote the notion of solitude, protect visual qualities, and reduce the demand on tax supported services. To further protect environmental quality, community water systems, community sewage treatment, and clustered lots should be encouraged in new subdivisions when feasible. Clustering of lots (for example, within specified building envelopes) allows for the design of subdivisions in harmony with vegetation, topography, and visual quality. Areas of unique resources can be preserved, while residential development is concentrated in less sensitive portions of a site.

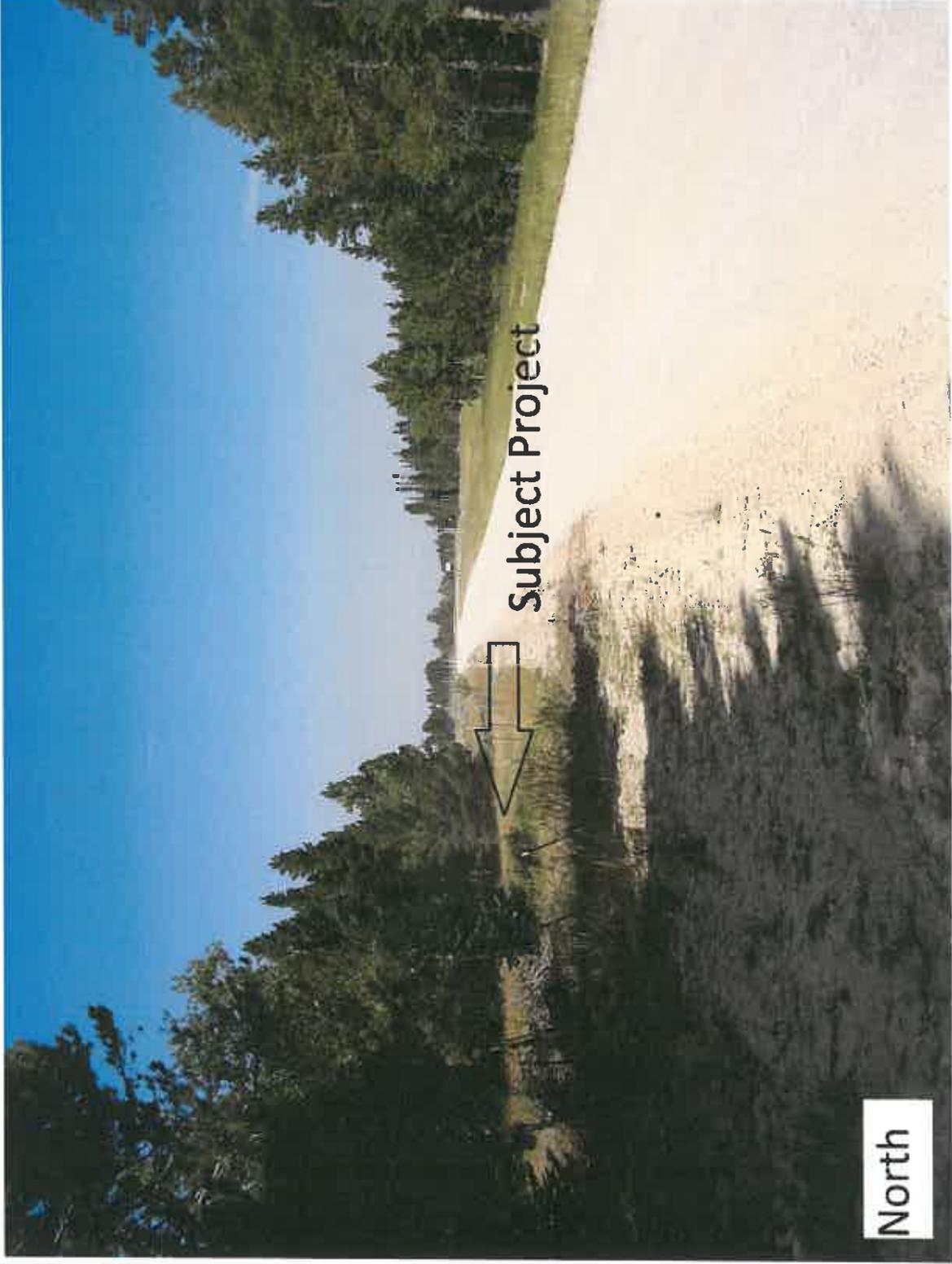
Other appropriate uses in the Mountain Residential categories may include accessory structures, home occupations, light agriculture, and open space recreation facilities. MR-2 uses may also include recreational vehicles for seasonal use. Very limited commercial development (i.e., bed and breakfast facilities, churches, day care center, recreational areas) may be allowed as a conditional use in both Mountain Residential zoning districts. The MR-2 zone



CASPER MOUNTAIN STUDY AREA

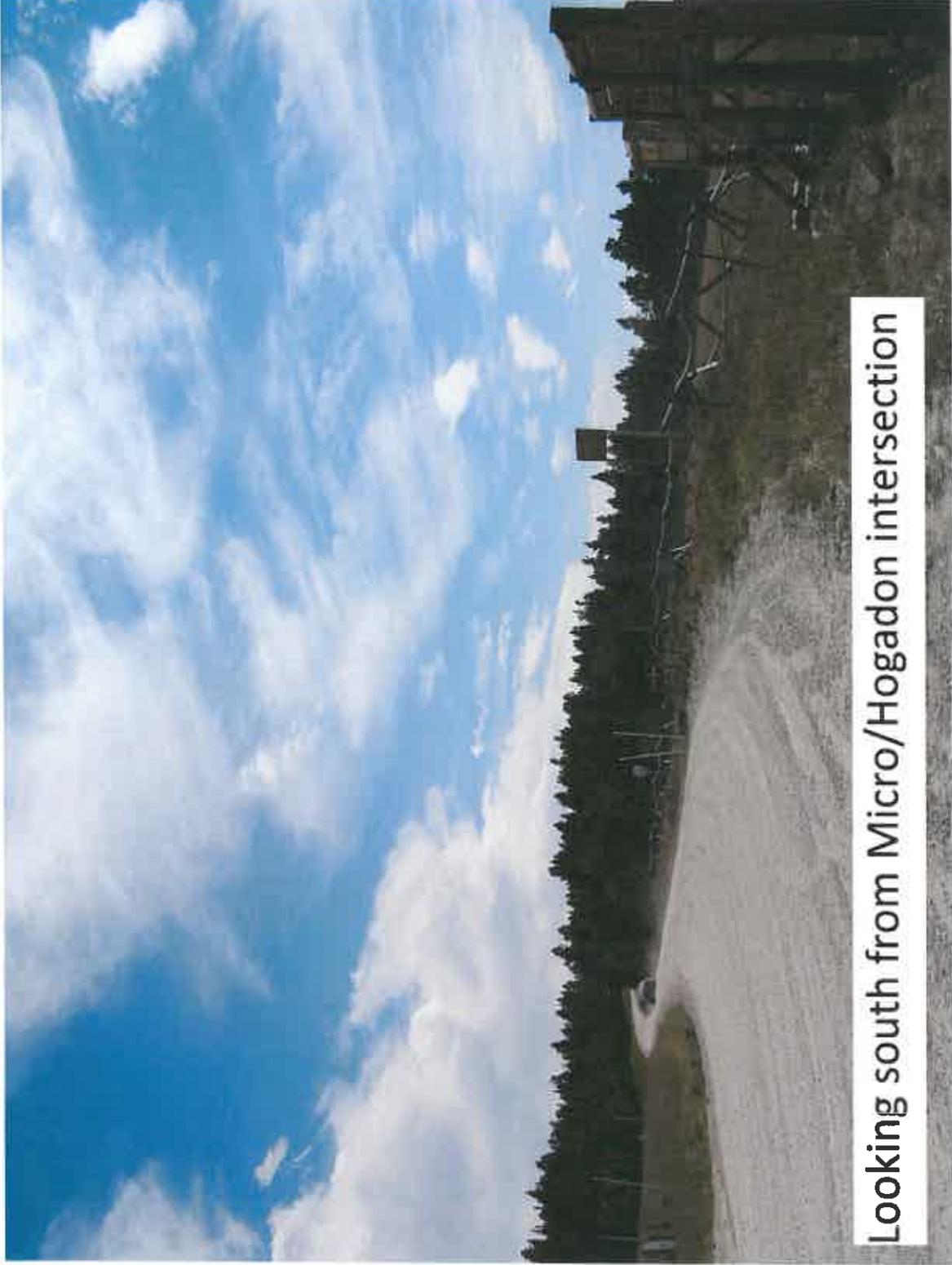


Looking north from Micro/Hogadon intersection

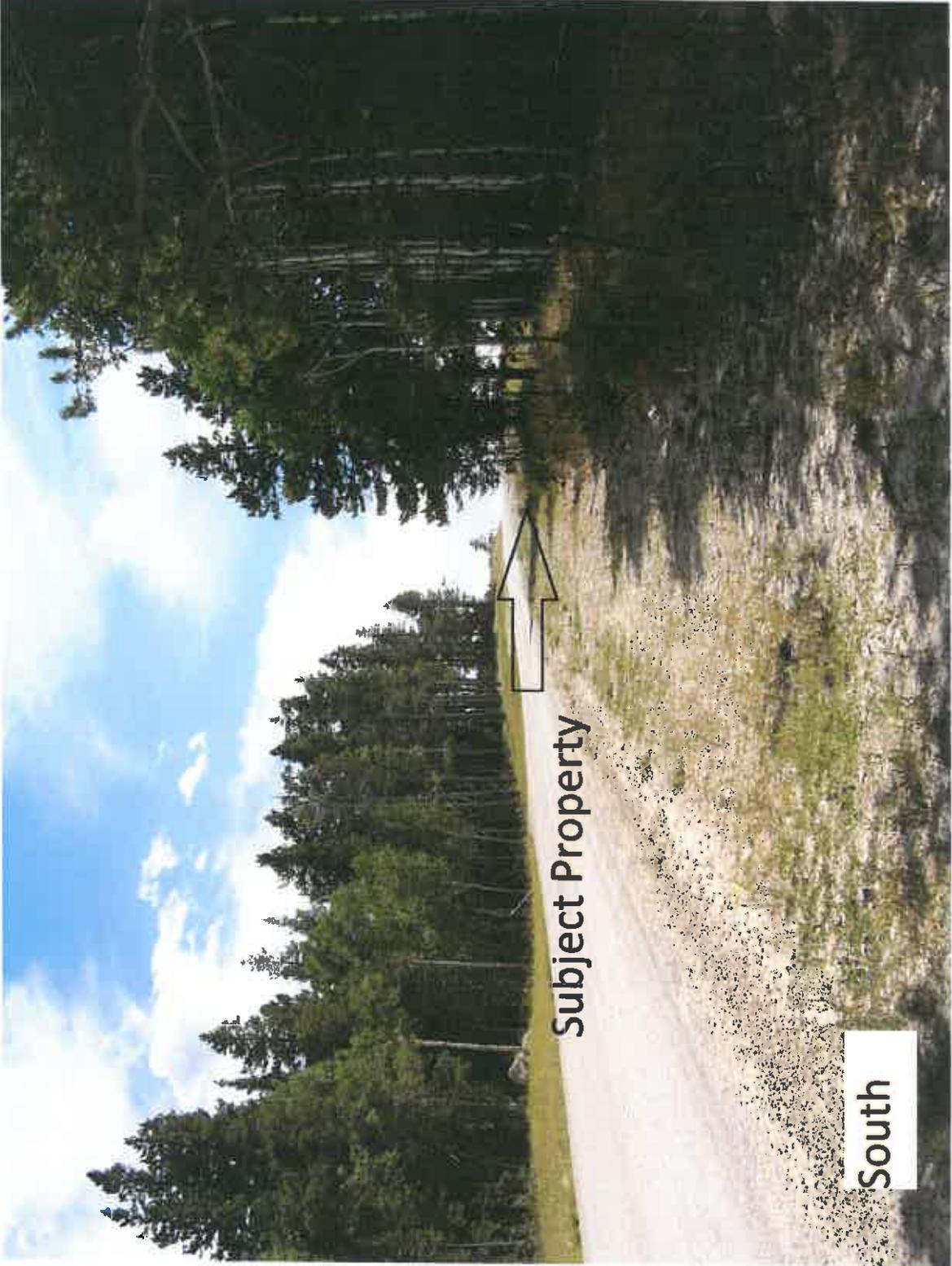


Subject Project

North

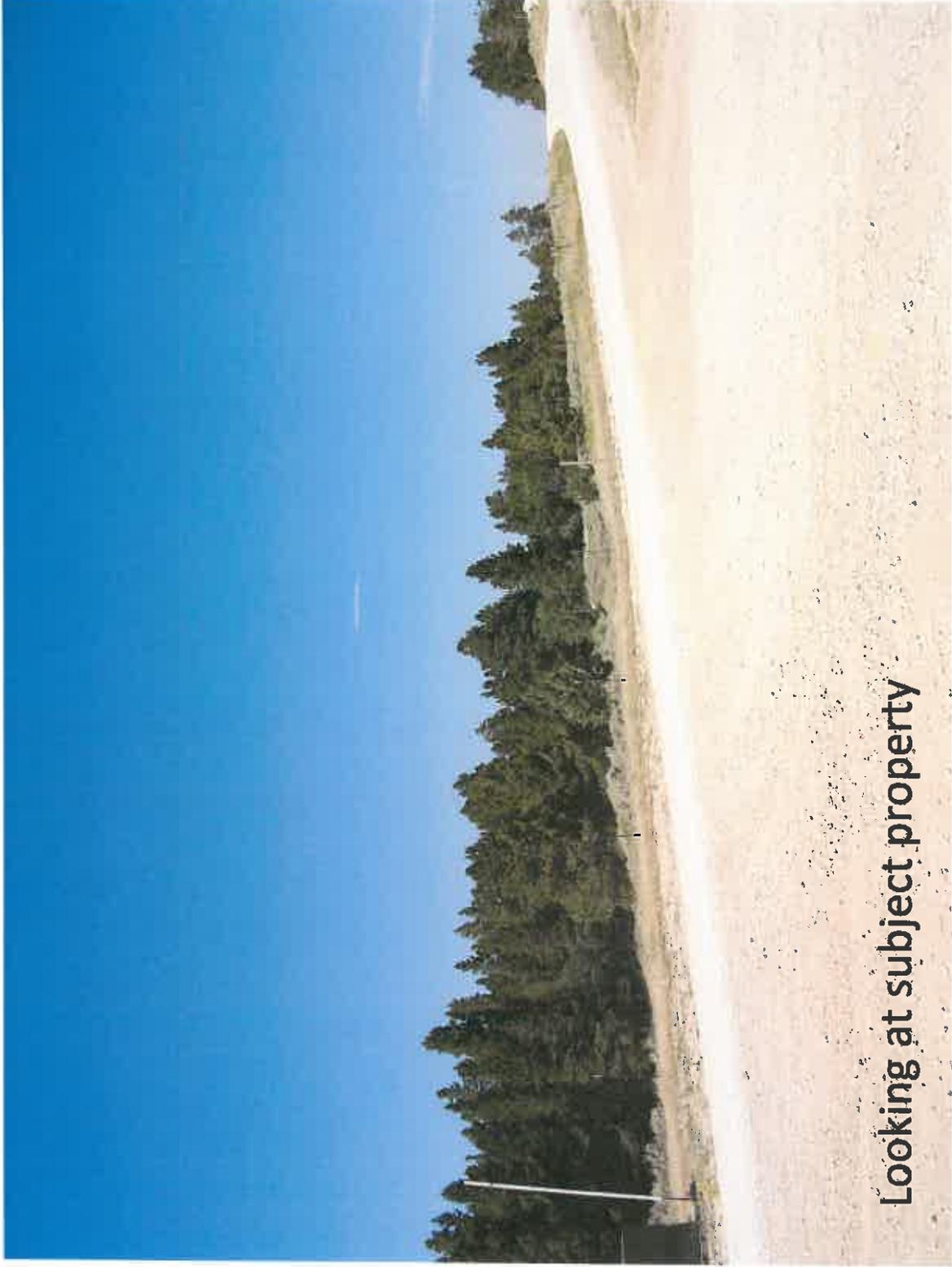


Looking south from Micro/Hogadon intersection



Subject Property

South



Looking at subject property

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ZONE CHANGE APPLICATION

(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming; as provided in Section 18-5-201 to 18-5-207, inclusive, of the Wyoming State Statutes, 1977, as amended, and as provided in the 2000 Natrona County Zoning Resolution, to rezone the following described real property:

FROM: RAM

TO: SR1

Applicant:

Owner:

1. Name Lisa A. Burridge

Name Terry + Cheri Cook

2. Address 421 S. Center St.

Address P.O. Box 850

3. Phone (307) 577-7775

Phone (307) 267-5335

4. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range).

Section 17, T 33 N, R 81 W, 6th P.M.
Natrona County WY

5. Common description of the property to be rezoned (street address and location description):

14290-14465 Pine Ridge Rd. (on the East side of Phillips Ln
South of Poison Spider)

6. Type of sewage disposal: Public Septic Holding Tank Other

7. Source of Water Pioneer Water District

8. This property was purchased from: N/A

9. The date this property was purchased: N/A

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Rev. 9/30/2008

received
7/15/16 - 2

Applicant: [Signature] Date: 7/14/16
(Signature)

Print Applicant Name: LISA A Bunnidge

Owner: [Signature] Date: 7-14-16
(Signature)

Print Owner Name: Jerry A. Cook Cheri D. Cook

From: lisa@lisaburridge.net
To: [Trish Chavis](#)
Subject: Pine Ridge zoning change
Date: Friday, July 15, 2016 3:24:35 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hello Trish,

Thank you for accepting our additional review information for a zoning change by email!

We are requesting this zone change in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan. There is a consistent market demand for newer homes on smaller rural acreage, which are rarely available. Rural vacant land with smaller acreage that is appropriate for the construction of new homes is also extremely rare. In addition, recent developments in Natrona County have shown a high demand for new homes on rural property.

The lack of available newer homes on rural acreage is apparent from a review of MLS records. In the last year, there has only been one new construction home on a one to five acre parcel listed for sale on MLS. At the time of this email, there are currently only eight homes listed on MLS that are less than twenty years old and located on one to five acre properties. Additionally, the homes that are available are, for the most part, priced in excess of what would be affordable for the average Natrona County resident (six of the eight properties are priced in excess of \$380,000).

Rural vacant land with smaller acreage is rarely available in Natrona County, and what is available is not generally ready for a new construction home to be built. At the time of this email there are ten one to five acre vacant land parcels available in Natrona County listed on MLS. Only two of the ten have available water and electric and both are priced in excess of \$100,000, making them less than affordable for the average Natrona County resident.

The Horse Ranch Acres subdivision that was platted earlier this year consisted of nine total lots that are currently under contract, less than six months after final plat approval. This rate is well in excess of the rate at which subdivisions within Casper city limits are generally sold. While these lots were all in excess of ten acres, the rate at which they sold shows a strong demand for new construction on acreage outside of Casper city limits.

Please let us know if you need any additional information or documentation. Thank you!

Have an Awesome Day!

Lisa Burridge



Lisa Burrridge & Associates Real Estate
421 South Center Street - Suite 101
Casper, WY 82601
307-577-7775
307-268-9979 (fax)

Visit us on the web at: www.LisaBurrridge.com

P.S. If you should know of anyone thinking of buying or selling real estate, please do two things:

First: Tell them about Lisa Burrridge & Associates Real Estate, and,

Second: Hit the reply button to this email and tell us how we can help them!

Casper Realty Brokers, Inc., d/b/a
new logo



421 S. Center Street
Casper WY 82601
(307) 577-7775

REQUEST FOR A ZONE MAP AMENDMENT

ZC16-2

STAFF REPORT: Trish Chavis
August 31, 2016

For

September 13, 2016
Planning and Zoning Commission

And

October 4, 2016
Board of County Commissioner Meeting

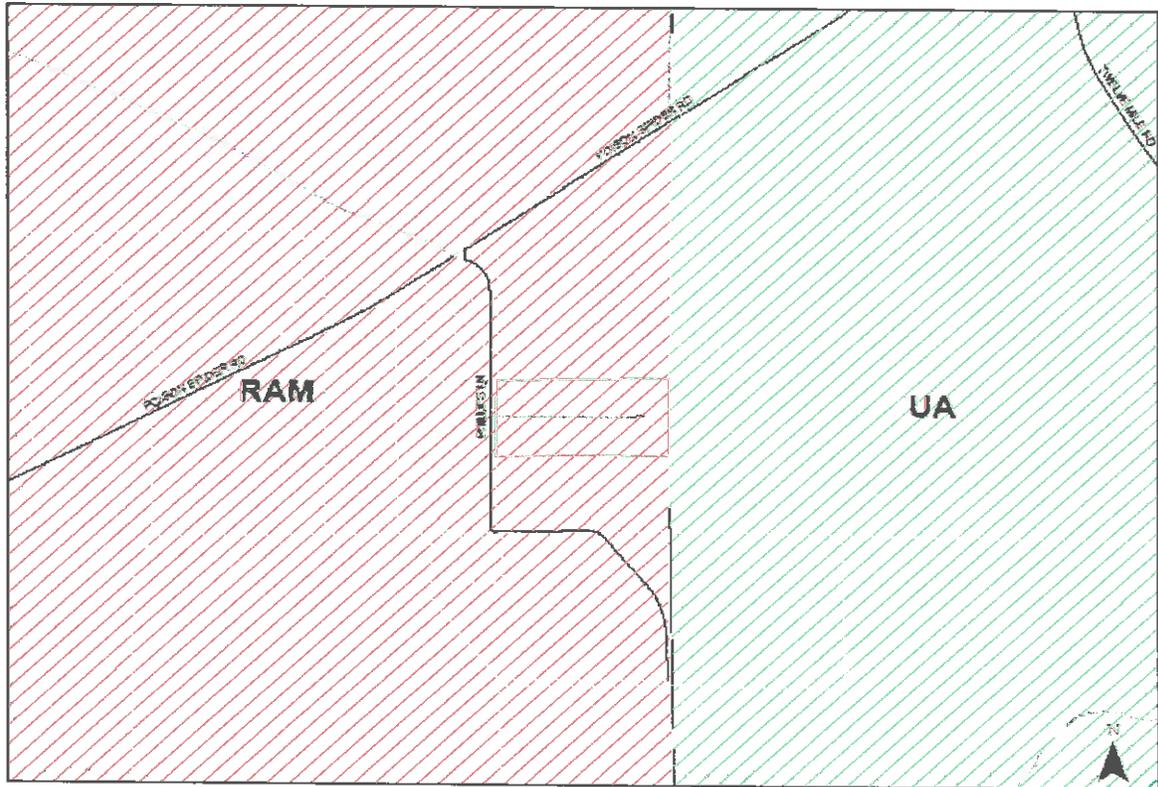
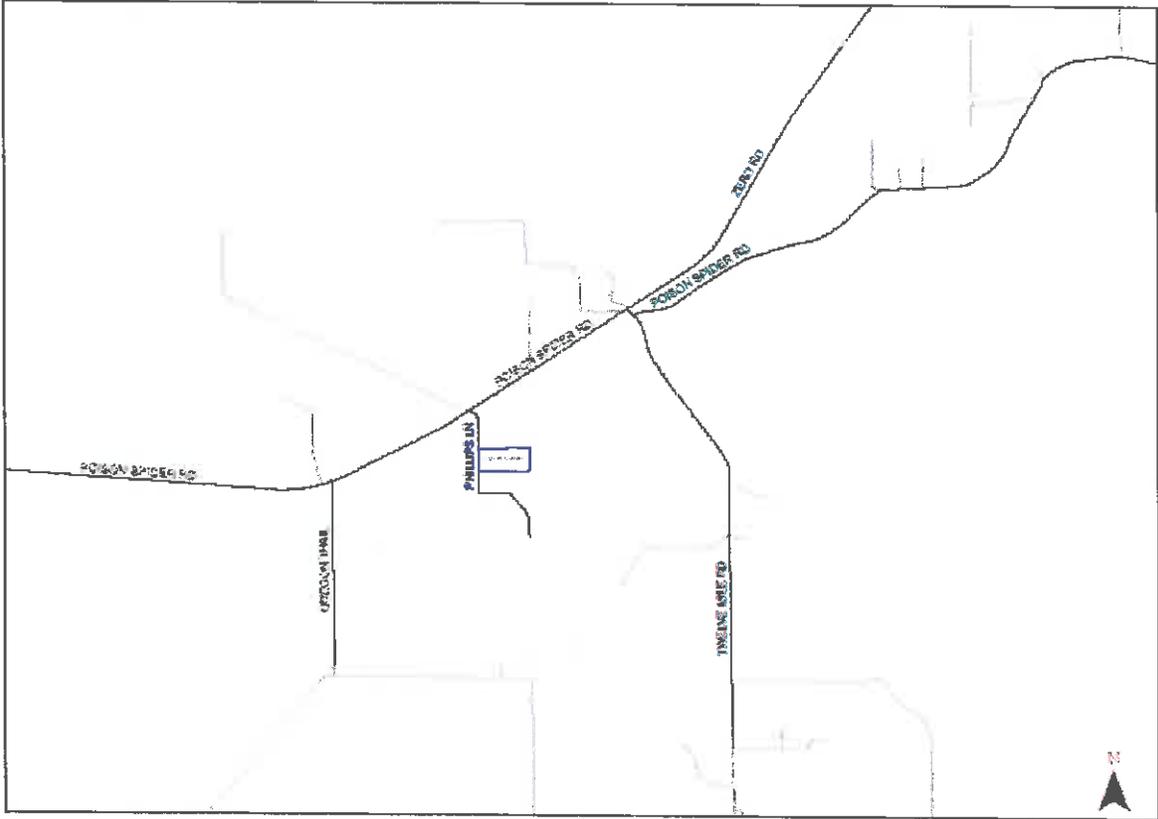
Applicant: Lisa Burrige

Request: To change the zoning district classification for approximately 20 acres, from Ranching, Agricultural, and Mining (RAM) to Suburban Residential One (SR-1).

Location and Zoning

The property is located in a portion of the N ½ SE ¼ SE ¼ of Section 17, Township 33 North, Range 81 West of the 6th Principle Meridian, Natrona County, Wyoming. The parcel is located roughly ½ mile west of Poison Spider School and south of Poison Spider Road. This parcel is more commonly referred to as 14465 Pine Ridge Rd.

The parcel is currently zoned Ranching, Agricultural, and Mining (RAM). Zoning to the north is RAM, East is UA, south is RAM, and west is RAM.



Background

The applicant has applied to rezone the 20 acre parcel in order to provide for a need that was not anticipated during the adoption of the July 2016 Natrona County Development Plan. If approved, the applicant will be following with a subdivision application to create ten-2 acre lots. The applicant further indicates a demand for small, cost effective, rural properties in the current market (see applicant statement below).

This application is not supported by the 2016 Development Plan. The proposed zone change would provide a high density urban development surrounded by low density rural development. This topic was discussed during the public process when the 2016 Development Plan adopted and is not supported.

There have been three previous attempts to rezone parcels in this area; each application was to change the zoning classification from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA). The first was in 2010 and failed to proceed to the Board of County Commissioners. The second was in 2011 and was denied by the Planning Commission and failed to proceed to the Board of County Commissioners. The third attempt was in 2012 and was denied by the Board of County Commissioners.

General Standards For Zone Map Amendments

Definition: An applicant must demonstrate that at least one of the following criteria is met for the approval to be consistent with the Zoning Resolution:

- 1) Is necessary to come into compliance with the Natrona County Development Plan.
- 2) Existing zoning of the land was the result of a clerical error.
- 3) Existing zoning of the land was based on a mistake of fact.
- 4) Existing zoning of the land failed to take into account the constrains on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
- 5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.
- 6) Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.

The applicant is seeking the Zone Map Amendment under Criteria #6. The applicant provided the following statement:

We are requesting this zone change in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan. There is a consistent market demand for newer homes on smaller rural acreage, which are rarely available. Rural vacant land with smaller acreage that is appropriate for the construction of new homes is also extremely rare. In addition, recent developments in Natrona County have shown a high demand for new homes on rural property.

The lack of available newer homes on rural acreage is apparent from a review of MLS records. In the last year, there has only been one new construction home on a one to five acre parcel listed for sale on MLS. At the time of this email, there are currently only eight homes listed on MLS that are less than twenty years old and located on one to five acre properties. Additionally, the homes that are available are, for the most part, priced in excess of what would be affordable for the average Natrona County resident (six of the eight properties are priced in excess of \$380,000).

Rural vacant land with smaller acreage is rarely available in Natrona County, and what is available is not generally ready for a new construction home to be built. At the time of this email there are ten one to five acre vacant land parcels available in Natrona County listed on MLS. Only two of the ten have available water and electric and both are priced in excess of \$100,000, making them less than affordable for the average Natrona County resident.

The Horse Ranch Acres subdivision that was platted earlier this year consisted of nine total lots that are currently under contract, less than six months after final plat approval. This rate is well in excess of the rate at which subdivisions within Casper city limits are generally sold. While these lots were all in excess of ten acres, the rate at which they sold shows a strong demand for new construction on acreage outside of Casper city limits.

Finding of fact: The 2016 Development Plan for Natrona County was adopted on July 5th, 2016. The subject property is located within Area F – Casper Canal. The zone change for this property is not supported by the Development Plan. The Development Plan recommends zoning be RAM (35 acre minimum) and Urban Agriculture (10 acre minimum lots); maintain agricultural land and maintenance of county roads for access to ranches.

The applicant is seeking a Suburban Residential One Zoning District, by Development Plan definition, is a high density zoning district. The Suburban Residential One zoning district allows for lots to be at a minimum of 2 acres. High Density shall be based on 1 unit on less than 5 acres. 2016 Development Plan, Appendix A at Pg. A-1

Furthermore; this rural area specifically list: “the basic goal of the rural plan is to keep urban encroachment and scattered development out of the rural areas”. The reduction of the lot sizes to 2 acres would be placing a scattered development of urban within the rural area.

Additionally, this rural area lists that “high density development (greater than one home per 5 acres) may interfere with resource production of traditional uses and impair recreational and environmental values”. This proposal is a high density proposal and may cause interference.

A priority listed in the Development Plan is for urban growth to occur from the edges of municipalities outward rather than in the county toward existing municipal boundaries. This will ensure cost effective development and provision of services, reduce sprawl, and help preserve the quality of the environment. *2016 Development Plan, Chapter 2.5 at Pg. 2-4*

This is identified as follows in Chapter 6 Rural Area “Cost benefit studies have concluded that residential development should occur along municipal boundaries. Finally, intensive development, which is remote from services, can be expensive for the county taxpayer to sustain. By allowing haphazard development within the unincorporated areas of the county, the county could be turned from a revenue maker to a budget breaker for the county. In many ways the private rural area of the county requires the most protection and the most conservative development policies. This approach coupled with compatible public land management ensures the county economy, culture and tax base will be sustainable for current and future generations. This plan is designed to accomplish those ends”

The Development plan also speaks to this type of proposal multiple additional locations, in short:

-limiting urban sprawl; this proposal would create an area of two acre lots surrounding large parcels (10 acre and 35 acres minimums).

-Limit conflicts between conflicting land uses; this zone change would be a shift from agriculture as a primary use to residential as primary use.

-protection of land based activities: ranching, agriculture, mining, tourism, and recreation: again this proposal will be moving the primary use from agriculture to residential.

In conclusion, staff does not agree that criteria number 6 has been met in order to approve this proposed zone change. During the 2016 Development Plan adoption process high density surrounded by low density development was discussed. The conclusion of these discussions was to not support any new or expand such developments in the County.

In addition, this neighborhood has attempted to be rezoned three prior times without success. Three times at Planning and Zoning and was recommended denial/tabled and once four years ago at Natrona County Board of Commissioners. While past attempts are not criteria, it shows the intent/purpose of previous Development Plans, Planning and Zoning Boards, Board of County Commissioners, and the desires of the neighborhood.

Key Issue

Should Natrona County approve a zone change that is not supported by the 2016 Development Plan that was adopted July 5, 2016?

Public Comment

As of the date of this staff report, 14 comments in opposition and 5 in favor have been received. The Development Department notified 221 property owners within 5 miles.

During public comment, staff was made aware of an opinion from the Supreme Court in regards to this property and the covenants that apply. *The document is in your packet.*

See attached the letters opposition. Generally these letters indicate a loss of rural lifestyle, concerns of lifestyle loss, and reference the adopted Development plan. Generally the supportive letters indicate what has occurred in past in region (other smaller lots), character of Lisa Burrige, and support of economic growth.

Recommendation

Staff proposes a motion and vote by the Planning Commission to recommend denial by the Board of County Commissioners of the proposed zone change from Ranching, Agricultural, and Mining (RAM) to Suburban Residential One (SR-1) zoning district.

Staff also recommends that the motion incorporate by reference the findings of fact set forth herein and make them a part thereof.

CHAPTER VI
ZONING DISTRICTS

Section 1. Ranching, Agricultural and Mining (RAM)

a. The intent and purpose of the Ranching, Agricultural and Mining District is to provide for and protect areas traditionally used for commercial ranching, agriculture and mining. This also includes other commercial resource activities including oil and gas production, forest and wildlife management, ranch recreation, hunting camps and other rural activities.

For each Permitted or Conditional Use, check the definitions, Appendix A, and Design Criteria, Chapter VII, to determine requirements for that specific use.

- b. The following are Permitted Uses in this district:
- (1) Accessory buildings and uses.
 - (2) Agriculture, commercial ranching and agriculture and associated accessory uses.
 - (3) Arena, commercial or recreational.
 - (4) Auto repair station.
 - (5) Auto service station.
 - (6) Auto wrecker service.
 - (7) Bed and breakfast.
 - (8) Campground.
 - (9) Cemetery.
 - (10) Club or lodge.
 - (11) Dwellings: any combination of single-family dwellings, mobile homes, manufactured homes, seasonal dwellings or bunk houses under single ownership, incidental and customary to the primary use.
 - (12) Family Child Care Home, Family Child Care Center and Child Care Center.
 - (13) Forest and wildlife management.
 - (14) Guest or dude ranch; hunting facility.
 - (15) Home business.
 - (16) Meat Processing.
 - (17) Mining, oil and gas exploration, production and associated and accessory uses.
 - (18) Park, playground, golf course and other similar open space recreation facilities.
 - (19) Place of worship.
 - (20) Small wind energy systems (SWES)
 - (21) Temporary dwelling, man camps, requiring no hook-up to water or sewer, and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.

(22) Utilization of mobile and/or manufactured homes for storage purposes, incidental to the principal structure(s) on the property. (see Chapter VII, Section 8f).

(23) Communication Towers less than or equal to forty-five (45) feet in height and Communication Tower and Antenna combinations less than or equal to seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communication enthusiasts and are located not less than one (1) mile from any other zoning district (see Chapter VII, Section 15- Communication Towers and Wireless Telecommunication Facilities)

(24) Other similar and compatible uses, as determined by the Board.

(25) Airports and Heliports

c. In addition to the above permitted uses, the following uses may be approved by Conditional Use Permit:

(1) Auto reduction/recycling center.

(2) Collector Car Storage

(3) Communication Towers and Wireless Telecommunication Facilities of any height which are owned and operated by commercial users providing services to the public. Communication Towers greater than forty-five (45) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts; and any Communication Tower and Antenna combinations greater than seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts. (See Chapter VII, Section 15—Communication Towers and Wireless Telecommunication Facilities)

(4) Confinement livestock facility.

(5) Correctional facility (See Chapter VII – Design Criteria and Procedures)

(6) Hot mix batch plant, temporary.

(7) Manufacturing and storage of explosives.

(8) Mining; aggregate extraction (See Chapter VII, Design Criteria and Procedures).

(9) Mobile home park.

(10) Public facility.

(11) Recreational facility, public or private.

(12) Rendering plant.

(13) Salvage yard.

(14) Sanitary landfill, sewage treatment facility.

(15) School; elementary, junior and senior high, college, university, vocational trade, professional or business.

(16) Temporary dwelling, dependent on outside water and sewer, and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.

(17) Utility installation.

(18) Wind generator(s), commercial, producing electricity for sale.

(19) Commercial recreation

(20) Other similar and compatible uses, as determined by the Board.

RAM District Minimums

- d. Minimum district size is 40 acres or the legally described 1/16 Section.
- e. Minimum lot size is 35 acres.
- f. Minimum setbacks for principle and accessory buildings are as follows:
 - (1) 25 feet adjacent to public roads.
 - (2) 10 feet from all property lines not abutting a road.
- g. No maximum height.
- h. No minimum open space.

Section 6. Suburban Residential - (SR-1&2)

a. The intent and purpose of the SR-1&2 districts is to establish and protect an area for low density residential and accessory agricultural uses.

The SR-1 and SR-2 districts are the same with one key difference. Mobile homes are allowed in the SR-1 and not in the SR-2. Manufactured homes which meet all the criteria in the definition of "manufactured home" in this resolution are permitted in both districts. See definition of manufactured homes and building codes for construction and installation requirements for manufactured homes.

Any home which does not meet these standards is considered a mobile home and is not permitted in the SR-2 district. The definition of a permanent home foundation includes the requirement that wheels and axles are removed and the unit is supported from concrete piers, which are 42 inches deep (frost line) at the manufacturers recommended locations. The unit must be tied down and a curtain wall of masonry or other approved material be installed on the perimeter of the unit. Specific details on the installation are available from the building department.

A unit which meets all the HUD code construction requirements, but which is not installed in accordance with county requirements is considered to be a mobile home. Manufactured housing may be restricted in any area through covenants.

For each Permitted or Conditional Use, check the definitions, Appendix A, and Design Criteria, Chapter VII, to determine requirements for that specific use.

b. The following are permitted uses in this district:

- (1) Accessory buildings and uses.
- (2) Animal clinic, animal shelter/kennel.
- (3) Dwelling: one single family home, mobile home, manufactured home or seasonal home per lot or tract (see definition of manufactured home). SR-1 only.
- (4) Dwelling: one single family home, manufactured home or seasonal home per lot or tract (see definition of manufactured home). SR-2 only.
- (5) Family Child Care Home.
- (6) Home occupation.
- (7) Light agriculture, accessory to residential use on the same lot or tract.
- (8) Park, playground, golf course and other similar open space recreation facilities.
- (9) Place of worship.
- (10) School; elementary, junior and senior high, college, university, vocational trade, professional or business.
- (11) Small wind energy system (SWES)
- (12) Specialty or sundry shop.
- (13) Other similar and compatible uses, as determined by the Board.

c. In addition to the above permitted uses, the following uses may be approved by Conditional Use Permit:

- (1) Arena, recreational.
- (2) Collector Car Storage.
- (3) Commercial recreation
- (4) Family Child Care Center and Child Care Center
- (5) Mini-warehouse
- (6) Mobile home park.
- (7) Public facility.
- (8) Recreational facility, public or private.
- (9) Utility installation.
- (10) Other similar and compatible uses, as determined by the Board.

d. Minimum district size is 6 acres.

e. Minimum lot size is 2 acres.

f. Minimum setbacks for principle and accessory buildings are as follows:

- (1) 25 feet adjacent to public roads.
- (2) 10 feet from all property lines not abutting a road.
- (3) 5 feet from all side lines and 8 feet from rear property lines for detached legally complying accessory structures.

g. Maximum height is 36 feet or three stories for all residential buildings.

h. Open space requirement is no structures on at least 50% of the lot.

Natrona County
Development Dept
200 North Center St
Casper, Wy. 82601

Peggy Johnson

RE: ZC16-2 request by Lisa Burrige zoning change from RAM to SR-1

As stated in the August 2 letter to landowners adjacent to this proposed zone change we are submitting questions and concerns we would like to be addressed.

- 1 Is this the only proposed change or are there more subdivisions planned in the vicinity?
- 2 Is this proposed zone change for this 20 acre parcel only or will it affect surrounding ranches by initiating zone changes for all?
- 3 Will this set a precedent for future zoning of our area?
- 4 What does this do to our property values and taxes and assessments?
- 5 What about water, sewer trash & increase in traffic in our area?

Respectfully submitted thank you.

Linda Lensert (et al)
5100 Tuffy Rd
Casper, Wy. 82604



NATRONA COUNTY

Development Department

200 N. Center Street, Suite 202
Casper, WY 82601

Trish Chavis, Planner
County web: www.natronacounty-wy.gov

Phone: 307-235-9435
Fax: 307-235-9436
Email: tchavis@natronacounty-wy.gov

"The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County."

August 31, 2016

Linda Lensert (et al)
5100 Tuffy Rd.
Casper, WY 82604

Re: ZC16-2 request by Lisa Burrige zone change from RAM to SR-1

Mrs. Lensert,

Thank you for taking time to review the letter that was sent by our department in regards to the above zone change. This letter is in response to your questions/concerns.

Is this the only zone change or are there more subdivisions planned in the vicinity?

The application that is up for review is for a zone change not a subdivision. The applicant has applied to change the zoning classification from Ranching, Agriculture, and Mining to the Suburban Residential One district. We have not received an application to subdivide this parcel. If one is received by this office you will receive another letter from the Development Department for the subdivision.

Is this proposed zone change for this 20 acre parcel only or will it affect surrounding ranches by initiating zone changes for all?

The zone change is for a 20 acre parcel of land and that parcel only.

Will this set a precedent for future zoning in our area?

I cannot make any presumptions on this question.

What does this do to our property values and taxes and assessments?

Properties are not taxed on the zoning of a property; the tax is on the use of the land.

What about water, sewer, trash and increase in traffic in our area?

Again, this application is for a zone change only and does not include a subdivision.

I hope that I have answered your questions thoroughly. If you have any more questions please feel free to contact me.

Sincerely,



Trish Chavis, Planner
Natrona County Development Department

08-09-2016

Received a call from Claire Anderson of 11754 Zero Rd, she is 110% against the zone change on Pine Ridge Rd. They are going to create urban sprawl that is why we moved from town; first this twenty acres and then the next and the next twenty acres, no, no, no. She is going to create a great big mass of sewage, a drainage fowl. I remember Vista West and that was a mess.

①

From: [Kathleen Dye](#)
To: [Peggy Johnson](#)
Subject: ZC16-2 Zone map amendment
Date: Tuesday, August 09, 2016 12:11:21 PM

To : Peggy Johnson, Natrona County Development Department,

We received a letter from your department on the request by Lisa Burrige for a Zone Map amendment from Ranching , Agriculture and Mining to Suburban Residential on a 20 acre parcel of land off Phillips Lane. I looked up the Zoning regulations for SR-1 an have seen that it allows for mobile and manufactured homes with a minimum lot size of 2 acres . I personally do not think that is an appropriate change for this rural area ; none that I have discussed this with thinks they want a small subdivision of 10 or more homes next to their home and acreage . I feel that it would change to face of the area, and open it up to much more development that my neighbors and I moved here to escape. That density of homes would bring problems of loose dogs and having livestock chased and harassed. I also question the availability of water for these new homes. Pioneer Water & Sewer has already cut the allotment of water to my residence from 15,000 gallons monthly to 5,000 gallons for the same monthly charge, and that has caused me to cut back on the amount of produce I grow in my greenhouse.

I know that I cannot regulate what people do with their land, but I would ask that if the zoning were changed, it would not be to SR-1, but if changed at all to no more than RR-1 that would require at least a 5 acre lot size.

Thank you for the opportunity to express my opinion on this matter.

Kathleen Dye

Casper WY 82604

dodadye@alluretech.net

ZC16-2

I approve the re zoning of said property from RAM to SR1.

Jamie Hackney

11870 W. Zero Rd.

Casper, Wy. 82604

1-307-265-8957

I believe my first e-mail had an incorrect e-mail address for Peggy Johnson, so I resent it with the correct address.

Sidney S. Ghaffari
14749 W. Poison Spider rd
Casper Wy 82604

August 22, 2016

Peggy Johnson Natrona county development
200 N. Center St. room 202
Casper Wy, 82601

I, Sidney S. Ghaffari, strongly oppose this zoning change from RAM to SR-1 by Lisa Burrige for the property located at 14465 Pine Ridge rd.

This area has been ranching, agricultural, and mining for the past many years. You can still see cattle and horses grazing as far as your eyes can see. Those are the reasons why I and my family chose to live here. Having a zone change from RAM to SR-1 will not only devalue the value of the neighboring properties, it will also undermine the quality of life we are accustomed to in this area.

I believe it will be very unfair for the neighbors to see the zone change and I hope the commissioners will understand the concerns of the majority of the neighbors and vote **NO** for this change.

Please feel free to contact me at 307-237-1500 and my email address: Sidghaffari@gmail.com

Sincerely,
Sidney S. Ghaffari



Peggy Johnson
Administrative Secretary
Natrona County Development Department
200 N. Center St. Rm 202
Casper, WY. 82601

Dear Ms. Johnson,

I have received your notice of public hearing dated August 2, 2016, regarding the proposed zoning change on a 20 acre tract of land off of Phillips Lane located in Sec 17, T33N, R81W from Ranching, Agriculture and Mining (RAM) to Suburban Residential One (SR-1). I strongly disagree with such a proposal. This little tract of land is surrounded by RAM properties and any change that would allow for development of lands within this community to any use other than ranching and agriculture would greatly detract from the character of the community. The people living here have moved here because of its rural atmosphere and way of life. Are there not better places for development closer to town for folks wanting to live close together?

I have lived adjacent to this property for the last 35 years and I like most of my neighbors do not want to see the integrity of this area drastically changed by development that would more than double the current housing density. Mr. Cook (the current owner of this tract) moved out here approximately 10 years ago with the intention of subdividing the area. He did not let little things like the county zoning requirements stop his plans of development either. Twice he has gone to the county commissioners requesting zoning changes (2010 and 2012) that would change their current RAM zoning and twice the commissioners saw fit to reject his proposals. Also, because of the protective covenants that cover this area, the Supreme Court of Wyoming found (March 2016) that the Cook's plan to put multiple single-family dwellings on this tract violated those covenants. This tract is to remain a single parcel for purposes of the covenants, and can have only one single-family dwelling. There is currently a single-family dwelling already on this tract precluding it from any further development.

In addition to the legal issues involved, there are safety concerns with developing this tract for multiple housing units. There are currently three underground pipelines linking Casper to the refinery in Sinclair that cross this property and a high pressure gas line that also runs the length of it. How can the county even consider allowing any housing over these features. The current residence on this property is placed in the safest location possible to keep its distance from the pipelines.

As with any subdivision, people will want to have pets and would let them run without control because of the rural setting. However, county leash laws do apply to pets even out here. If those leash laws are disregarded, having pets running about is not compatible with raising livestock and wildlife in the area. Livestock and wildlife are both features of the rural atmosphere currently enjoyed by the local residents that would be threatened by an influx of other homes and pets. Fortunately, the residents currently living in the Phillips Lane area are pretty good about their pets and do not let them run unattended.

Thank you for your consideration of these comments.

Harv Gloe

P.O. Box 973
Casper, WY. 82602

From: [HELEN SCHMIDT](#)
To: [Peggy Johnson](#)
Subject: Zone Map Amendment
Date: Tuesday, August 30, 2016 8:00:06 PM

I received your letter concerning the zone map amendment request by Lisa Burrige. As an adjacent property owner, I have no problems with her request for a zone change to SR-1 for this property.

I have lived in the Casper area since 1978 and have seen the developments by Lisa Burrige in and around the Casper area. I think she pursues developments that provide the needs of the families of Natrona County. The area in question is an ideal area to raise a family in the country atmosphere but still have a high quality of life with Casper nearby and the Poison Spider Elementary School very close by. (By the way, in my opinion, Poison Spider School is an excellent school. Two of my grandchildren attended PS Elementary).

Lisa's developments have always shown her desire for quality and aesthetics that enhance the surrounding area.

Therefore, I agree with her request for a zone change to SR-1 for the property in question.

Thank you.

Sincerely,
Helen Schmidt



John Leman Trustee for the Tom and Sherry Leman Special Needs Trust
14000 West Poison Spider Road
Casper, WY 82604

August 29, 2016

Natrona County Development Department
200 North Center Street, Room 202
Casper, WY 82601

Dear Natrona County Planning and Zoning Commission:

This letter is Regarding the ZC16-2 A request by Lisa Burrige for approval of a Zone Map Amendment to change the zoning district classification of approximately 20 acres, from Ranching, Agricultural and Mining (RAM) to Suburban Residential One (SR-1), located in a portion of Section 17, Township 22 North, Range 81 West of the 6th Principle Meridian, Natrona County, Wyoming, more commonly referred to as 14465 Pine Ridge Road.

As an adjacent landowner, I am **opposed** to the change. I am in favor that it **remain** under its current zoning designation of Urban Agriculture (UA). Folks choose to live in this area to avoid the very thing which is being proposed. This type of change only sets a precedent for more urban sprawl, which comes with a price. The cost comes in the form of increased demand for more services, maintenance and infrastructure. Ultimately, the current residents experience a loss of quality of life, and an increase in property taxes for in order to pay for it.

Thank you for your time,

Sincerely,

John T. Leman

7

Peggy Johnson

From: Cook's Construction <cooksconstruction@hotmail.com>
Sent: Thursday, September 01, 2016 7:21 AM
To: Peggy Johnson
Subject: Lisa Burrige Re-Zone ZC16-2

Dear Commissioners,

As adjacent property owners, we would like to voice our opinion in favor of the petition for re-zone from Lisa Burrige titled ZC16-2.

Mrs. Burrige always seems to build beautiful homes upon any ground that she develops, and she always takes into consideration, the general aesthetics of the area.

As Commissioners, I imagine it must be difficult to draw lines to separate zone districts, when there are so many non-conforming lots already, as this lot is.

As a board member for the Casper Alcova Irrigation District, I have worked with Lisa on other projects throughout our district and can tell you that she is a delight to work with and has worked diligently with our crew to insure that any concerns we might have are looked after with the utmost importance.

We would encourage you to review a map of the surrounding area and witness first hand the vast amount of non-conforming lots within this area.

I would like to point out the following projects that have been completed around this area:

*The Poison Spider Water District has installed a new water main to accommodate an additional 100 residents within this area.

*Poison Spider School has been rebuilt to accommodate new students to the area.

*Natrona County has spent thousands and thousands of dollars repaving several miles of road along Zero/Poison Spider Rd.

The projects mentioned above seem like an obscene amount of money to be spent in an area, for us to not welcome development.

If this request is approved, I have no doubt that Mrs. Burrige will build a beautiful subdivision that the residents of this County thirst for.

Sincerely,
Jerry & Cheri Cook



Peggy Johnson

From: Roger Ashbaugh <rash@alluretech.net>
Sent: Thursday, September 01, 2016 6:31 AM
To: Peggy Johnson
Subject: Lisa Burrige request for a Zone Map Amendment

From: Roger Ashbaugh
5408 Shinn Rd., Casper Wyo 82604
To: Peggy Johnson, Natrona County Development Department

Subject: Lisa Burrige request for a Zone Map Amendment

I object to changing the zoning map to Suburban Residential One. Back when tax dollars were spent to establish the Alcove irrigation district to enhance farming around Casper. Allowing this change would cause loss of farm land and establish a bad precedent for further farm land loss.

Sincerely,

Roger Ashbaugh

Peggy Johnson

From: Daniel Findley <dstifindley@atwy.net>
Sent: Wednesday, August 31, 2016 8:31 PM
To: Peggy Johnson
Subject: ZC16-2 Lisa Burridge's zone map amendment 14465 Pine Ridge Road

8/31/16

Natrona County Planning and Zoning Commission,

In regards to Lisa Burridges request for zone map amendment to change Section 17, Township33 North, Range 81 West of the 6th Principle Meridian,Natrona County Wy from RAM to SR-1 my family has great concern!

If you were to pass this rezoning of this area the land could be broke into much smaller parcels, This in return could be dangerous to the well water in the surrounding area. Not all residence in this area have city water. This could also set a precedence to other large land owners to do the same. The zoning was set in place to protect property owners so PLEASE protect the current property owners and deny Lisa Burridges request to rezone said property!

Daniel and Dawn Findley
4850 S. 12 Mile Rd.
Casper, Wy.

Peggy Johnson

From: Kevin Reddy <kreddy@vcn.com>
Sent: Wednesday, August 31, 2016 8:17 PM
To: Peggy Johnson
Subject: Item ZC16-2, 14465 Pine Ridge Rd., Zone Map Amendment

I live on Emigrant Pl. near Poison Spider School. I respectfully request the Natrona Co. Commissioners to reject a change in zoning for this parcel because of the overall detrimental changes it will bring to the neighborhood.

Kevin Reddy



Seth and Ashley Tubbs
3000 Phillips Lane
Casper, WY 82604
307-267-1560
TubbsHouse@Outlook.com
August 6, 2016

Peggy Johnson
Administrative Secretary
Natrona County Development Department
200 North Center Street, Room 202
Casper, WY 82601

Dear Peggy Johnson (Or Whom It May Concern):

We received a notice from the Natrona County Development Department regarding a zoning change request for the property commonly referred to as 14465 Pine Ridge Road (S17, T33, R81). As an adjacent property owner, we are NOT in favor of the proposed change from Ranching, Agricultural, and Mining (RAM) to Suburban Residential One (SR-1).

We have resided at our current address since September of 2015. We were drawn to the property for the rural setting and zoning that would maintain such. It is our opinion that allowing the proposed zoning change would have significant negative impact on our property value, property taxes, that of surrounding properties, and would change the lifestyle that is sought by living in a rural setting. Suburban living by definition does not allow for livestock, growing of crops, hunting, etc. This change is unnecessary and detrimental to the neighborhood and surrounding area. Allowing such a change would set a precedence for similar changes in the future.

The "2000 ZONING RESOLUTION OF NATRONA COUNTY, WYOMING"¹ opens with General Provisions that list the intent and purpose, and goals and policies (Chapter 1, Section 1 and Chapter 1, Section 2, respectively) of The Resolution, and the purpose of existence for the Planning and Zoning Commission (Chapter III Section 1). In such are listed several points which are in direct opposition to the approval of subject zoning change.

- Chapter 1, Section 1, b. Promoting the orderly development of the agricultural, residential, business, industrial, recreational and public areas;
 - Allowing a section of SR-1 zoning surrounded in all directions by RAM/UA zoning is not "orderly" zoning
- Chapter 1, Section 2, a. Assure that future development will not adversely affect adjacent land use.
 - Allowing a change to SR-1 zoning will not allow for crop growth & harvest, will change the demand on irrigation water and other public utilities, and will result in a radical and permanent change in the agricultural and single-family residential character of the area.

¹ See attached, highlighted document

- Chapter 1, Section 2, c. Accommodate the desires of neighboring landowners and the views of the general public while at the same time protecting the rights of individual property owners.
 - When we purchased our property, we were expecting our first child. It is our desire to raise this child and all future children in a rural setting, surrounded by agriculture and livestock. We—like many of our neighbors—want to raise and harvest the hay that feeds our livestock; the same animals that provide us with milk, eggs, and meat. We want to have a large garden that provides many of the vegetables our family consumes. We even wish to have the freedom to safely hunt for deer, antelope, and fowl a short walk from our front door. We have spoken to all immediate neighbors regarding this matter. With one exception (the applicant) that we are aware of, it is the overwhelming desire of all that the zoning of this property remain as it is (RAM).
- Chapter 1, Section 2, d. Control urban sprawl while cooperating with new development proposals; however, the welfare of the general public will be of primary importance.
 - According to merriam-webster.com, ‘urban sprawl’ is defined as “a situation in which large stores, groups of houses, etc., are built in an area around a city that formerly had few people living in it.”² Given that this property currently only has one single-family home, as do all adjacent properties, this is an area with ‘few people living in it’. Approval of this proposal would *encourage* urban sprawl.
- Chapter 1, Section 2, h. Prevent the mixing of incompatible land uses by providing transitional buffer zones.
 - RAM/UA zoning and SR-1 zoning are incompatible for the same reasons stated in argument of Chapter 1, Section 2, a.
- Chapter 1, Section 2, i. Be guided by the current Comprehensive Land Use Plan, The County Development Plan, adopted December 18, 1998, for Natrona County for all land development and all rezoning decisions.
 - There are too many points in The County Development Plan in opposition of this proposal to address in this format. We have read The Plan in its entirety and find that it can be summarized by the following points (taken from Chapters 2 and 6):
 - “to encourage the traditional uses of ranching, agricultural, and mineral development in the rural areas, while limiting sprawl”
 - “minimize conflicting land uses and improve zoning”
 - “plan for continued viability of ranching and agriculture in Natrona County”Granting the proposed zoning change will deny this land the opportunity of being used as agricultural land in the future. Chapter 6 states that “The basic goal of the rural plan is to keep urban encroachment and scattered development out of the rural areas.” Given the parcel in question is surrounded by RAM zoned land would certainly qualify this change as “scattered development.”
- Chapter 1, Section 2, s. Encourage the concentration of urban development in the urbanized area of the County and provide for a more efficient use of public services and facilities.
 - As previously established, this is a rural, non-urbanized area of the County. The land in question is surrounded by RAM and UA zoning. While there is SR-1 zoning less than 1.5

² Definition taken from <http://www.merriam-webster.com/dictionary/urban%20sprawl>

miles down the road, this is a small, isolated section. The closest concentration of same/similar zoning is nearly 8 miles away (commonly known as 'Vista West').

Finally, and perhaps most importantly, this issue has been visited before and resulted in a Supreme Court, State of Wyoming ruling against rezoning of this property as it is in direct violation of covenants placed upon the "Phillips Lane area".³ These covenants were deemed not abandoned, therefore are active and enforceable. Article II, Paragraph 6 of the covenants states "No Resubdivisions: No parcel less than twenty (20) acres in size shall be sold or conveyed." Article III, Paragraph 1 states "Number and Location of Buildings: No buildings or structures shall be placed, erected, altered, or permitted to remain on any residential tract other than: (1) one detached single family dwelling; (2) an attached or detached garage; and (3) a service type barn, stable or shed." It is these points specifically that were deemed to be violated by rezoning.

In the short time we have resided on Phillips Lane, we have found a great sense of community unmatched by any other residence we've occupied, as a couple or individually. Many of our neighbors have been here 20 years or more and are deeply invested in the area. This is the type of community we want to raise our family in. One where neighbors know each other by name, gather regularly, and are quick to lend a helping hand. We have experienced all of these things in less than a year's time, as this lifestyle promotes community in a unique way: we have to rely on each other. It is our desire to maintain this type of lifestyle for generations to come.

We appreciate your consideration in this matter.

Sincerely,

Seth and Ashley Tubbs
Concerned Landowners

³ State of Wyoming Supreme Court Case No. S-15-0154, attached.

CHAPTER I

GENERAL PROVISIONS

Section 1. Intent and Purpose

This Resolution is adopted for the purpose of protecting the public health, safety and general welfare by:

a. Providing for division of the unincorporated area of the County into zoning districts and regulating therein the location, erection, construction, reconstruction, enlargement, alteration and use of structures; and the uses, condition of use or occupancy of lands for agricultural, residential, business, industrial, recreational, and public purposes;

b. Promoting the orderly development of the agricultural, residential, business, industrial, recreational and public areas;

c. Providing light, air and convenience of access to property while limiting congestion of public rights-of-way.

d. Establishing performance standards which regulate physical development of lands;

e. Providing for the administration of this Resolution through the adoption of procedures, regulations and fees; and

f. Prescribing penalties for the violation of the provisions of this Resolution or any amendment thereto.

Section 2. Goals and Policies

The goals and policies of the Natrona County Board of County Commissioners are to:

a. Assure that future development will not adversely affect adjacent land use.

b. Protect the property rights of the individual to the degree that they do not infringe upon the property rights of others.

c. Accommodate the desires of neighboring landowners and the views of the general public while at the same time protecting the rights of individual property owners.

d. Control urban sprawl while cooperating with new development proposals; however, the welfare of the general public will be of primary importance.

e. Recognize the need for flexibility in the design of large subdivisions. Subdivisions which are planned as a unit will be encouraged, provided that such a development meets all existing standards set forth in the planned unit development regulations.

f. Encourage building designs that are compatible with surrounding land use and provide privacy and innovation of design.

g. Locate all new development based upon proven planning principles, population estimates, transportation, the existing utility networks and the availability of County facilities and services.

h. Prevent the mixing of incompatible land uses by providing transitional buffer zones.

i. Be guided by the current Comprehensive Land Use Plan, The County Development Plan, adopted December 18, 1998, for Natrona County for all land development and all rezoning decisions.

j. Require all subdivisions proposed within the County to be platted and developed in accordance with the State and County Subdivision Regulations.

k. Require all development and rezoning decisions within the County to adhere to the restrictions, qualifications and restraints identified in the Central Natrona County Natural Hazards Study.

l. Require all development within the County to comply with the Casper-Natrona County Health Department Regulations.

m. Protect surface water and ground water from degradation by point and non-point sources of pollution.

n. Prevent degradation of the air quality of Natrona County.

o. Preserve natural vegetation where its removal would cause slope failure, soil erosion, destruction of wildlife habitat, or significant visual damage.

p. Preserve areas of scenic and wildlife value.

q. Protect from development those lands which have historical value or are currently prime agricultural lands.

r. Preserve and protect Casper Mountain and the North Platte River.

s. Encourage the concentration of urban development in the urbanized area of the County and provide for a more efficient use of public services and facilities.

2.2 CHARACTERISTICS

The following is a list of characteristics present in the County now that are top priorities to continue in the planning process, paraphrased and in no particular order are:

- A clean environment, clean air and water, and available water.
- A positive environment for business.
- Access to open spaces and recreational opportunities.
- Private property rights are respected.
- Overall good quality of life and favorable lifestyles.
- A variety of natural resources, including land, water, air, scenic areas, open spaces, wildlife, and minerals.
- An economic base that sustains the good quality of life but dependent upon the extractive minerals industry.
-
- Commercial ranching and agriculture remains a key employment base.

2.3 PLANNING CONCERNS

Below, are the top issues, paraphrased, that need to be addressed in the planning process, in no particular order. These are not goals but issues needing solutions.

- Fair enforcement of the land use plan implementation measures, particularly zoning.
- Growth management, to encourage the traditional uses of ranching, agricultural, and mineral development in the rural areas, while limiting sprawl.
- Improve planning for subdivisions.
- Evaluate and balance natural resources and mineral development with other uses.
- Reduce urban and rural property deterioration.
-
- participate in federal land issues as a cooperating agency or consulting party when applicable
- Sustainable development, a mixture of existing and new uses to improve the economy and the tax base.
- Preserve and make use of the tremendous open space resources of the county.
- Incorporate, when plausible the planning efforts of the Metropolitan Planning Organization (MPO) to forecast traffic and growth issues.
-
- lands.

2.4 MISSION STATEMENT

Natrona County is a unique place to live, with the abundant natural, cultural, historic resources, open spaces, and outdoor opportunities. We cherish our community values and quality of life. We understand that the economy of our County is changing. We recognize our existing economic foundations and the necessity to strengthen and cultural/historical heritage and our community values while enhancing our quality of life through responsible growth.

2.5 PRIORITIES

The following is a list of paraphrased priorities as a summary of the goals and policies.

- Provide an updated County Development Plan.
- **Minimize conflicting land uses and improve zoning.**
- Develop and update sufficient guidelines for the enforcement of planning regulations and Conditional Use Permit (CUP) reviews on a yearly basis.
- Adopt two planning formats for the county:
 - which can be serviced efficiently by local government.
 - state, and local land management agencies, including the Natrona County Conservation District (NCCD), to support both agriculture and natural resource development. The county will allow appropriate residential subdivisions and will promote agricultural, mineral extraction, and recreational uses in the rural area.
- Maintain, where possible, and improve the quality of the environment, to include natural, scenic, open space, wildlife, agriculture, and historic resources.
- **Urban area growth shall be compact, and growth should occur from the edges of municipalities outward rather than in the county toward existing municipal boundaries. This will ensure cost effective development and provision of services, reduce sprawl, and help preserve the quality of the environment.**
- Encourage diversification of the economy to minimize boom and bust cycle effects. Provide for strong agricultural and mineral development sectors of the economy in a sustainable fashion to support a stronger economy and tax base for the County.
- Appropriate resources of the county to actively engage in state and federal land management processes where the county utilizes its cooperating agency, consulting party, and special expertise status as afforded by state statute and under federal law.

- In rural areas, protect site specific land based activities; ranching, agriculture, mining, tourism, and recreation.

3. AGRICULTURE/IRRIGATED LANDS

Discussion

Agriculture enhances many aspects of environmental quality, provides economic which support viable commercial agriculture and ranching, as practiced in the West, must be protected. Access to water and its beneficial uses such as livestock watering and irrigation have always been the key to viable agriculture in the West.

Goal: Plan for continued viability of ranching and agriculture in Natrona County.

developing Resource Management Plans (RMP) and other governmental agency actions for responsible use of intermingled public and private lands and resources.

permits for lands which are irrigated in compliance with requirements of the State Engineer, the Bureau of Reclamation (BOR), and local irrigation districts.

easements should be provided for new irrigation supply ditches and new drainage systems. Existing supply ditches and drainage systems should have easements to benefit all parties.

flood irrigated land to sprinkled irrigation.

4. ECONOMICS AND TAX BASE

Discussion

The economic base of the county supports sustainable development. This is development which allows the current generation to make a living and have a quality of life which is sustainable for the next generation, such that the next generation is also able to find jobs and live a quality lifestyle in Natrona County. The mineral economic base is more prone to boom and busts. There is a desire of the County to level out those economic peaks and valleys. Economic diversification should be pursued. Diversification of the economy is critical while maintaining the important mineral resource case, such that the economy will support a manageable population and a quality lifestyle for generations to come.

10. RURAL RESIDENTIAL

There will be consistent pressure to develop rural areas in the county which conflict with existing uses whether traditional ranching and agricultural activities; small home based businesses or rural residences on larger lots suited to the maintenance of livestock. Commissioners should carefully consider the long term effects of granting CUPs, and approving zone changes or a new subdivision in existing rural areas.

Action 1. Identify areas of the county where transitional impact has already occurred.

Action 2. Collaborate with municipalities for development within their growth areas.

Action 3. Limit high density, commercial, and industrial development in rural residential areas.

Action 4. Limit development on East US Highway 20-26 east of Evansville to retail commercial geared to provide services to county residences.

Action 5. Limit commercial and industrial development to areas having immediate and direct access to major arterials or state highways.

Action 6. Limit industrial and commercial development on West US Highway 20-26 west of the airport to immediate and direct access onto the highway.

Action 7. Limit high density residential development in rural areas which at the time of subdivision approval cannot be immediately annexed by the municipality or where an annexation agreement cannot be completed.

Action 8. Encourage rural residential development of 10 to 35 acre minimum lot sizes to have water district services.

Action 9. Require mitigation efforts when high density urban development encroaches upon low density rural development with efforts as greenbelts, transportation corridors, utility coordination, berms and other physical requirements that reduce the impact on the rural residences.

CHAPTER 6

RURAL AREA PLAN

6.1 INTRODUCTION

The rural area plan addresses the balance of the county which is not part of the Growth Management Area around the incorporated municipalities.

The plan for the rural areas of the county consists of goals, policies, and actions for the twelve planning areas. The basic goal of the rural plan is to keep urban encroachment and scattered development out of the rural areas, promote the agricultural uses to maintain the land, promote mineral development, encourage recreation and tourism.

Management of Federal lands intertwined with private lands is critical to the use of the land and economic viability of the agricultural uses of land, mineral development, and

with the BLM; Bureau of Reclamation and Forest Service. The recommendations of Chapter 7 are thus an integral part of the rural area plan. Both Chapters constitute a rural plan and policies statement of the county which the Federal land managers will use to review land management decisions.

Information on development for Casper Mountain can be found in the 2004 Casper Mountain Land Use Plan.

The rural area, which covers the majority of the county, is primarily to be utilized for traditional economic activities and uses such as mineral production, grazing, agricultural activities, recreation and open space. These activities are extremely important to the tax base and socioeconomics of Natrona County as has been shown in previous sections.

Much of the private land within this area is intermingled with federal and state lands. These public lands also produce important revenues for the county and support cultural and economic activities, which are significant to the local economy. Management activities on both public and private lands should be compatible with sustaining economic gain from the rural area.

High density development of residential or commercial uses within this area may interfere with resource production of traditional uses and impair recreational and environmental values. Cost benefit studies have concluded that residential development should occur along municipal boundaries.

Finally, intensive development, which is remote from services, can be expensive for the county taxpayer to sustain. By allowing haphazard development within the unincorporated areas of the county, the county could be turned from a revenue maker to a budget breaker for the county.

In many ways the private rural area of the county requires the most protection and the most conservative development policies. This approach coupled with compatible public land management ensures that the county economy, culture and tax base will be sustainable for current and future generations. This plan is designed to accomplish those ends.

6.2 STUDY AREAS

These planning areas are named and are differentiated from one another by physical or manmade boundaries and these characteristics range from land ownership patterns to wildlife habitats. They also include economic criteria such as accessibility, mineral resources and recreation opportunities. The recommended management and regulatory framework for each area is based on the specific combination of characteristics in each area.

6.3 PLANNING CRITERIA

This section provides an overview of the physical attributes, which affect the rural portions of Natrona County. This overview was developed through analysis of existing data, rather than development of new data. One of the policies from the goals statement is to compile existing data and share information with other governments and agencies. That method has been used in this process.

A variety of mapped data from several sources was collected with working maps prepared and reviewed as to their impacts on the development of the county. The data used were those currently available, however, much of the data are from the early to mid-1980s. For the most part this information has not changed significantly over time. Also, where possible, information was obtained from different sources as a crosscheck.

A significant irony here is that the southwestern portion of the county is within the for this area under the lead of the Lander Field Office do contain contradictions to the neighboring Casper RMP. These differences, where pertinent, are being considered for amendment to the existing Casper RMP.

recreate. The county established new guidelines for gravel (non-mineral mining) recently to address these issues.

Natrona County can, as other counties do, require conditional use permits for structures/buildings, roads, and other mineral development sites within the county. The county cannot prohibit mineral development, but can work to ensure that development meets reasonable standards.

Sensitive Drainages and Critical Habitats

Sensitive areas and critical wildlife ranges occur predominantly in the steep slope areas of the county, located in the southeast, northwest, and northeast. These areas also have a high mineral development potential. Irrigated lands for the most part do not occur in these areas.

Surface and Mineral Ownership

The pattern of mineral ownership is an even distribution of federal minerals over 95% of the county. Surface ownership is over half state & federal, with higher percentages of ownership being in the north central, west and southwest, again where intensity of mineral occurrence is highest.

6.5 RURAL GOALS AND POLICIES

The following goals and policies are taken from the goals statement in Chapter 2 and pertain to the land use plan for the rural area. The reader should review the goals statement for a more detailed explanation of the goals and goal process.

Rural Land Use

Goal: Protect and enhance the historical and traditional economic uses of rural lands from premature development, and conflicting land uses while maintaining economic productivity and private property rights.

development in the rural area and low density residential if there are subdivisions.

Policy 2 Encourage sustainable, multiple use or rural lands including agriculture production, grazing, timber production, mineral production, and recreational uses.

and services into new rural areas unless tax benefits to pay for services clearly outweigh long term costs.

Policy 4 Protect historical and traditional economic uses of rural lands from unwanted land use conflicts with new development.

rangelands within the county.

the county.

Agriculture/Irrigated Lands

Goal: Plan for the continued viability of commercial ranching and agriculture in Natrona County.

zoning revisions, Commercial Agriculture is defined as: Use of a tract or portion of a tract for the production of crops, livestock, or poultry, for sale, barter, trade or home consumption, including structures or other improvements incidental to such activities conducted on a parcel thirty-five acres or larger in size. Such uses conducted on smaller parcels are defined as accessory agriculture and permitted as an accessory use to residential uses.

developing Resource Management Plans for responsible use of intermingled public and private lands and resources.

and irrigation districts to protect productive irrigated lands from subdivision and parcel development.

permits for lands which are irrigated in compliance with, requirements of the state engineer and local irrigation districts.

Open Space/Recreation

Goal: Identify open space and recreational resources within the county and encourage land owners and agencies to develop a comprehensive plan for preserving open space and scenic values and yet using open spaces for recreational development in Natrona County.

4. Development Plan
Grazing, maintenance of sensitive sand dune area. Limit development in sand dune area.
5. BLM proposals:
Fragile soil/watershed protection
Off Road Vehicle use restrictions
Wildlife (crucial big game habitat)

AREA F. CASPER CANAL

Evaluations

Site/Situation Summary

1.
North of North Platte from Alcova to urban area/Bessemer and U.S. Highway 20-26 on north
2.
Access from U.S. Highway 20-26, Ten Mile Road, Poison Spider Road, Rasmus Lee Rd, Oregon Trail and Zero Rd
3. Corridors
Poison Spider Road, power lines, pipelines
4.
Casper Canal, Poison Spider Creek, Casper Creek
5.
Hills interspersed with irrigated croplands
6.
Irrigated cropland, rangeland
7. Irrigated Lands
Significant areas irrigated by Casper-Alcova irrigation district
8. Land Ownership
Primarily private lands
9. Communities
Bessemer/Goose Egg Area. The recommended development for this area is to allow commercial uses in a compact area at the Goose Egg with the remainder of the neighborhood being ten acre agriculture, and infill the existing subdivisions
10. Wildlife Habitats

Prairie

11. Sensitive/Critical Areas

BLM designated Alcova Rim, fragile area

12. Agricultural Development

Significant irrigated croplands

13. Mineral Development

Some areas of oil development, some bentonite claims

14. Recreation

Limited formal development

15. Historic Resources

Emigrant Gap and Oregon-Mormon Trail

B. Recommendations

1. Land Use

Agricultural lands, low density residential development

2. Zoning

RAM and Urban Agriculture

3. Transportation

Maintain county roads for access to ranches

4. Development Plan

Maintain agricultural lands.

5. BLM proposals:

Cultural and historic value protection and interpretation (Oregon-Mormon Trail)

AREA G. NORTH PLATTE

Evaluations

Site/Situation Summary

1.

One mile each side of the North Platte from Alcova to Bessemer; RAM, Residential, Commercial and PUD

2.

State Highway 220, Trappers Road

3. Corridors

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 29

OCTOBER TERM, A.D. 2015

March 3, 2016

RICK and TERRI WIMER, CURTIS and
CYNTHIA LI, and HARV GLOE,

Appellants
(Plaintiffs),

and

HAROLD REIMLER, and HAROLD
REIMLER TRUSTEE of the REIMLER
FAMILY TRUST,

Appellants
(Third Party Defendants),

v.

S-15-0154

JERRY and CHERI COOK, and COOK'S
CONSTRUCTION, LLC, a Wyoming
Limited Liability Company,

Appellees
(Defendants/Third Party Plaintiffs).

JERRY and CHERI COOK, and COOK'S
CONSTRUCTION, LLC, a Wyoming
Limited Liability Company,

Appellants
(Defendants/Third Party Plaintiffs),

v.

S-15-0155

RICK and TERRI WIMER, CURTIS and
CYNTHIA LI, and HARV GLOE,

Appellees
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and

HAROLD REIMLER, and HAROLD
REIMLER TRUSTEE of the REIMLER
FAMILY TRUST,

Appellees
(Third Party Defendants).

Appeal from the District Court of Natrona County
The Honorable Daniel L. Forgey, Judge

Representing Appellants in Case No. S-15-0154:

Cameron S. Walker of Schwartz, Bon, Walker & Studer, LLC, Casper, Wyoming.

Representing Appellees in Case No. S-15-0154:

P. Craig Silva of Williams, Porter, Day, and Neville, P.C., Casper, Wyoming.

Before BURKE, C.J., and HILL, DAVIS, FOX, and KAUTZ, JJ.

NOTICE: This opinion is subject to formal revision before publication in Pacific Reporter Third. Readers are requested to notify the Clerk of the Supreme Court, Supreme Court Building, Cheyenne, Wyoming 82002, of typographical or other formal errors so correction may be made before final publication in the permanent volume.

KAUTZ, Justice.

[¶1] Rick and Terri Wimer, Curtis and Cynthia Li, and Harv Gloe (hereinafter collectively referred to as the Wimers) filed a complaint against their neighbors, Jerry and Cheri Cook and Cook's Construction, LLC (hereinafter collectively referred to as the Cooks), seeking an injunction prohibiting the Cooks from placing multiple single-family housing structures on a twenty-acre parcel of land owned by the Cooks because, in the Wimers' view, the conduct violated the neighborhood's covenants. The Cooks responded with a counterclaim and a third-party complaint against all their neighbors, including Harold Reimler, individually and as trustee of the Reimler Family Trust, seeking a declaration from the district court that the covenants had been abandoned.¹ After a bench trial, the district court determined the covenants had not been abandoned and the Cooks' plan to develop the twenty-acre parcel did not violate the covenants. Thereafter, the Wimers filed this appeal and the Cooks cross-appealed. We affirm in part and reverse in part.

ISSUES

[¶2] The Wimers raised several issues on appeal, which can be distilled to the following:

Whether the district court erred when it denied the Wimers injunctive relief after determining that the Cooks' plan did not violate the protective covenants.

The Cooks cross-appealed and raised the following issue:

Whether the trial court erred as a matter of law when it drew the legal conclusion that the restrictive covenants have not been abandoned.

FACTS

[¶3] On June 7, 1978, Van R. and Kathy Jane Irvine recorded a "Declaration of Covenants, Conditions, and Restrictions" with the Natrona County Clerk for an area that will be referred to as the "Phillips Lane area" in Natrona County. All of the land involved in this case is subject to these covenants. The purpose of the covenants was "to insure the use and development of said property for exclusive residential and agricultural purposes only, to prevent the impairment of the attractiveness of said property for such purposes, and to maintain property values therein[.]" Although lengthy, it is important at the outset to quote the following portions of the covenants:

¹ In addition to Harold Reimler, the following individuals were named as third-party defendants in the Cooks' third-party complaint: Kay A. Page, Sid and Zari Ghaffari, Andrew and Michelle Jozwik, George and Jennifer Marble, and Patrick and Debra Munsell. However, Harold Reimler, individually and as trustee of the Reimler Family Trust, is the only third-party defendant that is participating in this appeal.

ARTICLE I
DEFINITIONS

1. Residential Use: All of the land designated in this area shall be utilized for single family residential purposes only, except that any and all agricultural operations of any nature may be carried on on any of the land at any time without restriction.

2. Owner: Shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any parcel which is part of the property, including contract buyers, but excluding those having such interest merely as security for the performance of an obligation.

3. Property: Shall mean and refer to that certain real property described in exhibit "A" attached hereto.

ARTICLE II
GENERAL RESTRICTIONS ON ALL OF THE
PROPERTY

1. Zoning Regulations: No land within the area shall be occupied, used by, or for, any structure or purpose which is contrary to the zoning regulations of Natrona County, Wyoming.

2. Uses: Each parcel within the area shall be utilized for single family residential building and agricultural activities of any type, all other uses shall be expressly prohibited.

3. Prohibited Activities: Except that the dwelling on any parcel in the area may be leased by the owner or owners thereof for rental income purposes, no business, commercial, or manufacturing enterprise, or any enterprise of any kind or nature, whether or not conducted for a profit, shall be operated, maintained or conducted on any parcel in the area or on any improvement erected or placed therein, nor shall any dwelling or any part thereof be used as a boarding or rooming house, nor shall any mining or quarrying operations or operations for drilling of any oil or gas well be conducted or permitted in the area, nor shall any signs, billboards or advertising devices, except as hereinafter provided, be erected, placed or permitted to remain on any parcel in the area.

...

5. Animals and Livestock: It shall be permissible for the owners of any parcel, in addition to household pets, to own and maintain on the parcel horses, cattle, sheep, chickens and rabbits. No animal or animals shall be maintained in the area even though permissible within this provision, if it is determined that such animal or animals constitute a nuisance to other owners in the area. It is expressly understood that all dogs will be controlled and confined to the immediate household yard area of each and every residence in the area. No dogs shall be allowed to run loose and in any way become a nuisance or danger to the other residents of the area or the surrounding area.

6. No Resubdivisions: No parcel less than twenty (20) acres in size shall be sold or conveyed; however, conveyances or dedication of easements for utilities or private lanes or roads may be made. This provision shall be effective through May 1, 1983. After this date, additional subdivision into parcels less than twenty (20) acres in size may be allowed if provided for under Natrona County zoning regulations.

7. Service Yards and Trash: Clothes lines, service equipment, trash, woodpiles, or storage areas shall be screened by planting or fencing to conceal them from view of neighboring parcels, drives and roads. All refuse and trash shall be removed from all parcels and shall not be allowed to accumulate.

8. Fences: All parcels shall be fenced with at least five (5) barbed wires or sheep-tight woven wire and two (2) barbed wires and shall be maintained according to good ranching and management practices. In the event that the fences are not properly maintained, the adjoining property owner shall have the right to perform the necessary repairs and maintenance and share the cost of any repairs and maintenance with the owner.

ARTICLE III RESTRICTIONS ON RESIDENTIAL TRACTS

1. Number and Location of Buildings: No buildings or structures shall be placed, erected, altered, or permitted to remain on any residential tract other than:

- (1) one detached single family dwelling;
- (2) an attached or detached garage; and
- (3) a service type barn, stable or shed.

2. Mobile Homes: Mobile homes shall be deemed to be within the definition of a single family dwelling (assuming the square footage requirements of paragraph 4, below, are met) if the mobile home is placed on a solid and slightly concrete or concrete block foundation and all portions of the running gear are completely removed. Modular or component houses are also acceptable provided they are placed on a similar foundation.

....

6. Used or Temporary Structures: No temporary house, mobile home, basement, trailer or other structure of a non-permanent nature shall be allowed on any parcel as a place of residence or habitation either permanently or temporarily, except during construction periods, and no new dwelling shall be occupied in any manner prior to its completion. Construction of any new residential structures or outbuildings shall be completed in no more than one (1) year from the date construction commences.

....

ARTICLE V GENERAL PROVISIONS

1. Severability: Should any part or parts of these covenants be declared invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining covenants.

On September 28, 1978, the Irvines recorded an amendment to the covenants in order to allow one parcel of land to be divided into two parcels of 19.88 acres and subsequently conveyed.

[¶4] All of the parties to this litigation moved into the Phillips Lane area after the covenants had been recorded. Mr. Gloe moved into the area in 1981, followed by Mr. Reimler and the Lis in 1994, the Cooks in 2005, and Mr. and Mrs. Wimer in 2006. At some point in time, relations between the Cooks and the other neighbors soured, resulting in several accusations, disagreements and conflicts involving law enforcement and court intervention. The facts behind those incidents are not relevant and will not be discussed. Suffice it to say that the Cooks and their neighbors have a rancorous relationship.

[¶5] In 2011, the Cooks bought a twenty-acre parcel of land on Phillips Lane across the road from the approximately 150-acre parcel where they live and farm. That same year and through 2012, the Cooks developed the twenty-acre parcel by building a road, having the property surveyed into ten two-acre lots, and having the county assign addresses to

each of the ten lots. The Cooks also had electrical power installed on the lots and septic systems installed on six of the ten lots. Additionally, each of the lots has a water tap that connects to the Poison Spider Water District main line. Importantly, per county zoning regulations, the Cooks are required to maintain ownership of the entire twenty acres—they cannot sell any of the individual two-acre lots.

[¶6] The Cooks placed a house on one lot for Mrs. Cook’s mother to live in. The Cooks planned to place single-family housing structures, including modular homes, mobile homes, and RVs, on the remaining lots and rent the lots and homes or simply rent the lots for \$500 per month for people to park and live in their own RV or fifth-wheel trailer. The renters would be allowed to keep livestock on the lots. The Cooks advertised the lots in the newspaper and on the internet and have had two different renters that stayed in RVs for short periods of time.

[¶7] On November 2, 2012, the Wimers filed a Complaint for an Injunction and Damages against the Cooks, arguing that the Cooks’ plan for the property violates the covenants. The Cooks then filed a Counterclaim and Third-Party Complaint against all of the landowners in the area, seeking a declaratory judgment that the covenants had been abandoned due to various covenant violations.

[¶8] After a bench trial, the district court determined that the Cooks had failed to demonstrate that the covenants had been abandoned by the landowners. The district court also concluded that the Cooks’ development of the twenty-acre parcel does not violate the covenants. It stated that Article II, Paragraph 6 of the covenants “specifically allows the Cooks to divide the property without selling or conveying it and while maintaining singular ownership of it in the manner that the Cooks propose.” After finding the division of the property appropriate, the court pointed out that Article II, Paragraphs 1 and 2 allow for the placement of a single-family dwelling on each of the ten lots, and Article II, Paragraph 3 allows the Cooks to lease the dwellings for rental income. However, the court concluded that the Cooks’ plan to rent lots for people to live in RVs or fifth-wheel trailers does violate Article III, Paragraphs 2 and 6.

STANDARD OF REVIEW

[¶9] When reviewing a bench trial, this Court reviews the trial court’s findings of fact for clear error and its conclusions of law *de novo*. *Moore v. Wolititch*, 2015 WY 11, ¶ 9, 341 P.3d 421, 423 (Wyo. 2015). Additionally,

[t]he factual findings of a judge are not entitled to the limited review afforded a jury verdict. While the findings are presumptively correct, the appellate court may examine all of the properly admissible evidence in the record. Due regard is given to the opportunity of the trial judge to assess the

credibility of the witnesses, and our review does not entail reweighing disputed evidence. Findings of fact will not be set aside unless they are clearly erroneous. A finding is clearly erroneous when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.

Id. (quoting *Miner v. Jesse & Grace, LLC*, 2014 WY 17, ¶ 17, 317 P.3d 1124, 1131 (Wyo. 2014)). “We assume that the evidence of the prevailing party below is true and give that party every reasonable inference that can fairly and reasonably be drawn from it.” *Id.*, ¶ 10, 341 P.3d at 423 (quoting *Miner*, ¶ 17, 317 P.3d at 1131).

DISCUSSION

Abandonment

[¶10] The district court determined that while there were some “infrequent, minor, and unoffensive” violations of the covenants, those violations did not result in a radical and permanent change in the agricultural and single-family residential character of the area. Consequently, the district court ruled that the covenants had not been abandoned. After a thorough review of the trial evidence, we find no clear error in reaching that conclusion.

[¶11] The question of “whether a protective covenant has been abandoned as a result of acquiescence in violations of the covenant is [one] of fact that depends on the particular circumstances of each case.” *Moore*, ¶ 12, 341 P.3d at 423. For abandonment to exist, the violations must be

so great, or so fundamental or radical as to neutralize the benefits of the restriction to the point of defeating the purpose of the covenant. In other words, the violations must be so substantial as to support a finding that the usefulness of the covenant has been destroyed, or that the covenant has become valueless and onerous to the property owners.

Hammons v. Table Mountain Ranches Owners Ass’n, 2003 WY 85, ¶ 14, 72 P.3d 1153, 1156 (Wyo. 2003) (quoting *Keller v. Branton*, 667 P.2d 650, 654 (Wyo. 1983)). In addition to being radical, the changes must also be permanent in nature, and the burden of proving such is on the party asserting the covenant’s abandonment. *Keller*, 667 P.2d at 654.

[¶12] To support their claim that the covenants have been abandoned, the Cooks presented evidence of the following violations:

- Mr. Gloe has antlers on his property that have been there for years. Further, there are several vehicles that have not been registered for some time. Mr. Gloe also has a tire on his property that he uses to cover his phone line. The Cooks allege this conduct violates Article II, Paragraph 7 of the covenants, which prohibits the accumulation of trash and refuse on the property. Mr. Gloe's fence has only one strand of barb wire, which is inconsistent with Article II, Paragraph 8 of the covenants, which requires all fences be either five strands of barbed wire or sheep tight woven wire with two barbed wires.
- Mr. and Mrs. Lis' livestock and dogs have been out of their immediate control when the animals wandered off the Li property. Mrs. Li has observed the neighbors' livestock and dogs running at large in the neighborhood. The Cooks contend this conduct violates Article II, Paragraph 5, which states that animals shall not be a nuisance to other owners in the area and dogs will be confined to the immediate household yard area of each residence. Further, in addition to their home, the Lis have a mobile home on their property, which the Cooks claim violates Article III, Paragraph 1, which limits a residential tract to one single-family dwelling. The Lis also have more than one barn, stable, or shed, in violation of Article III, Paragraph 1.
- Mr. Reimler owns a business and he stores his tractors, seeders, and trailers for that business at his residence. He also lists his home phone number on his business cards and he receives faxes for the business at his home. The Cooks argue this violates Article II, Paragraph 3, which prohibits businesses from being operated in the area. Mr. Reimler has also had zoning violations, in violation of Article II, Paragraph 1, and has junk on his property and too many barns, stables, and sheds.
- Mr. Munsell owns five acres in the area, which violates the county zoning ordinances that requires parcels of at least 35 acres and, thereby, violates Article II, Paragraph 1 of the covenants. He has also allowed people to live in a fifth-wheel trailer on his property, in violation of Article III, Paragraph 6, which prohibits individuals from living in a structure of a non-permanent nature. Mr. Munsell has also operated numerous businesses from his home.
- Mr. Ghaffari operates a rental business on his property, has too many outbuildings, has allowed his animals to wander off his property, and has improper fencing.
- Mr. Jozwik has removed topsoil from his property in violation of Article II, Paragraph 3, which prohibits mining or quarrying operations. He also has too

many outbuildings and admitted to having junk on his property and that his dog has not always been confined to the immediate household area.

- Ms. Page has junk, two homes, and improper fencing on her parcel.
- Mr. and Mrs. Wimers' parcel is only 27 acres, which is in violation of the zoning ordinances and, thereby, in violation of the covenants. The Wimers' horses and dogs have gotten loose in the neighborhood and they admitted they have had garbage and junk on their property. They have three small sheds in addition to their house and garage, and they have had people stay in a travel trailer on the parcel. Mrs. Wimer owns a business and the business address is her home address, she has received business calls at home, and prints invoices and flyers for the business on her home computer and printer. She has also operated a nonprofit organization, the address of which is the Wimers' home address.
- Mr. Marble has had junk on his parcel, his dogs have gotten loose, and he had a limited veterinary practice at his home.

[¶13] Based upon these various covenant infractions, the Cooks believe the covenants have been abandoned in their entirety. However, the Cooks have failed to acknowledge or appreciate the fact that the covenants also contain a severability provision in Article V, Paragraph 1:

1. Severability: Should any part or parts of these covenants be declared invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining covenants.

Because of the severability clause, it does not matter whether the covenants regarding loose horses and dogs, junk, and fencing were abandoned. Even if those covenants have been abandoned, the other covenants remain valid. Instead, the only relevant conduct is that which arguably shows abandonment of the covenants being enforced against the Cooks. *See Mountain Park Homeowners Ass'n, Inc. v. Tydings*, 883 P.2d 1383, 1387 (Wash. 1994). The district court recognized the severability clause, and properly relied upon it to restrict evidence that could be considered to support the abandonment claim.

[¶14] The covenants the Wimers seek to enforce are Article III, Paragraph 1, which restricts each residential tract to one detached single-family dwelling, and Article II, Paragraph 6, which prohibits structures of a non-permanent nature being used as housing (i.e. RVs) on the parcels. Therefore, those are the covenants the Cooks must prove have been abandoned in order to implement their property development plan. The evidence at trial showed that Ms. Page has two homes on her parcel, and in addition to their home, Mr. and Mrs. Li have a mobile home on their parcel. Ms. Page testified that nobody lived

in the second home on her parcel; instead, she used it as a storage facility and a place for her dogs. Mrs. Li testified that the mobile home is used as a place for an employee to stay while he or she is working on the ranch. The evidence also showed that, until now, none of the landowners in the area had ever tried to enforce the covenants. With respect to RVs, the Wimers have allowed relatives to visit and stay in a fifth-wheel trailer on their parcel for several weeks at a time. Mr. and Mrs. Highum both testified that they had allowed an individual to stay on their parcel in an RV trailer for approximately three months.²

[¶15] While these few instances appear to be violations of the covenants, the Cooks have not demonstrated that these violations radically and permanently changed the overall neighborhood as required to prove abandonment. In fact, the Cooks have not argued that the violations have changed the overall neighborhood at all. Their argument, instead, is that multiple other covenants have been violated over time. They also assert that six of the landowners want the covenants abandoned, and claim that the covenants do not serve any practical purpose. However, those points are not applicable in determining whether a covenant has been abandoned.

[¶16] When using the proper standard, we find the evidence supports the district court's conclusion that these violations did not radically and permanently change the overall neighborhood. The covenants were created to "insure the use and development of said property for exclusive residential and agricultural purposes only[.]" Although Ms. Page had two homes on her property, there is no evidence that anyone else ever lived on the property or that she sought to have another family move into the second residence. While the mobile home on the Lis' parcel is used to house an additional person, that person is living there only because he or she is employed to assist in the agricultural activities on the property. The fact that the Wimers and the Highums have allowed people to stay in RVs on their parcels does not show a change that is permanent in nature. The Wimers' guests have stayed on two occasions and the visits were temporary in nature. There is no evidence the Highums intend to permanently allow people to live in an RV on their property.

[¶17] The Cooks recognize that this Court previously has been unwilling to find that covenants have been abandoned. *See Moore*, 2015 WY 11, 341 P.3d 421; *Steiger v. Happy Valley Homeowners Ass'n*, 2010 WY 158, 245 P.3d 269 (Wyo. 2010); *Hammons*, 2003 WY 85, 72 P.3d 1153. While the Cooks argue that this case is different from all of the other cases, they have not explained how the facts of this case vary from the facts of past decisions.

² The Highums are property owners in the Phillips Lane area, but they bought their property from the Jozwicks after the Cooks had filed the Third-Party Complaint against all of the landowners. Therefore, the Highums are not listed as a defendant in the original Third-Party Complaint.

[¶18] For example, in *Moore*, 2015 WY 11, 341 P.3d 421, Moore violated her neighborhood’s covenants by operating a daycare in her home. *Id.*, ¶ 11, 341 P.3d at 423. She argued that various other covenant violations by other homeowners in the neighborhood amounted to an abandonment of the covenants. *Id.* In support of her argument, she pointed out that the neighbors had numerous trailers, sheds, boats, unregistered vehicles, and other items present on the properties that violated the covenants. *Id.*, ¶ 14, 341 P.3d at 424. She also alleged many neighbors engaged in business activities on the properties, such as babysitting, storing company equipment, occasionally meeting with crew members before going to a job site, and hosting business related presentations. *Id.* We determined that Moore failed to show that any of these activities resulted in a radical and permanent change to the neighborhood. *Id.*, ¶ 24, 341 P.3d at 426.

[¶19] The situation here is no different. There certainly have been violations of the covenants and it appears none of the neighbors have complained. But, these violations mostly were unrelated to the covenants which the Wimers seek to enforce. The few violations which did relate to the prohibitions of more than a single-family dwelling on a tract and of temporary structures simply did not change the nature of the area in a radical and permanent way. The district court’s findings that any covenant violations did not change the nature of the area were not clearly erroneous. Therefore, the district court properly concluded the covenants were not abandoned.

Covenant Violations

[¶20] The district court ruled that the Cooks’ development of the twenty-acre parcel into ten rental lots did not violate the covenants. The Wimers challenge that determination. The Wimers argue that the Cooks’ plan to place multiple single-family dwellings on the twenty-acre parcel violates, among other provisions, Article III, Paragraph 1 of the covenants, which limits buildings and structures on any parcel to one detached single-family dwelling; an attached or detached garage; and a service type barn, stable, or shed. They claim that the twenty-acre parcel remains a single parcel for purposes of the covenants, even though the Cooks have attempted to “subdivide” it into ten smaller “parcels.” The Cooks, on the other hand, assert that Article II, Paragraph 6 of the covenants permits them to make the twenty-acre parcel into smaller parcels by “subdividing” it so long as they retain ownership of those smaller parcels and do not sell them. The key concern in this discussion, then, is the meaning of the terms “parcel” and “subdivision” as used in the covenants.

[¶21] The “[i]nterpretation of covenants imposing restrictions or conditions on the use of land is a matter of law for the courts.” *Omohundro v. Sullivan*, 2009 WY 38, ¶ 8, 202 P.3d 1077, 1081 (Wyo. 2009). Because it is a question of law, we review the covenants *de novo*, without giving any deference to the district court’s determinations at the

conclusion of the trial. *Stevens v. Elk Run Homeowners' Ass'n, Inc.*, 2004 WY 63, ¶ 12, 90 P.3d 1162, 1166 (Wyo. 2004).

[¶22] Covenants are contractual in nature and, therefore, we interpret them according to contract law principles. *Omohundro*, ¶ 9, 202 P.3d at 1081. “A court’s goal is to determine and effectuate the intention of the parties, especially the grantor or declarant.” *Id.* To do so, we examine all of the covenants, and not just one clause or paragraph, and give the words their plain and ordinary meaning. *Id.* If the language in the covenants is clear and unambiguous, we look only to the four corners of the document to determine the parties’ intent. *Stevens*, ¶ 13, 90 P.3d at 1166. “A disagreement between the parties as to the meaning of covenants does not give rise to an ambiguity.” *Omohundro*, ¶ 9, 202 P.3d at 1081.

[¶23] The district court determined that the covenants allow the Cooks to “subdivide” the twenty-acre parcel into ten different two-acre lots, place a single-family dwelling on each of the ten lots, and maintain ownership of the entire parcel and the dwellings. In reaching this conclusion, the court explained:

The [c]ourt has reviewed the terms or language used in the written covenant documents and finds that there is no reason to believe that the term “parcel” is intended to mean anything other than its common definition of a tract of land, or that the term “subdivision” is intended to mean anything other than its common definition of a division of a thing into two smaller parts, or that the term “tract” is intended to mean anything other than its common definition of a specified parcel of land.

Further, the court determined that “Article II, [Paragraph] 6, of the covenants specifically allows the Cooks to divide the property without selling or conveying it and while maintaining singular ownership of it in the manner that the Cooks propose.”

[¶24] We disagree. While the term “subdivision” is not a defined term in Article I of the covenants, Article II, Paragraph 6 of the covenants guides us in determining what the term means. That Paragraph states:

6. No Resubdivisions: No parcel less than twenty (20) acres in size shall be sold or conveyed; however, conveyances or dedication of easements for utilities or private lanes or roads may be made. This provision shall be effective through May 1, 1983. After this date, additional subdivision into parcels less than twenty (20) acres in size may be allowed if provided for under Natrona County zoning regulations.

In the beginning of that Paragraph, the grantors state that no parcel less than twenty acres shall be **sold or conveyed**. It then includes a date at which time that provision expires—May 1, 1983—after which, **subdivision** into parcels less than twenty acres may be allowed. The Cooks argue, and the district court concluded, that the term subdivision does not mean to sell or convey; instead, it simply means to break up into smaller parts. However, to accept that conclusion would require us to completely disregard that the acts prohibited before May 1, 1983, were selling and conveying. *Shaffer v. Winhealth Partners*, 2011 WY 131, ¶ 17, 261 P.3d 708, 713 (Wyo. 2011) (rules of contract interpretation require us to avoid construing a contract in a way as to render one of its provisions meaningless). If the term “subdivision” allows a parcel owner to maintain ownership over the entire parcel while “dividing it into smaller parts,” there would be no need to declare that it was acceptable to do so after May 1, 1983. The term “subdivision” in these covenants anticipates the sale or transfer of smaller parts of land, not just surveying those smaller parts or getting separate mail addresses for them. Without such a sale or transfer, a single parcel remains a single parcel, whether the owner has had separate lots surveyed or not.

[¶25] The conclusion that “subdivision” requires an act of selling or conveying a portion of the property is further supported by the Irvines’ amendment to the covenants they executed a little more than three months after recording the original covenants. In the amendment, the Irvines sought to exclude one parcel of land from the twenty-acre requirement found in Article II, Paragraph 6. The relevant part of the amendment states:

No parcel less than twenty (20) acres in size shall be **sold or conveyed**; however conveyances or dedication of easements for utilities or private lanes or roads may be made. With respect to Parcel #5 . . . said parcel may be **subdivided** into two (2) parcels of approximately equal size, each parcel **conveyed** to be not less than 19.88 acres in size. This provision shall be effective through May 1, 1983. After this date, additional **subdivision** into parcels less than twenty (20) acres in size may be allowed.

(Emphasis added.) The amendment uses the word “subdivided” immediately before discussing conveyance, thus signifying the grantors intended that a “subdivision” was the breaking up of land into smaller pieces for sale or conveyance. Therefore, the Cooks’ twenty-acre parcel has not been subdivided and remains one parcel and residential tract for the purposes of the covenants.

[¶26] With that being the case, there can be little dispute that the Cooks are limited to one single-family dwelling on the twenty-acre parcel. The Cooks’ plan to put ten single-family dwellings on the parcel clearly violates Article III, Paragraph 1. We recognize that the Cooks’ plan has been blessed by the county zoning authorities; however, that

approval does not override the fact that the plan violates the covenants. As we have previously stated: “[I]t is well settled that zoning ordinances cannot override, annul, abrogate, or relieve land from building restrictions or covenants placed upon them.” *Anderson v. Bommer*, 926 P.2d 959, 963 (Wyo. 1996) (citing *Fox v. Miner*, 467 P.2d 595, 597 (Wyo. 1970)). Because the covenants prohibit multiple single-family dwellings on a parcel, we reverse the district court’s conclusion that the Cooks’ plan does not violate the covenants.³

CONCLUSION

[¶27] Evidence in the record supports the district court’s finding that although the parties had violated some covenants, those violations did not change the nature of the area in a radical and permanent way. The district court’s finding was not clearly erroneous. The district court then properly concluded that the Cooks failed to demonstrate the appropriate legal basis for abandonment of covenants. Therefore, we affirm the district court’s order that the covenants have not been abandoned. However, we find that the Cooks’ plan to put multiple single-family dwellings on their twenty-acre parcel violates the covenants. That parcel remains a single parcel for purposes of the covenants, and can have only one single-family dwelling. Therefore, we reverse the district court’s order in that respect.

³ The Wimers also argue that the Cooks’ plan violates Article II, Paragraph 3, which prohibits business or commercial enterprise on the parcels, and that the plan violates county zoning regulations. The Cooks argue that this Court should not consider the argument about business and commercial enterprises because it was not raised in the district court and the district court did not discuss it in its order. Because we have determined that the Cooks’ plan otherwise violates the covenants, we decline to consider whether the plan violates additional covenants or a county zoning ordinance.

text_0.txt

RE: Lisa's Rezone Titled ZC16-2.

To Whom It May Concern,

I have often wondered why the county is so afraid of progress. Lisa builds nice neighborhoods that I or a whole lot of my friends would not mind living but. She has a good reputation with the community and would not build slums. So again I ask what are you afraid of. This development would offer much needed and desired country homes. It would help our community to grow. And with this economy wouldn't you want that? Do you prefer people leaving because they can find country living elsewhere? I wish to state I and many of us would like to see this go through.

13

Natrona County Development Department
200 N. Center St., Room 202
Casper, Wyoming 82601

Dear Ms. Johnson;

We are writing to object to ZC16-2, the request to change the zoning of the property at 14465 Pine Ridge Road from RAM to SR-1.

We have two objections to the proposed zoning change.

1) We believe that when we purchased our property that was zoned as agricultural land, it was like a contract with the county. We agreed to be responsible for our own road maintenance, sanitation, septic systems, and snow removal in return for the benefits of the rural lifestyle. Those benefits include fewer neighbors, less noise, less traffic, and the atmosphere of rural activity. If the county now allows the zoning change, it is violating its side of the contract. We would be forced to endure more traffic, noise, dust, dogs, and loss of the rural atmosphere while still being responsible for the road maintenance, sanitation, etc. In other words, we'd lose the benefits of country living while still being responsible for services that are taken for granted by suburban property owners.

2) In business, a project should be evaluated on the profits and the costs. Presumably the property owner, developer, realtor, and contractors would profit from this zoning change. But they would not be the parties paying all of the costs. At the end of the project development, they will move on to their next deal. Unfortunately, the neighbors who continue to live in the area and who have not profited from the development will pay additional costs for years and years. Those costs are the detrimental effects of living next to a suburban area, and include noise, traffic, dogs, dust, trash, loss of the rural atmosphere and likely lowering of property values. If the county approves the zoning change, it is forcing additional costs to be paid by the neighbors who will not profit by the development.

We therefore ask that this zoning change not be approved.

Respectfully,

Dwain Park
Dianne Park

Dwain and Dianne Park
14256 Poison Spider Rd.
Casper, Wyoming 82604

Dear Commissioners,

As adjacent property owners, we would like to voice our opinions in favor of the petition for re-zone from Lisa Burridge titled ZC16-2.

We feel that this re-zoning will add potential growth that will be highly beneficial to this area. The county is already improving the area, as in the addition of a municipal water supply, as well as re-surfacing the county roads.

It is a welcome site to see new improvements on the west side of Casper, as most seem to progress to the East.

Mrs. Burridge diligently builds economically affordable housing without sacrificing quality to craftsmanship nor degrading surrounding areas.

This is a great opportunity for some of the rural growth we believe this county is in need of.

Thank You for your consideration in this matter,

Craig Cook & Lyn Orr

Peggy Johnson

From: judy <amazonjude@mail.wyobeam.com>
Sent: Thursday, September 01, 2016 3:08 PM
To: Peggy Johnson
Subject: zc16-2 pitition on zone change.
Attachments: peggy johnson..pdf

Dear peggy and Jason,

the good folks of this area wanted me to send this today to you since its the dead. so here you go with the opposition to this zone change.

if you would also give Jason this email for me, as this is my personal email. so he can forward the packet in this subject.

I must also say I object to this zone change, based on the area I know it well and its a far reach to go from ram to suburban. the folks out there do not like this proposal and I must agree. that this is not suited fir this area. judy jones.

p.s

I WILL BE SPEAKING AT THE MEETING AGAINST THIS AND WILL LAY OUT MY REASONS:

THANKS.





NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

Peggy Johnson, Administrative Secretary
County web: www.natronacounty-wy.gov

Phone: 307-235-9435

Fax: 307-235-9439

Email: pjohnson@natronacounty-wy.gov

"The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County."

August 2, 2016

Dear Property Owner:

NOTICE OF PUBLIC HEARING

The Natrona County Planning and Zoning Commission will conduct a public hearing to consider the following item at 5:30 p.m. on Tuesday, September 13, 2016 in the District Courtroom #1, County Courthouse, 200 N. Center St., Casper, Wyoming.

ZC16-2 – A request by Lisa Burrige for approval of a Zone Map Amendment to change the zoning district classification of approximately 20 acres, from Ranching, Agricultural, and Mining (RAM) to Suburban Residential One (SR-1). The property is located in a portion of Section 17, Township 33 North, Range 81 West of the 6th Principle Meridian, Natrona County, Wyoming and is more commonly referred to as 14465 Pine Ridge Road.

You, as an adjacent property owner, are hereby notified of this public hearing. If you wish, you may submit letters or written comments prior to the Planning and Zoning Commission meeting. Please submit any written comments by Thursday, September 1, 2016 via regular mail to the Natrona County Development Department, 200 N. Center St., Room 202, Casper, WY 82601, or via e-mail to pjohnson@natronacounty-wy.gov. You may also attend the public hearing and present oral comments at that time.

We post our agenda to the website <http://www.natronacounty-wy.gov> click on Your Government, Boards and Commissions, Planning and Zoning. Please contact our office at 235-9435 if we may be of further assistance or can answer any questions.

Sincerely,


Peggy Johnson

Administrative Secretary

Natrona County Development Department

PETITION AGAINST ZONE MAP AMENDMENT

As a Natrona County, Wyoming resident and/or concerned adjacent property owner, I sign below in opposition to the proposed zone change of a portion of Section 17, Township 33 North, Range 81 West of the 6th Principle Meridian, Natrona County, Wyoming, more commonly referred to as 14465 Pine Ridge Road.

The proposed zoning change of the subject property from RAM to SR1 would allow minimum lot sizes of 2 acres for multiple purposes, including mobile homes and seasonal homes. This property lies within an existing agricultural community, under RAM zoning which is defined as a minimum of 35 acres with one single family dwelling.

By signing below I certify that I am at least 18 years of age and a resident of Natrona County, Wyoming.

Signature

Printed Name and Physical Address:

<i>Brandie McCarter</i>	Brandie McCarter	4848 Lafayette #32	Casper WY 82601
<i>Danee R Tille</i>	Danee Rae Tille	2250 Phillips Ln	Casper 82604
<i>Tierney Manning</i>	Tierney Manning	43 Honeysuckle	Casper, WY 82604
<i>John Manning</i>	John Manning	43 Honeysuckle	Casper WY 82604
<i>Brooke Burci</i>	Brooke Burci	1505 E. A St.	Casper 82601
<i>Judy A Jones</i>	Judy A Jones		

Peggy Johnson

From: Don Pavack <donpavack33ranch@gmail.com>
Sent: Thursday, September 01, 2016 3:32 PM
To: Peggy Johnson
Subject: Proposed Zoneing Change in the Bessemer Bend Area requested by Lisa Burrige.

I received your notice on the zoneing change in the bessemer bend area requested by Lisa Burrige. First of all I do not believe she is a resident of the area. I have some concerns on this issue as it is my understanding that the latest master plan for this area determined that there would not be any subdivisions in this area and to confirm that I caontacted a county commissioner who confirmend there were not to be any subdivisions in this area. This is a ranch and farm area and we who live here want it to stay that way.I did not buy here to have a subdivision move in next door. Those situtations propagatate trouble, undesirable people and a large amount of trouble that no one out here wants or desires except those who care nothing about the neighborhood and only care about making a buck regardless of the hurt or effect it has on others. The map that was submitted with this request shows the property being broken down into 12 lots of less than 2 acers save two plots or lots of 2.055 acers. It shows that two pipelines cre onder the 20 acers and who is responsible should an accident leak or explosion occur or should work have to be done on those lines and someone has place a home or moble home on top of those lines. The property is accessed by a priviate road and who is going to be responsible for maintance and upkeep on that road with the increase or 12 to 24 persons on that road per day. I believe there is around 8 families who now use that road daily. Will the soil and other conditions handle 12 sew septic tanks or systems and will each home have to did a well and will they receive permits for the state for those wells and will the soil handle the increase? What effect will those homes and persons have on the farm and ranch irrigation system in that area? Will there be a requirement for stick built home on foundations or can a person pull in a house on wheels and not secure it and come and go at will. We know what kind a person that brings into the neighborhood. Adding the cost of 10 famlies to the schools, Sheriffs Dept. Code enforcement should also be a large consideration. When I purchased my property in this area is was because it was not in town and there were no subdivisions in the area and that is where I wanted to live and how I wanted to live. In 2000 the county changed the zoning in this area from ranching and mining to a situtation where it was a 10 acre min. and they did so in a sneeky and underhanded manor. No one out here had a chance to protest as we were not notified. There has been at least two additional attempts to change the zoning in this area and it has met with a great deal of opposition. Those attempts were defeted. some people cannot take no for an answer and keep trying to change the zoning in this area for one reason and one reason only and that is greed and money. At what point do you people say enough and tell those who want to change the zoning in this area that it has been tried and failed and it is against the master plan and no the zoning will not change. The bad effects of allowing this zoning to be changed far outweigh any good and this request should be denied. Thank you for your time and consideration. Don Pavack, 5400 So. 12 Mile Rd., Casper, Wy., 82604

--
Don & Tippy

Tracy Singer



12751 zero road
Casper, WY 82604

8/31/2016

Dear, Peggy Johnson (Administrative Secretary)

I am writing this letter in regards to the Suburban Residential One (SR-1). I have a few concerns about this new zoning Suburban Residential One (SR-1). I believe by doing this it will cause higher traffic along with some higher crime rates in the areas along with more littering and garbage. I believe it will cause a negative impact on the wildlife around here. I have concerns about if this Suburban Residential One (SR-1) were to go through about whether it will impact people and they're livestock, including ducks, roosters, and so forth. I being a home owner out hears enjoy my quite area no close neighbors, enjoy my ducks and geese. When I chose to move out this way I chose the area for the piece and quite not having to deal with the noise of neighbors and high traffic demands, which I do believe will start to happening if this plan goes through. I love the fact that buy not having a Suburban Residential One (SR-1) that there is not a high crime rate out here at this time. I would like to mention by zoning this will cause more sand to blow around and once again impact the wild life, and possibly livestock as well, I also believe that it will have a negatively impact on life itself.

Warm regards,
Tracy Singer



18

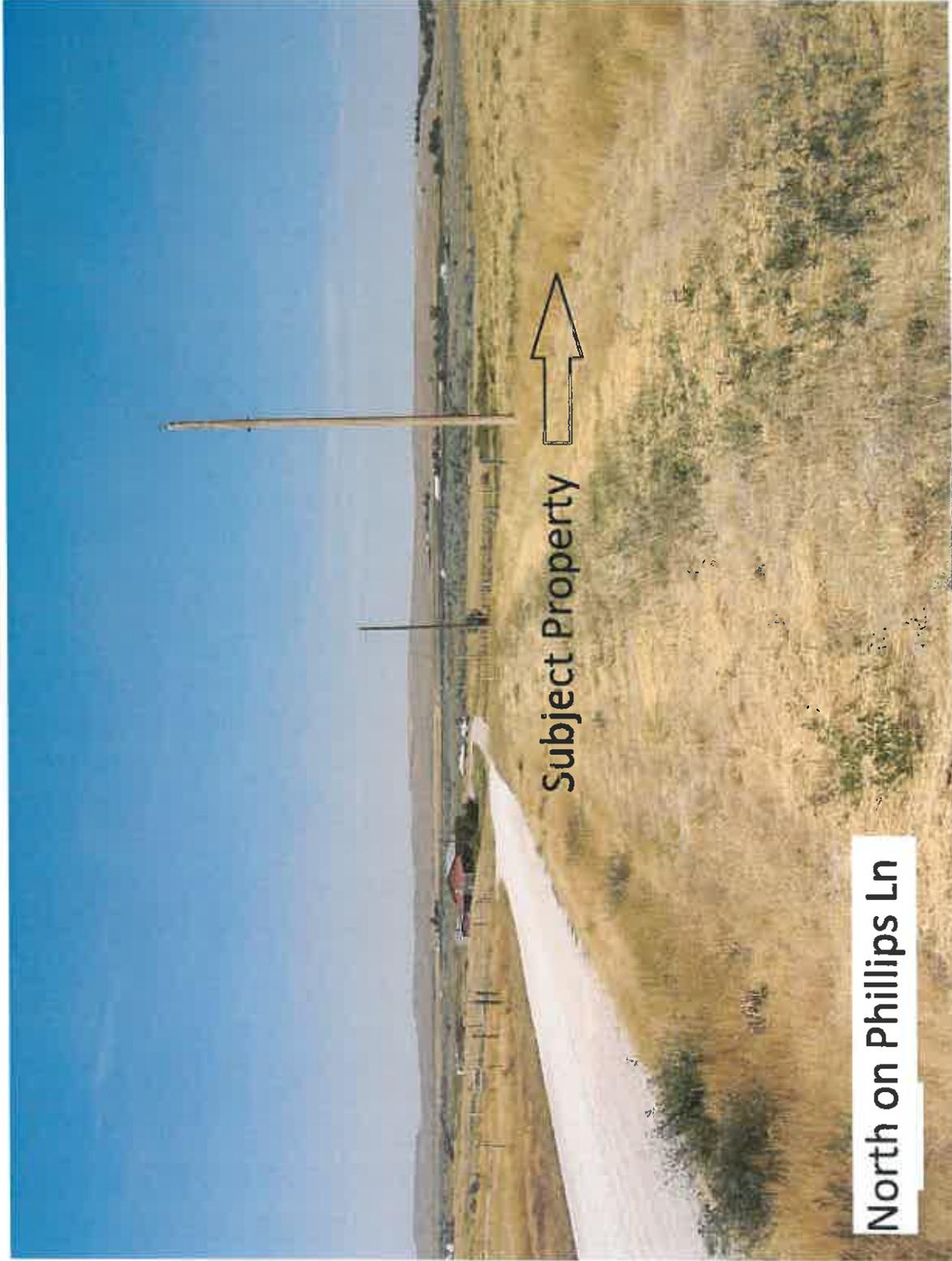
Peggy Johnson

From: Tammy Quinn <tammyquinn@gmail.com>
Sent: Thursday, September 01, 2016 5:22 PM
To: Peggy Johnson; Tammy Quinn
Subject: Opposition to Zoning request ZC16-2

Public Hearing request ZC16-2

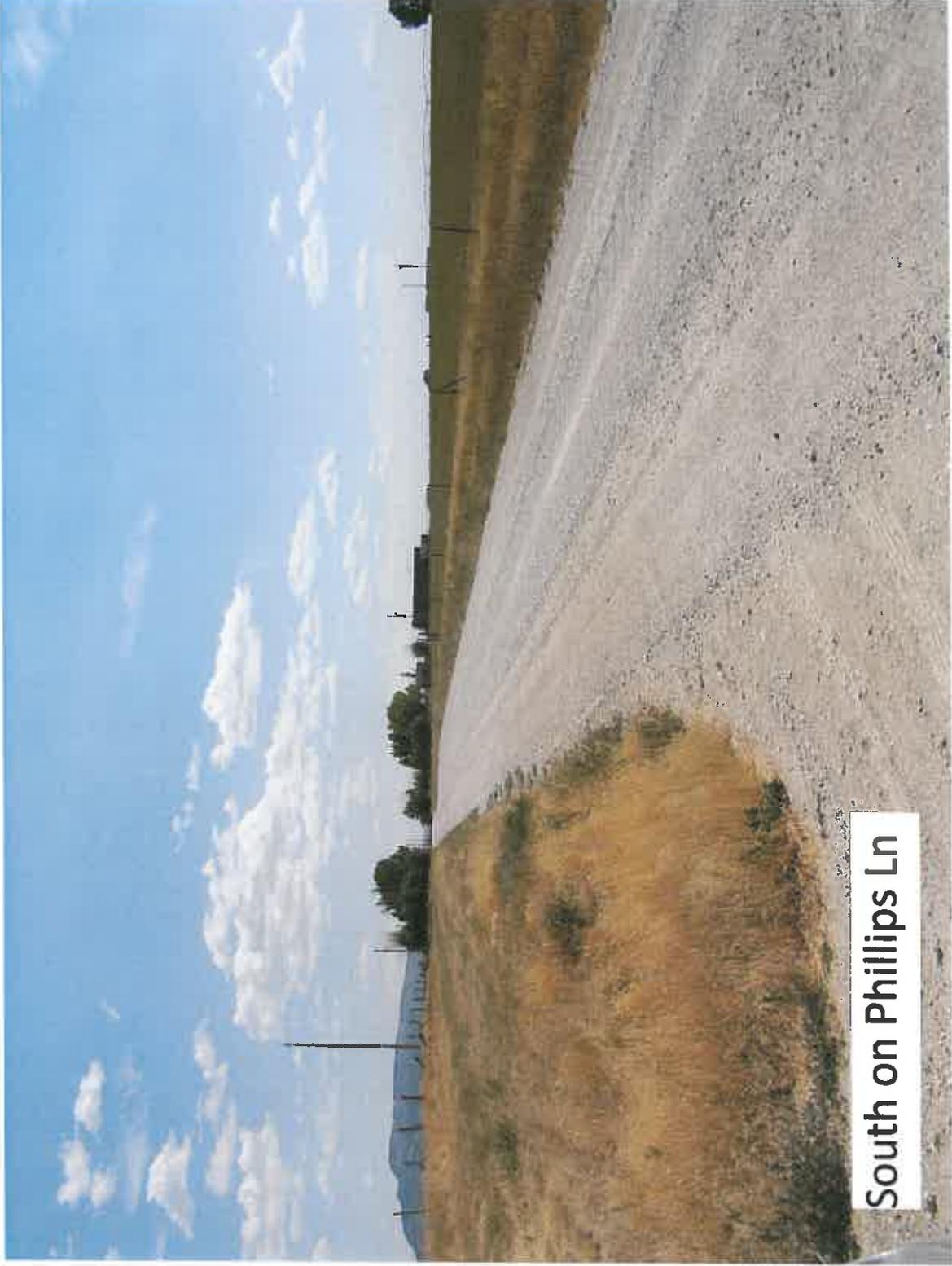
I am hereby registering my opposition to the Zoning request #ZC16-2 (Lisa Burrige) as I am a neighboring landowner. The zoning is currently appropriate as RAM as the usages are consistent with the neighboring properties with ranches, land, agricultural and livestock usages in neighboring properties. To have Suburban Residential One usages contiguous to the current agricultural and ranching is inconsistent with the neighborhoods and ranches which currently exist. In my view, SR-1 usages will be unable to be supported by the current infrastructure, will change the construct and intent of the neighborhoods and will have negative effects on neighboring property values. It is my plan to fully oppose the current zoning proposal here and also at the public hearing. Should you need to contact me I am available at:

Tammy L. Quinn
1201 S. Emigrant Place
Casper, WY 82604
[\(307\) 797-0161](tel:(307)797-0161)
tammyquinn@gmail.com



Subject Property

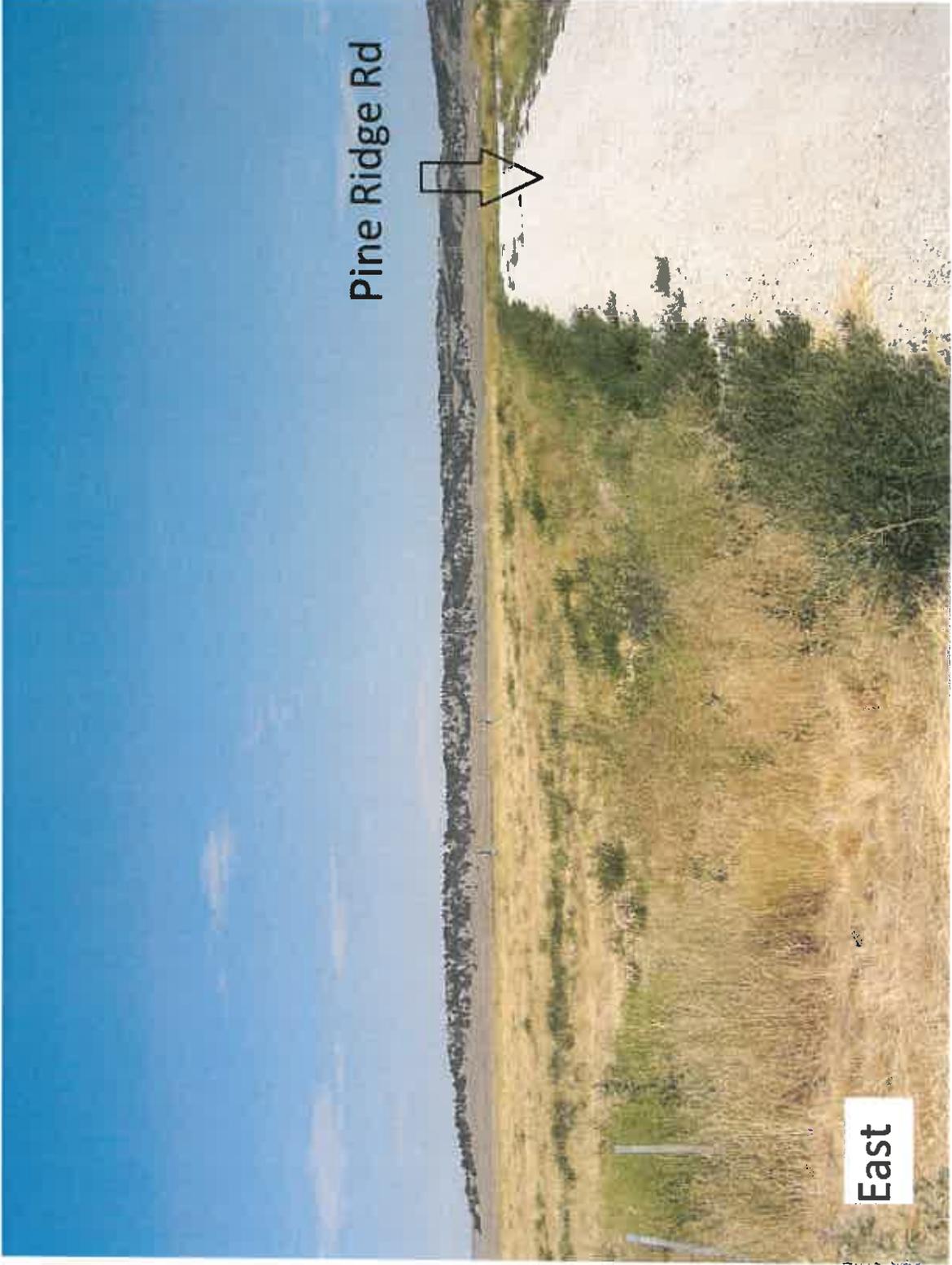
North on Phillips Ln



South on Phillips Ln



Southwest across Phillips Ln



Pine Ridge Rd



East

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(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming, for a Conditional Use Permit, as provided in Chapter 11, 2000 Natrona Zoning Resolution.

Applicant

Pronghorn Propane LLC

Owner

1. Name: Luke Ginsbach Name: Luke Ginsbach
2. Address: PO Box 1147, Evansville Address: PO Box 1147, Evansville
3. Phone: 307-277-4508 Phone: 307-277-4508
4. Explain why you are requesting this conditional use permit and detail the proposed use:
To place a 30000 gallon propane storage tank on the property to supply Pronghorn Propane LLC with propane.
5. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range). See attached Parcel I and Parcel II, approx. 3.79 total acres
6. Current zoning of property: Light Ind.
7. Type of sewage disposal: Public Septic Holding Tank Other None needed
8. Source of water: None needed
9. This property was purchased from: Edward + Karen Meshechek
10. The date this property was purchased: 7-18-2016

On separate sheets of paper, please respond to explanations for your answers:

- Will granting the conditional use permit Services?
- Will granting the conditional use permit density or environmental problems?
- Will granting the conditional use permit the character of the neighborhood?
- Will granting the conditional use permit safety and welfare?

I (We) hereby certify that I (We) have read and be true and correct to the best of my (our) know:

Diane Ginsbach

265-0146

6959 E Lake Dr.

Evansville WY

82636

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alter

: to

e to

Attached

(We are) granting the Development Department access to our property for inspections.

Applicant: *Luke Ginsbach* Date: 7-25-16
(Signature)

Print Applicant Name: Luke Ginsbach

Owner: *Luke Ginsbach* Date: 7-25-16
(Signature)

Print Owner Name: Luke Ginsbach

Conditional Use Permit Application Responses to Questions

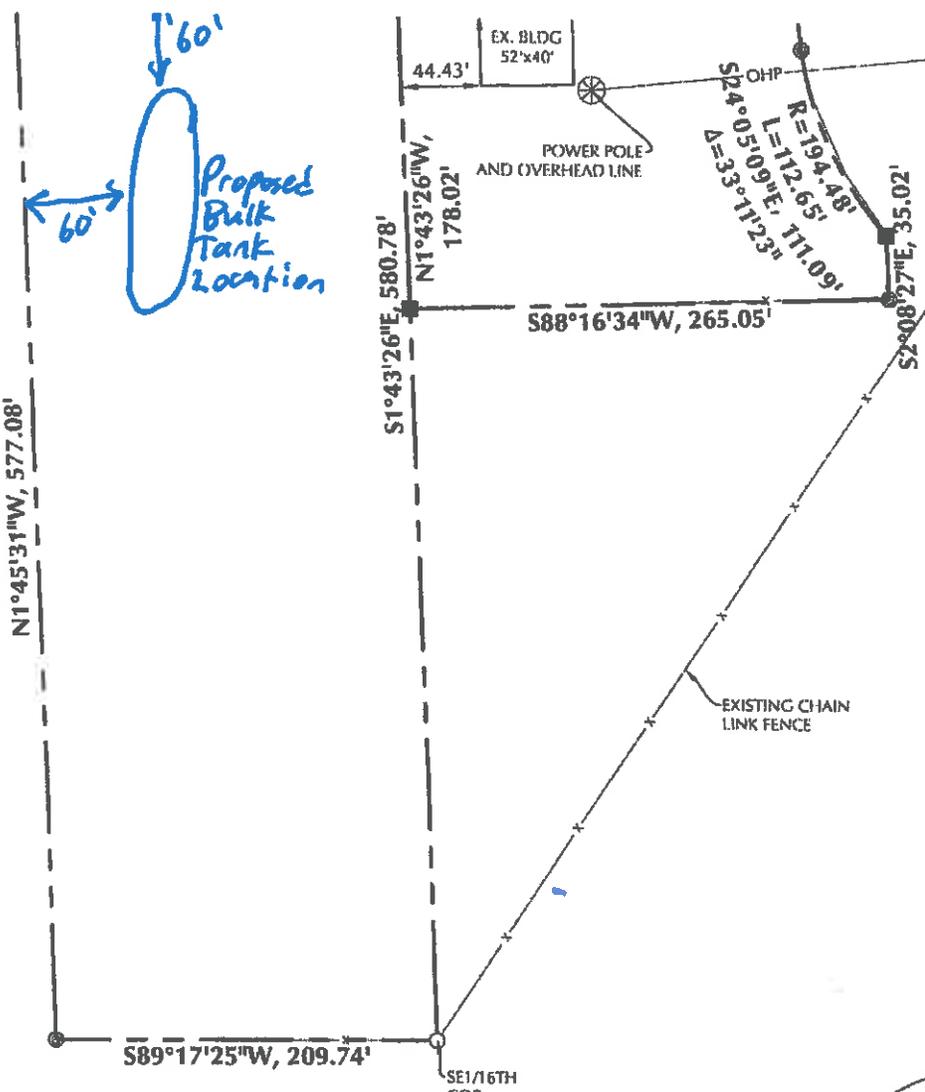
1. Granting the conditional use permit will NOT contribute to an overburdening of County Services. The road will see very little additional traffic due to the propane tank being there. In the rare event of an ignition emergency, the fire department would be needed but they have been made aware of this storage tank proposal. Bob Fawcett, Fire Marshall for Natrona County, has approved the proposed plan.

The premises is partially fenced but plans are to completely fence the property with a chain link fence. It will be locked and secured so this should mitigate needs for law enforcement.

2. Granting the conditional use permit will NOT cause undue traffic, parking, population density or environmental problems. The property will only be accessed by 2 to 3 Pronghorn Propane Employees and the occasional delivery truck to fill the tank. The propane tank being there is estimated to increase the traffic by an average of two to eight vehicles per day on Gehring Street. The public will not be accessing the property. All vehicles coming to the property will park in the property and not on the roadway. There will be no people living there so it will not increase the population density. Propane is nontoxic, non-caustic and it will not create an environmental contamination hazard in the event of a spill. The only danger of a spill is the rare possibility of ignition. The tank is being located in the middle of the back property to isolate damage to Pronghorn Propane's property in the event of a rarely occurring ignition actually happening.

3. Granting the conditional use permit will NOT impair the use of adjacent property or alter the character of the neighborhood. The area surrounding the property is industrial. The majority of the adjacent property is a car crushing business as well as another business that already has a special use permit. The majority of the property is currently covered in road base. The current road base will have additional road base. Weeds will be kept to a minimum to keep the property looking nice. The industrial usage of Pronghorn Propane's property will closely match in purpose and look as nice as or nicer than the majority of the surrounding properties.

4. Granting the conditional use permit will NOT detrimentally affect the public health, safety and welfare. The storage tank will be stored near the center of the property with fire suppressant measures installed as per the Site Safety Plan. Propane is nontoxic, non-caustic and it will not create an environmental contamination hazard in the event of a spill. The only danger of a spill is the rare possibility of ignition. The tank is being located in the middle of the back property to isolate damage to Pronghorn Propane's property in the event of a rarely occurring ignition. There is also a fire hydrant close by the front entry of the property in the event of a fire. There will also be multiple fire extinguishers located throughout the property.



LEGEND

- RECOVERED BRASS CAP
- RECOVERED REBAR
- SET 5/8" REBAR W/ALUMINUM CAP
- PARCEL BOUNDARY MEASURED

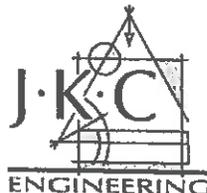
N52°14'56" W, 308.40'
 NOTES:
 1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM; WY-EC NAD83
 2. DISTANCES: U.S. SURVEY FOOT

CERTIFICATE OF SURVEYOR:
 THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



WO#: 16-28
DATE: 7/22/16
PREPARED FOR: LUKE GINSBACH
DRAWN BY: P. HEINTZ

EXHIBIT A
 A PARCEL LOCATED IN AND BEING A PORTION OF THE N1/2SE1/4, SECTION 2, TOWNSHIP 33 NORTH 1, RANGE 80 WEST OF THE 6TH P.M. NATRONA COUNTY, WYOMING



**ENGINEERING • SURVEYING • GIS MAPPING
 CONSTRUCTION MANAGEMENT**
 111 W. 2nd St., Ste 420 • Casper, Wyoming 82601
 Ph: 307-265-4601 • Fax: 307-265-4672

EROSION CONTROL PLAN

Applicant (Owner): Pronghorn Propane LLC Date: 7-22-16
Business Address: 450 Gehring Street Mills WY
Business Phone: 307-277-4508
Home Address: Po Box 1147 Evansville WY 82636
Home Phone: 307-277-3871
Subdivision/Legal Description: See attached

A. 1. Luke Griesbach hereby submit to the Natrona County Development Department, Natrona County, Wyoming, a plan to remove the natural top soil, trees, and other vegetation and alter the existing contours through grading for the construction of roadways, utility installations, building sites or development in the above-described location, which is located 2.7 miles from the City of Casper and is more specifically identified on the attached plat or drawing.

B. This Erosion Control Plan shall:
1. Be completed prior to any future development on the subject property; and
2. Become a part of any future covenants established by the owner for the subject property.

C. The Erosion Control Conservation Plan shall consist of the following information:

1. Total acreage: 3.79 acres
2. Total acreage to be exposed through grading for construction purposes: 2500 square feet
3. Soil classifications, in accordance with the Unified Soils Classification System. If more than one soil classification is involved, a map showing the soil classifications shall be attached: Property is 90% roadbase and asphalt, 10% sandy loam
4. Map showing existing and proposed contours. no change in contours proposed except
5. Vegetation type to be removed from the exposed area (Major types and common names only). no vegetation on areas that are tank
6. Maximum slopes of the exposed areas: 1-12
7. Proposed method of stripping, storing, and replacing of topsoil. no topsoil will be moved, only more road base will be added to currently road base areas

If special erosion problems exist, check the appropriate:
 Active Sand Dunes Alkali areas Bentonite areas Other

Proposed method of reseeding of vegetation of the exposed areas. There will be no reseeding because all areas that are to be changed will be road base

9. Proposed method of maintaining slopes of exposed areas after seeding and mulching. There will be no seeding or mulching
10. Proposed method of controlling wind erosion on areas developed when grass seeding is not practical or the exposed areas will lie fallow for a period of less than six months. All disturbed areas will be road base so wind erosion should not be a concern with road base
11. Proposed method of controlling water erosion on steep slopes or other applicable areas: Road base will erode minimally with water but some ditching in the road base will be done to divert water
12. Owner may submit to the County Development Department for their review and approval, an alternate method of erosion control other than that required in the attached erosion control methods. The alternate method shall be denied within 45 days after officially being submitted to the Department, or the owner may assume that the Department has approved the alternate method.
13. If the owner fails to initiate or complete the above Erosion Control Conservation Plan, and if the County, at its sole discretion, completes any erosion control conservation program that is acceptable and approved by the Department, the owner agrees to pay to the County all costs incurred in initiating and completing the erosion control plan that is acceptable and approved by the Department.
14. This Erosion Control Conservation Plan shall be binding and shall inure to the benefit of all parties hereto, their successors and assigns.
15. The Conservation District is available for consultation on erosion control projects on a voluntary basis.
16. Review and recommendations by the Board of Authorized Designees:

OWNER OR AGENT

[Signature]

7-22-16
Date

NATRONA COUNTY DEVELOPMENT DEPT
NATRONA COUNTY WYOMING

Director or Authorized Designee
Approved this ___ day of ___ 20__

Pronghorn Propane LLC

**PROPANE STORAGE AND DISTRIBUTION FACILITY
SITE SAFETY PLAN**

450 Gehring Street, Mills WY 82604

JULY, 2016

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PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

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Introduction

Location: 450 Gehring Street, Mills, Wyoming 82604

The following site safety plan will be utilized by Pronghorn Propane's for the PROPANE STORAGE AND DISTRIBUTION FACILITY SITE SAFETY PLAN location at 450 Gehring Street, Mills, Wyoming 82604. The site safety plan will be maintained through the existence and operation of the facility. Local jurisdictions and guidelines have requested the plan for the approval of operational special use at the 450 Gehring Street location.

The site safety plan provides a summary of safety safeguards for operations in conjunction with portions from Chapter 61 of the 2012 International Fire Code, the International Fuel Gas Code, NFPA 58, and OSHA 1910.110.

The site safety plan outlines the information that applies to aboveground storage tanks and containers awaiting use or resale.

This safety assessment was performed to provide a foundation for a safe operating environment. The overall goal was to obtain supporting information for the facility to operate safely and comply with local jurisdictional requirements. This will be used as a baseline document from which to continue improving safety concerns for employees during normal operations.

Scope of Services

The scope of services executed to develop this site safety plan were presented and agreed upon in a phone conversation and in person. Development of the plan was agreed upon between Pronghorn Propane and CS Consulting for the purposes of site safety operations and compliance with local, state, and federal regulations. Additional safety concerns may require further follow-up evaluation if operations change in the future.

FACILITY TANK STORAGE INVENTORY

Fixed Tank Inventory:

- 1, 30,000 Gallon Tank (Appendix A)
 - BETHLEHEM STEEL, T-165-47-211
 - STORAGE: Aboveground
 - LENGTH: 67'
 - DIAMETER: 9'
 - SHELL THICKNESS: 0.96"
 - HEAD THICKNESS: 0.76"
 - DATE OF MANUFACTURE: 1947
 - MANUFACTURER: Bethlehem Steel
 - SERIAL NUMBER: T-165-47-211
 - NATIONAL BOARD SERIAL NUMBER: 374

Portable Tank Inventory:

- 2 Bobtail Propane trucks; approximately 3,200 gallons
- Dozens of 33 lb., 100 lb, 500 gallon, and 1,000 gallon propane tanks

SITE SAFETY SPECIFICATIONS

CONTAINER REQUIREMENTS

- Containers used with systems shall be designed constructed and tested in accordance with the Rules for Construction of Unfired Vessels, Section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and pressure vessel Code, 1968 Edition, which is incorporated by reference as specified in Sec. 1910.6.
- Containers must be marked in accordance with the National Board of Boiler and Pressure Inspectors (Appendix C).
 - Container has proper stamp and markings (Appendix A).
- Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.
- Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

LOCATION OF LP-GAS CONTAINERS

- 50 feet of separation between lot lines and structures are to be maintained for containers rated for 2001 to 30,000 gallons (Appendix D).
- Storage outside of buildings, for containers awaiting use for resale, shall be located in accordance with IFC 2012 table 6109.12 with respect to the nearest building or important group of buildings; and busy thoroughfares (Appendix E).
- Containers shall be in a suitable enclosure or otherwise protected against tampering.
- Prior to building permit issuance, provide one line diagrams showing feeders, service and panels, panel schedules, location of all electrical equipment, devices, classification of hazardous areas, emergency systems and short circuit current available at the supply terminals at the service equipment.

- The tank shall not be located within 6 feet of the vertical plane beneath overhead power lines.
- All appurtenances of the 30,000 gallon LPG tank will be made accessible.

TANK INSTALLATION

- All (Total Product Control) equipment, piping, valves, excess flow valves, emergency pull stations & valves (ESVs), tank(s), and back check valves will be installed in accordance with NFPA 58 at time of installation. The safety valves and manual breech stations will provide for propane flow shut down in the event of pipe/valve failure and tanker truck pull away. The liquid line is approximately 2.00 inches in size and the vapor line is 1.5 inches.
- Emergency shutoff valves and backflow check valves required in the code shall be tested annually for functions required by 5.12.4. The results of the test shall be documented.
- Containers of more than 2,000 gal (7.6 m³) water capacity shall be provided with concrete or masonry foundations formed to fit the container contour or, if furnished with saddles in compliance with Table 6.6.3.3, shall be placed on flat-topped foundations.
- Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.
- Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.
- Vehicle impact protection in the form of bollard posts shall be installed 6' on center around the bulk storage tank.

FIRE PROTECTION/FIRE SAFETY PLAN

- A fire hydrant shall be provided within 500 feet of the access drive to the LPG tank. The hydrant will provide a minimum of 1,000 gallons per minute for a minimum of 2 hours.
 - There is a hydrant located within 300' of the entrance of the access drive to the facility (Appendix F).

PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

2016

- Fire protection must be provided for the 30,000 gallon LPG tank. A written fire safety analysis must be provided to the fire department prior to approval of the tank. The written fire safety analysis shall be performed per NFPA 58 (Appendix G).
- Fire extinguishers shall be provided per NFPA 58, 3808.2.
 - Where the aggregate quantity of LP-gas stored is in excess of 720 lb, at least one portable dry chemical fire extinguisher with a B:C rating having a minimum capacity of 18 pounds shall be provided not less than 50 feet from the storage location and shall be readily accessible at all times.
- A sign reading “No Smoking within 25 Feet” shall be posted at the tank.
- Combustion engines within 15 feet of the transfer shall be shut down. A sign indicating that combustion engines shall be turned off must be posted.
- NFPA 704 placards shall be provided for the facility.
- Grading must be provided to prevent the flow or accumulation of flammable liquids.
- All combustible vegetation shall be kept clear within 10 feet of all containers on site.
- Containers awaiting use or resale will be located 20 feet from the transfer station. Empty containers will be stored in accordance with table 6109.12, IFC 2012 (Appendix E). Empty containers will be protected from damage.
- Suitable roadways or other means of access for emergency equipment, such as fire department apparatus, shall be provided.
- LP-Gas fires shall not normally be extinguished until the source of the burning gas has been shut off or can be shut off.

OPERATIONS

- An emergency shutoff is required within 25-100 feet of the tank. A sign shall be posted stating “Emergency Shutoff”.
- Only qualified personnel in accordance with NFPA 58 shall be allowed to operate the LPG transfer station.

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- Training for personnel must be provided at a minimum of every 3 years.
- Written operating procedures must be maintained and available on site.
- Written maintenance procedures must be maintained and available on site.

Conclusion

Any future LP-Gas installations or changes to this facility are not considered in this analysis. The analysis was performed to satisfy local authorities and provide a baseline safety plan for facility operations. Analysis was performed under the knowledge that installation of tanks and equipment will be performed by competent subject matter experts. The local AHJ will have the ultimate authority to ensure all aspects of safety and the code are implemented and maintained.

Limitations

The site safety plan and fire safety analysis performed for this location was done on basic information provided at the time of the analysis. Basic references to applicable code were used for the framework of this report. All aspects of applicable code were not cited or referenced within the report due to the need to produce a baseline on which to work from in future operations of this facility. The conclusions of this report are opinions of professionals solely based upon observations and analysis from data collected for operations at the location. This report only identified the basic LP-GAS hazards and did not address any other occupational hazard that may be present at the facility.

These recommendations and opinions are intended exclusively for use by Pronghorn Propane, LLC. The scope of services performed by CS Consulting LLC may not be appropriate to satisfy the needs of other situations/locations and any use or re-use of this document, or the findings presented herein. Additionally, the safeguards identified are not guaranteed to completely remove the hazard or ensure employee safety. The safeguards are only suggested to greatly reduce the probability of an incident or employee exposure. The opinions presented herein apply to the information provided and therefore, the opinions and recommendations in this report may not apply to future conditions that may exist at the site.

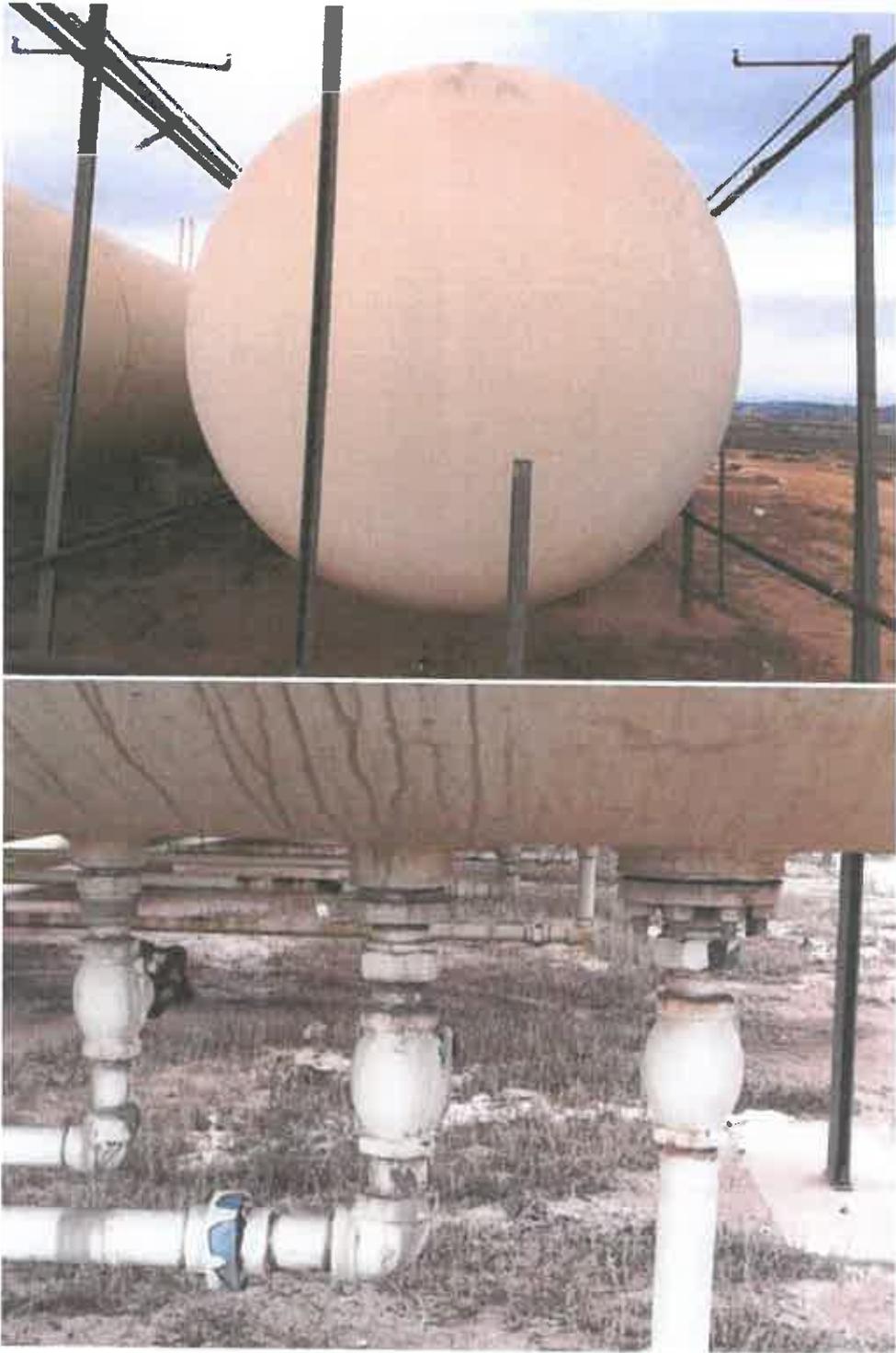
This report has been prepared to provide information concerning exposure to specific hazards identified by this report. It is not possible to identify hazards other than those specifically addressed or that could have changed before or after the report.

Appendices

Appendix A:

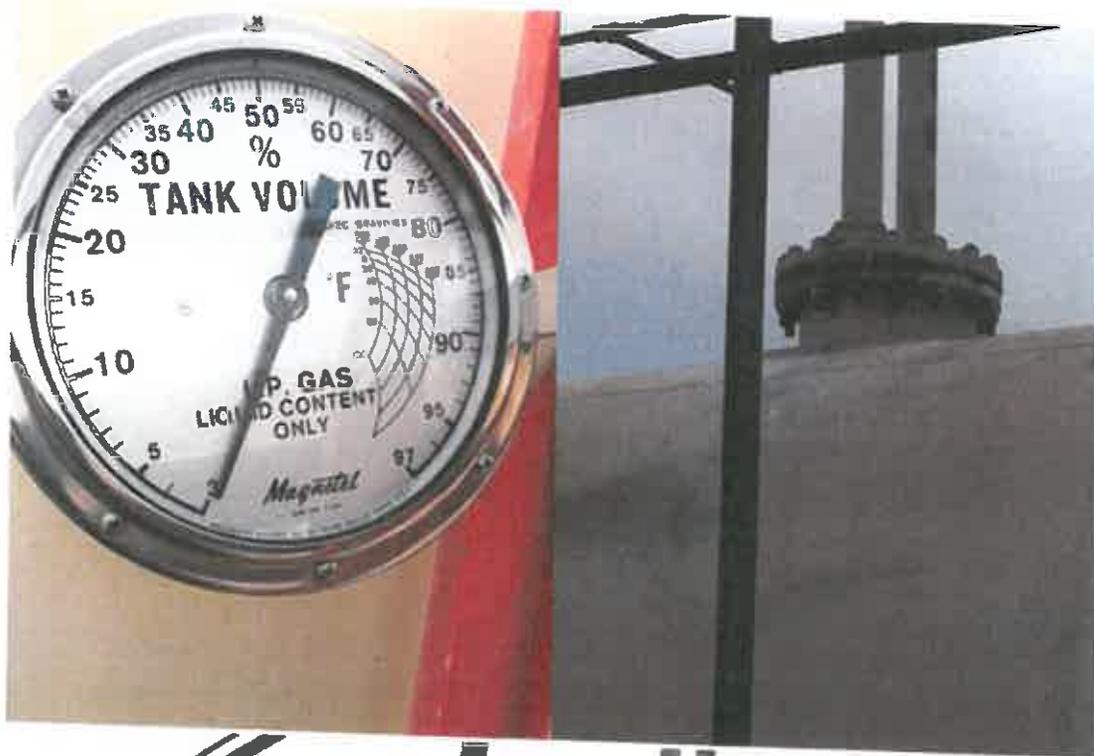
30,000 Gallon Tank Pictures





PRONGHORN PROPANE LLC, STORAGE AND
DISTRIBUTION SITE SAFETY PLAN

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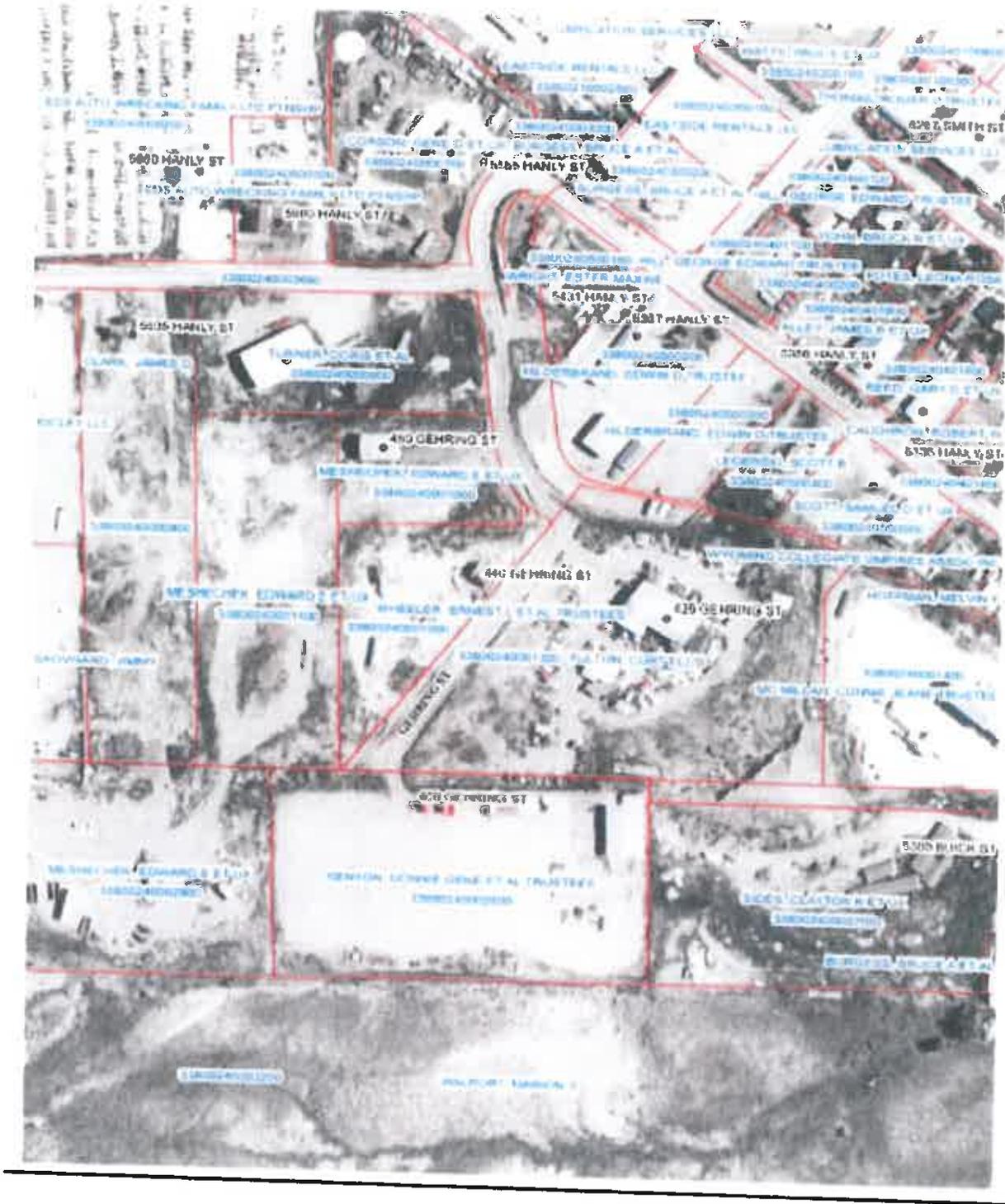
Appendix B:

SITE MAP - 450 Gehring Street

2 Lots - Meshechek Edward E ET UX

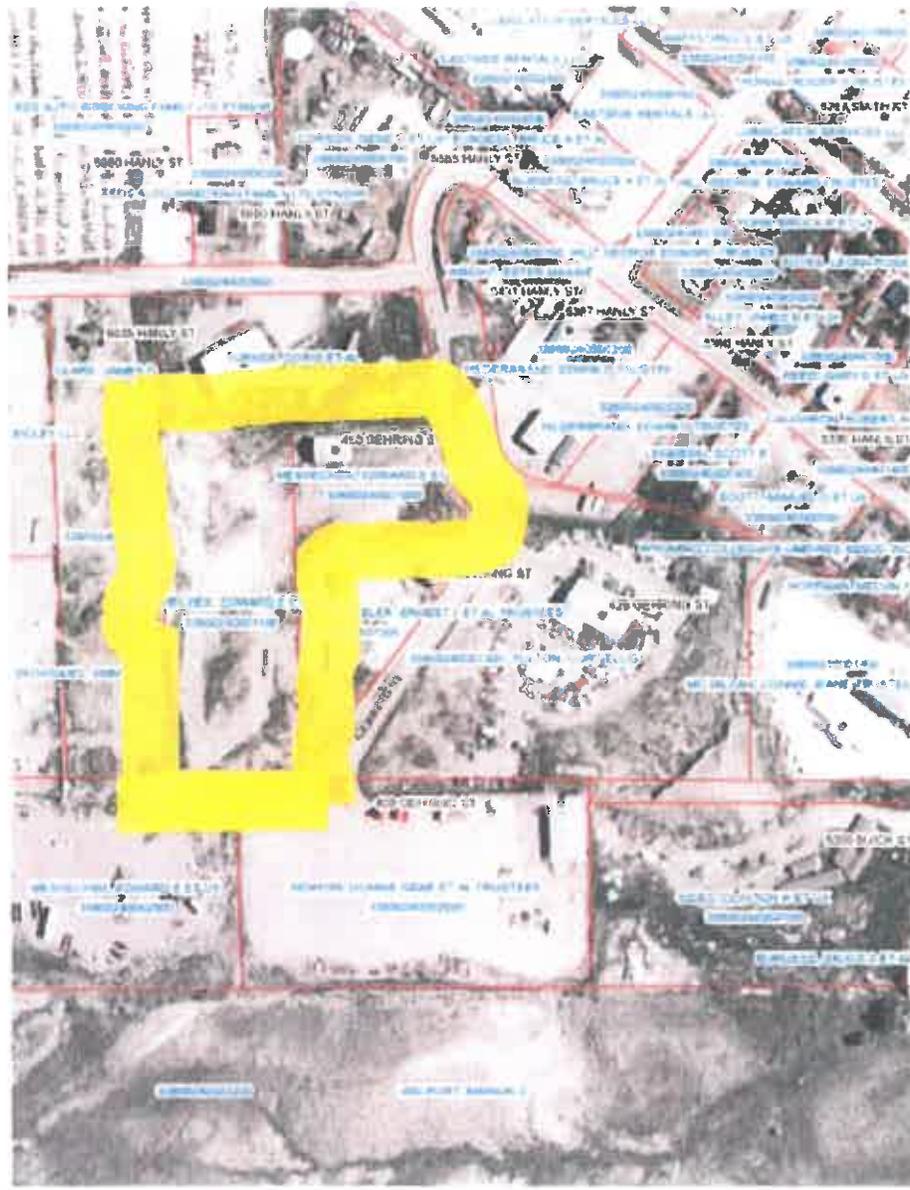
PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

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Appendix C:
**National Board of Boiler and Pressure
Inspectors Required Markings**

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Appendix D:
IFC 2012 Table 6104.3

PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

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**TABLE 6104.3
LOCATION OF LP GAS CONTAINERS**

LP-GAS CONTAINER CAPACITY (water gallons)	AND BUILDINGS, PUBLIC WAYS OR LOT LINES OF ADJOINING PROPERTY THAT CAN BE BUILT UPON		MINIMUM SEPARATION BETWEEN LP- GAS CONTAINERS ^{b, c} (feet)
	Mounded or underground LP- gas containers ^a (feet)	Above-ground LP- gas containers ^b (feet)	
Less than 125 ^{c, d}	10	5 ^e	None
125 to 250	10	10	None
251 to 500	10	10	3
501 to 2,000	10	25 ^{e, f}	3
2,001 to 30,000	50	50	5
30,001 to 70,000	50	75	(0.25 of sum of diameters of adjacent LP-gas containers)
70,001 to 90,000	50	100	
90,001 to 120,000	50	125	

For SI: 1 foot = 304.8 mm, 1 gallon = 3.785 L.

a. Minimum distance for underground LP-gas containers shall be measured from the pressure relief device and the filling or liquid-level gauge vent connection at the container, except that all parts of an underground LP-gas container shall be 10 feet or more from a building or lot line of adjoining property which can be built upon.

b. For other than installations in which the overhanging structure is 50 feet or more above the relief-valve discharge outlet. In applying the distance between buildings and ASME LP-gas containers with a water capacity of 125 gallons or more, a minimum of 50 percent of this horizontal distance shall also apply to all portions of the building which project more than 5 feet from the building wall and which are higher than the relief valve discharge outlet. This horizontal distance shall be measured from a point determined by projecting the outside edge of such overhanging structure vertically downward to grade or other level upon which the LP-gas container is installed. Distances to the building wall shall not be less than those prescribed in this table.

- c. When underground multicontainer installations are comprised of individual LP-gas containers having a water capacity of 125 gallons or more, such containers shall be installed so as to provide access at their ends or sides to facilitate working with cranes or hoists.
- d. At a consumer site, if the aggregate water capacity of a multicontainer installation, comprised of individual LP-gas containers having a water capacity of less than 125 gallons, is 500 gallons or more, the minimum distance shall comply with the appropriate portion of Table 6104.3, applying the aggregate capacity rather than the capacity per LP-gas container. If more than one such installation is made, each installation shall be separated from other installations by at least 25 feet. Minimum distances between LP-gas containers need not be applied.
- e. The following shall apply to above-ground containers installed alongside buildings:
1. LP-gas containers of less than a 125-gallon water capacity are allowed next to the building they serve when in compliance with Items 2, 3 and 4.
 2. Department of Transportation (DOTn) specification LP-gas containers shall be located and installed so that the discharge from the container pressure relief device is at least 3 feet horizontally from building openings below the level of such discharge and shall not be beneath buildings unless the space is well ventilated to the outside and is not enclosed for more than 50 percent of its perimeter. The discharge from LP-gas container pressure relief devices shall be located not less than 5 feet from exterior sources of ignition, openings into direct-vent (sealed combustion system) appliances or mechanical ventilation air intakes.
 3. ASME LP-gas containers of less than a 125-gallon water capacity shall be located and installed such that the discharge from pressure relief devices shall not terminate in or beneath buildings and shall be located at least 5 feet horizontally from building openings below the level of such discharge and not less than 5 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances, or mechanical ventilation air intakes.
 4. The filling connection and the vent from liquid-level gauges on either DOTn or ASME LP-gas containers filled at the point of installation shall not be less than 10 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances or mechanical ventilation air intakes.
- f. **This distance is allowed to be reduced to not less than 10 feet for a single LP-gas container of 1,200-gallon water capacity or less, provided such container is at least 25 feet from other LP-gas containers of more than 125-gallon water capacity.**

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Appendix E:

IFC 2012 Table 6109.12

TABLE 6109.12
SEPARATION FROM EXPOSURES OF LP-GAS CONTAINERS AWAITING USE, RESALE OR EXCHANGE STORED OUTSIDE BUILDINGS

QUANTITY OF LP-GAS STORED (pounds)	MINIMUM SEPARATION DISTANCE FROM STORED LP-GAS CYLINDERS TO (feet):						
	Nearest important building or group of buildings or line of adjoining property that may be built upon	Line of adjoining property occupied by schools, places of religious worship, hospitals, athletic fields or other points of public gathering; busy thoroughfares; or sidewalks	LP-GAS dispensing station	Doorway or opening to a building with two or more means of egress	Doorway or opening to a building with one means of egress	Combustible materials	Motor Vehicle fuel dispenser
720 or less	0	0	5	5	10	10	20
721 - 2,500	0	10	10	5	10	10	20
2,501 - 6,000	10	10	10	10	10	10	20
6,001 - 10,000	20	20	20	20	20	10	20
Over 10,000	25	25	25	25	25	10	20

For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.

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Appendix F:
Fire Hydrant Location

PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

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Appendix G:
Written Fire Safety Analysis

PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

2016

WRITTEN FIRE SAFETY ANALYSIS – NFPA 58 Section 6.25.3.2

THE EFFECTIVENESS OF TOTAL PRODUCT CONTROL MEASURES

All (Total Product Control) equipment, piping, valves, excess flow valves, emergency pull stations & valves (ESVs), tank(s), and back check valves will be installed in accordance with NFPA 58 at time of installation. The safety valves and manual breech stations will provide for propane flow shut down in the event of pipe/valve failure and tanker truck pull away. The liquid line is approximately 2.00 inches in size and the vapor line is 1.5 inches.

Emergency shutoff valves and backflow check valves required in the code shall be tested annually for functions required by 5.12.4. The results of the test shall be documented.

***A shutdown process will be provided for Fire Department Personnel once the installation is complete.**

LOCAL CONDITIONS OF HAZARDS WITHIN THE CONTAINER SITE

This property is located near the intersection of Gehring St. and Hanley St., Natrona County, Mills, Wyoming. The physical address of the facility is 450 Gehring Street, Mills, Wyoming, 82604. Pronghorn Propane LLC will begin operating at this location in 2016 as a Propane distribution facility.

This facility includes one 30,000 gallon LP-Gas tank(s) and associated piping, valves, bulkheads, emergency shut-off systems and other equipment. The tank will be located centrally in the lot with the ends aligned in a North by South direction that forecasts the safest projectile routes of the ends of the tank in the event of an explosion. Unloading LP gas is accomplished by trained personnel and attendants. The public is not allowed on the property without authorized personnel. The site is located in an area that is zoned as light industrial with little traffic and exposure to the public.

Minimum safe firefighting approach distance is considered 300 feet from tank sides. Possible fire control staging area(s) can be identified near the hydrant at the intersection of Gehring and Hanley or near the entrance to the facility. This facility is manned during normal business hours and has a fence around the property for after-hours security.

EXPOSURE TO AND FROM OTHER PROPERTIES

ERG GUIDE 115 –Next Page

GUIDE GASES - FLAMMABLE
115 (INCLUDING REFRIGERATED LIQUIDS)

POTENTIAL HAZARDS

FIRE OR EXPLOSION

- **EXTREMELY FLAMMABLE.**
- Will be easily ignited by heat, sparks or flames.
- Will form explosive mixtures with air.
- Vapors from liquefied gas are initially heavier than air and spread along ground.
- **CAUTION: Hydrogen (UN1049), Deuterium (UN1957), Hydrogen, refrigerated liquid (UN1966) and Methane (UN1971) are lighter than air and will rise. Hydrogen and Deuterium fires are difficult to detect since they burn with an invisible flame. Use an alternate method of detection (thermal camera, broom handle, etc.)**
- Vapors may travel to source of ignition and flash back.
- Cylinders exposed to fire may vent and release flammable gas through pressure relief devices.
- Containers may explode when heated.
- Ruptured cylinders may rocket.

HEALTH

- Vapors may cause dizziness or asphyxiation without warning.
- Some may be irritating if inhaled at high concentrations.
- Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite.
- Fire may produce irritating and/or toxic gases.

PUBLIC SAFETY

- **CALL EMERGENCY RESPONSE Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.**
- As an immediate precautionary measure, isolate spill or leak area for at least 100 meters (330 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind, uphill and/or upstream.
- Many gases are heavier than air and will spread along ground and collect in low or confined areas (sewers, basements, tanks).

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.
- Always wear thermal protective clothing when handling refrigerated/cryogenic liquids.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 800 meters (1/2 mile).

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 1600 meters (1 mile) in all directions; also, consider initial evacuation for 1600 meters (1 mile) in all directions.
- In fires involving Liquefied Petroleum Gases (LPG) (UN1075); Butane, (UN1011); Butylene, (UN1012); Isobutylene, (UN1055); Propylene, (UN1077); Isobutane, (UN1969); and Propane, (UN1978), also refer to BLEVE - SAFETY PRECAUTIONS (Page 368).



In Canada, an Emergency Response Assistance Plan (ERAP) may be required for this product. Please consult the shipping document and/or the ERAP Program Section (page 391).

GASES - FLAMMABLE
(INCLUDING REFRIGERATED LIQUIDS)

GUIDE
115

EMERGENCY RESPONSE

FIRE

- **DO NOT EXTINGUISH A LEAKING GAS FIRE UNLESS LEAK CAN BE STOPPED.**
- **CAUTION:** Hydrogen (UN1049), Deuterium (UN1957) and Hydrogen, refrigerated liquid (UN1966) burn with an invisible flame. Hydrogen and Methane mixture, compressed (UN2034) may burn with an invisible flame.

Small Fire

- Dry chemical or CO₂

Large Fire

- Water spray or fog.
- Move containers from fire area if you can do it without risk

Fire involving Tanks

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Cool containers with flooding quantities of water until well after fire is out.
- Do not direct water at source of leak or safety devices: icing may occur.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- **ALWAYS** stay away from tanks engulfed in fire.
- For massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from area and let fire burn.

SPILL OR LEAK

- **ELIMINATE** all ignition sources (no smoking, flares, sparks or flames in immediate area)
- All equipment used when handling the product must be grounded.
- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- If possible, turn leaking containers so that gas escapes rather than liquid.
- Use water spray to reduce vapors or divert vapor cloud drift. Avoid allowing water runoff to contact spilled material.
- Do not direct water at spill or source of leak
- Prevent spreading of vapors through sewers, ventilation systems and confined areas.
- Isolate area until gas has dispersed.

CAUTION: When in contact with refrigerated/cryogenic liquids, many materials become brittle and are likely to break without warning.

FIRST AID

- Ensure that medical personnel are aware of the material(s) involved and take precautions to protect themselves.
- Move victim to fresh air.
- Call 911 or emergency medical service
- Give artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- Clothing frozen to the skin should be thawed before being removed.
- In case of contact with liquefied gas, thaw frosted parts with lukewarm water.
- In case of burns, immediately cool affected skin for as long as possible with cold water. Do not remove clothing if adhering to skin.
- Keep victim calm and warm.

EXPOSURE TO AND FROM OTHER PROPERTIES Cont.

The worst case scenario includes the total failure of one 30,000 gallon tank. The worst case scenario of a propane vapor cloud explosion of 30,000 gallons of propane could cause 2nd degree burns (exposure for duration of fireball).

This area is primarily light industrial and commercial with some residential areas. In the event of a fire, there is a possible impact to the surrounding facilities. The fire department and other emergency personnel must be prepared for evacuating all areas in the event of a significant fire. This would include the evacuation of residential/commercial areas, and closing streets and other roadways. Emergency personnel must be prepared to control simultaneous fires.

THE PROBABLE EFFECTIVENESS OF PLANT FIRE BRIGADES or LOCAL FIRE DEPARTMENTS

Employees of the facility and/or the employees of LP-Gas tanker delivery trucks emergency objectives:

- Employees are to be responsive to immediately shutting off or stopping LP-Gas leaks on scene.
- Pronghorn Propane LLC training focus for emergency operations will be LP GAS safety training on how to stop or slowing the leak of any gas releases, along with eliminating any ignition sources.
- The responsibility of each employee will be rehearsed with Safety Training.

A written Emergency action plan will developed once the site is established and operational. This will be available on location at all times and trained upon by all employees. The Plan will include the following:

- Sounding an alarm.
- Notifying Emergency Responders.
- Controlling the release, where possible.
- Shutting down the plant with the Emergency Valve Operation.
- Shutting down Plant Storage and transfer points.
- Shutting down of all electrical power systems and welding/cutting operations.
- Shutting down of all known ignition sources, where possible.
- Evacuating plant area.
- Identifying pre-designated locations at which the plant personnel should meet.
- Evacuating personnel to a higher ground, when deemed appropriate.
- Evacuating neighbors, if necessary.
- Assessing the status of missing or injured employees.
- Securing the perimeter. 14) Securing outdoor objects.

- Providing assistance to the emergency responders.
- Other relevant action items.

LOCAL FIRE DEPARTMENT CAPABILITY AND AVAILABLE WATER SUPPLY

The City of Mills Fire Department has a station approximately 1.4 miles from this site and County Fire Station #7 approximately 2.4 miles away. It is assessed that due to the proximity of the location, Fire Department personnel may be applying cooling water on a container within 10 minutes. This calculation is based off of the following:

- Alarm Receipt & Handling Time by PSCC Dispatch – 1-2 minutes for the fire department first receiving the alarm.
- Turnout Time - 1 minute for Natrona County Fire Protection District, 1 minute for Mills Fire Department if the apparatus is staffed by career fire fighters and 4 minutes if the apparatus is staffed by volunteer fire fighters.
- Travel Time - 2 minutes for each mile the fire apparatus must travel in an urban/suburban setting and 1.5 minutes for each mile the fire apparatus must travel in a rural setting.
- Reaching the facility entrance, Fire personnel are able to establish their water supply on the way to the entrance to the facility. Fire fighters must then determine the nature and severity of the emergency, determine how they are going to deal with the emergency, and implement their attack. It would be assessed that this could take anywhere from 2-10 minutes.

The above calculation estimates first response and applying water to the LP-Gas tank at 7+ minutes.

A blue painted hydrant is available within 300' of the entrance of the facility. Fire department flow rates needed to control an LP-Gas emergency must be 250-500 GPM for each involved tank or truck involved. This fire hydrant is estimated to have flow rates over 250 gpm.

Prevailing winds shall be accounted for when controlling LP-Gas fires. Due to the size of the facility lot, there will be more than two available access points to control the 30,000 gallon tank, located centrally in the lot. Pronghorn Propane LLC, is to maintain access points throughout the facility at all times.

It is recommended that fire service personnel conduct emergency operation training and familiarization that this facility annually.

CONCLUSION OF ANALYSIS:

Any future LP-Gas Storage Tank installations are not considered in this analysis. Construction documents for installation of tanks were not reviewed. Installation will be performed by

PRONGHORN PROPANE LLC, STORAGE AND DISTRIBUTION SITE SAFETY PLAN

2016

competent subject matter experts. Local AHJ will have the ultimate authority to ensure all aspects of safety and the code are implemented and maintained.

NFPA-58 states that two conditions must be met for Special Fire Protection to be required, that serious hazards to adjacent structures exist and that the local fire department be incapable of managing an LP-Gas fire/leak. This Fire Safety Analysis has concluded that a serious hazard does not apply and therefore no additional fire protection be required.

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CONDITIONAL USE PERMIT REQUEST
TO ALLOW
THE STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS IN EXCESS OF 12,000 GALLONS

CUP16-3

Staff Report: Trish Chavis
August 31, 2016

For

September 13, 2016
Planning and Zoning Commission

And

October 4, 2016
Board of County Commissioner Meeting

Applicant: Luke Ginsbach, Pronghorn Propane, LLC

Request: Storage of flammable and combustible liquids in excess of 12,000 gallons. Applicant is requesting one 30,000 propane gallon storage tank in addition to two 3,200 gallon propane trucks and individual 33 lb. and 100 lb, 500 gallon and 1,000 gallon propane tanks.

Location and Zoning

The parcels are located in a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 33 North, Range 80 West of the 6th Principle Meridian, Natrona County, Wyoming. The Conditional Use Permit will consist of two lots for a total of 3.79 acres. More commonly referred to as 450 Gehring St.

The parcel is zoned Light Industrial (LI). The properties to the north, east, and west are also Light Industrial (LI). The south is Urban Mixed Residential (UMR) and Light Industrial (LI).

General Standards
For
Conditional Use Permits

Conditional Use Permit to allow the storage of flammable and combustible liquids in excess of 12,000 gallons.

Criteria for Approval: Applicant must meet all, *Applicants responses are italicized*

1. Will granting the conditional use permit contribute to an overburdening of county services?

The road will see very little additional traffic due to the propane tank being there. In the rare event of an ignition emergency, the fire department would be needed but they have been made aware of the storage tank proposal.

The premise is partially fenced but plans are to completely fence the property with chain link fence. It will be locked and secured so this should mitigate needs for law enforcement.

Finding of Fact: There appears to be no additional burden to county services. The access to this property is not a county maintained road.

2. Will granting the conditional use permit cause undue traffic, parking, population density or environmental problems?

The property will only be accessed by 2 to 3 Pronghorn Propane Employees and the occasional delivery truck to fill the tank. The propane tank being there is estimated to increase the traffic by an average of two to eight vehicles per day on Gehring Street. The public will not be accessing the property. All vehicles coming to the property will park in the property and not on the roadway. There will be no people living there so it will not increase the population density. Propane is nontoxic, non-caustic and it will not create an environmental contamination hazard in the event of a spill. The only danger of a spill is the rare possibility of ignition. The tank is being located in the middle of the back property to isolate damage to Pronghorn Propane's property in the event of a rarely occurring ignition actually happening.

Finding of Fact: Granting the Conditional Use Permit will not cause undue traffic, parking or population density. The propane company will have minimal employees and not be open to the public.

3. Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?

The area surrounding the property is industrial. The majority of the adjacent property is a car crushing business as well as another business that already has a special use permit. The majority of the property is currently covered in road base. The current road base will have additional road base. Weeds will be kept to a minimum to keep the property looking nice.

The industrial usage of Pronghorn Propane's property will closely match in purpose and look as nice or nicer than the majority of the surrounding properties.

Finding of Fact: Granting the Conditional Use Permit will not impair the use of adjacent property or alter the character of the neighborhood. The propane company will not result in substantial and continuous noise, odor or vibration. The addition of an above ground propane tank will not change the character of the neighborhood as the area consists mostly of industrial parcels.

4. Will granting the conditional use permit detrimentally affect the public health, safety and welfare, or nullify the intent of the Development Plan or Zoning Resolution?

The storage tank will be stored near the center of the property with fire suppressant measures installed as per the Site Safety Plan. Propane is nontoxic, non-caustic and it will not create an environmental contamination hazard in the event of a spill. The only danger of a spill is the rare possibility of ignition. The tank is being located in the middle of the back property to isolate damage to Pronghorn Propane's property in the event of a rarely occurring ignition. There is also a fire hydrant close by the front entry of the property in the event of fire. There will also be multiple fire extinguishers located throughout the property.

The Development Plan recommends the infill with industrial and commercial. Upgrade the roads with and ISD and coordination with Mills for future annexation.

Collaboration with municipalities on any development actions within one mile of the municipality is a policy within the Development Plan. Activities occurring within the growth area boundaries but within the county authority will require the Development Department to coordinate any requested Planning and Zoning activities with the affected city or town. *2016 Development Plan Chapter 2.6(1) Policy 4 at Pg. 2-6*

The subject property is located roughly ¼ mile from the Town of Mills. Staff did send notification of this Conditional Use Permit to the Town of Mills for comment. Mills Town Council does not have concerns with this CUP.

Staff also sent the application and the Site Safety Plan to the Natrona County Fire Marshal, Bob Fawcett, for review and comments. As long as the safety plan is followed, he has no issue with this CUP.

5. **Finding of Fact:** With the proposed measures and outlined process above the CUP will not detrimentally affect the public health, safety and welfare, or nullify the intent of the Development Plan or Zoning Resolution.

Public Comment

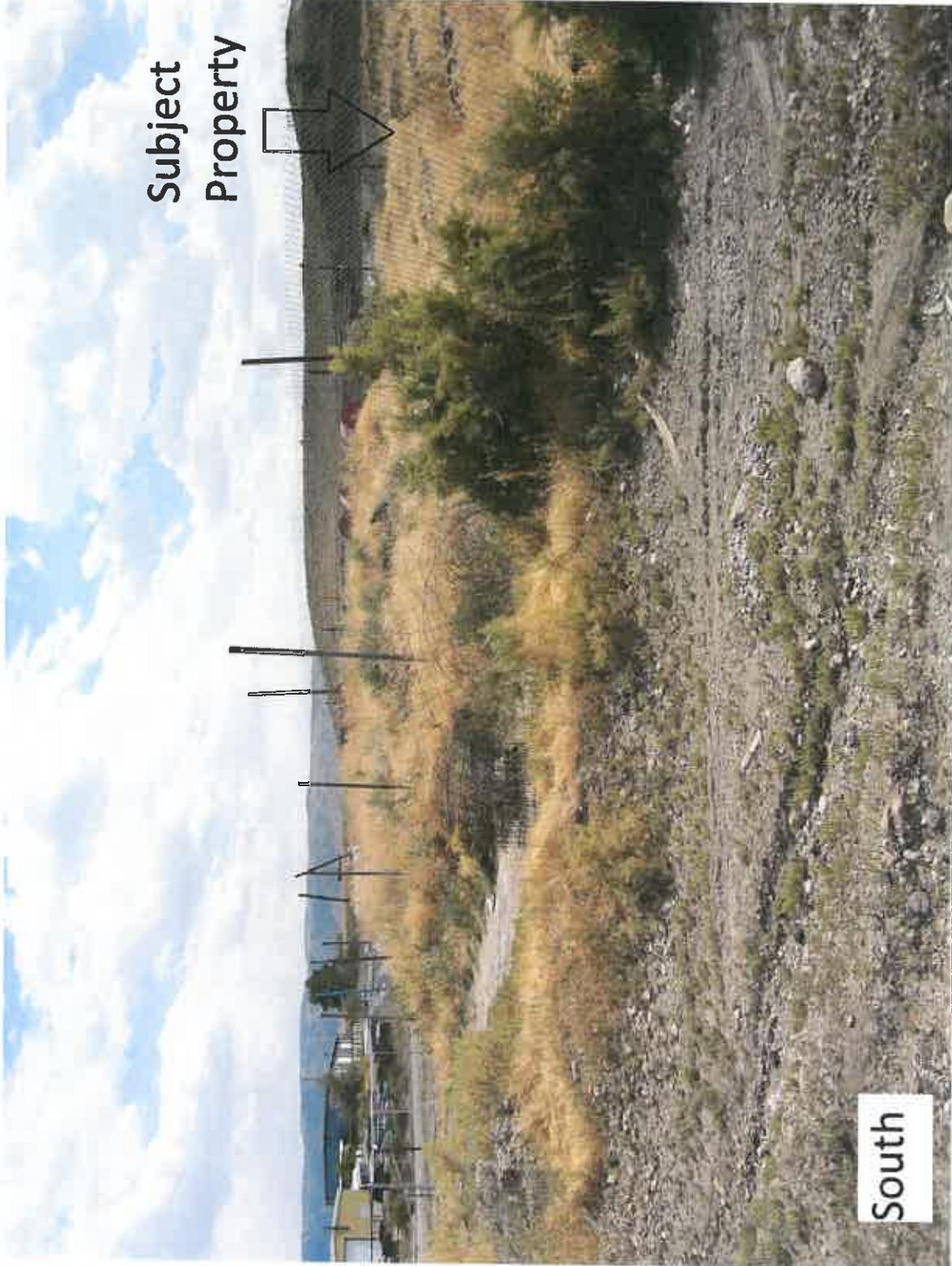
As of the date of this staff report there have been no comments received. Staff sent the public notice to 51 neighbors within ½ mile.

Recommendation

Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit to be contained on the two parcels equaling 3.79 acres, by the Board of County Commissioners and incorporate by reference all findings of fact set forth herein and make them a part thereof.



Northwest



Subject
Property

South



East



Looking southwest at subject property

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CONDITIONAL USE PERMIT APPLICATION

(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming, for a Conditional Use Permit, as provided in Chapter 11, 2000 Natrona Zoning Resolution.

Applicant

Owner

- | | |
|---|--|
| 1. Name: <u>Mercury Towers</u> | Name: <u>Miles Land & Livestock CO (Jim Price)</u> |
| 2. Address: <u>4760 Preston Rd, Suite 244-291, Frisco, TX 75034</u> | Address: <u>15520 HWY 487, Casper, WY 82604</u> |
| 3. Phone: <u>(214) 436-2986</u> | Phone: <u>(307) 265-2818</u> |
4. Explain why you are requesting this conditional use permit and detail the proposed use:
Proposed 195' Telecommunications Tower within a 80'X80' lease area.
-
5. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range). E 1/2, NE 1/4, Section 13, Township 30 South, Range 83 West, W.M.
-
6. Current zoning of property: RAM - Ranching, Agricultural, and Mining
7. Type of sewage disposal: Public Septic Holding Tank Other N/A
8. Source of water: N/A - No water required.
9. This property was purchased from: Facility ground area will be leased from Miles Land & Livestock CO
10. The date this property was purchased: N/A

On separate sheets of paper, please respond to the following questions and provide explanations for your answers:

- **Will granting the conditional use permit contribute to an overburdening of County Services?**
- **Will granting the conditional use permit cause undue traffic, parking, population density or environmental problems?**
- **Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?**
- **Will granting the conditional use permit detrimentally affect the public health, safety and welfare?**

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to



give authority to violate or cancel the provisions of any State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant:  Date: July 18, 2016
(Signature)

Print Applicant Name: Aaron Gunn

Owner: _____ Date: _____
(Signature)

Print Owner Name: _____

received
7/22/16 · e

give authority to violate or cancel the provisions of any State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant:  Date: July 18, 2016
(Signature)

Print Applicant Name: Aaron Gunn

Owner:  Date: 7-20-16
(Signature)

Print Owner Name: Miles Land & Livestock Co.
Jim PRICE (SECRETARY)

MERCURY TOWERS

Natrona County Planning & Zoning Commission
200 North Center Street
Casper, WY 82601

July 11, 2016

Re: Proposed Telecommunications Tower on Canal Bank Rd, Alcova, WY

Dear Commissioners:

Mercury Towers, LLC is a full service tower development company that specializes in the development and construction of communications tower sites in the Rocky Mountain region of the United States. Mercury Towers designs and constructs its towers for a MINIMUM of 4 full broadband carriers, as well as excess capacity for smaller carriers, emergency services, etc. Mercury has developed excellent relationships with all broadband carriers in the region, and has Site Lease Agreement templates in place for the quick execution of agreements. Within the past year, Mercury Towers has signed Site Lease Agreements with companies such as AT&T Wireless, T-Mobile, and Verizon, and also facilitated many installations of equipment for emergency services on its towers.

For more information, please do not hesitate to contact me directly. I can be reached at (214) 436-2986, or you can email me at aaron@mercurytowers.com.

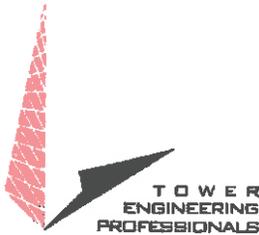
Sincerely,



Aaron Gunn
President
Mercury Towers

4760 Preston Road, Suite 244-291, Frisco, TX 75034
P: (214) 436-2986 F: (214) 572-9361

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CONDITIONAL USE PERMIT
Mercury Towers Facility
195' Self-Support Tower
July 20, 2016

Natrona County Conditional Use Permit Application

Proposed Mercury Tower Cell Tower and Compound
Canal Bank Road, Alcova, WY 82620

July 20, 2016

Prepared For:

Natrona County Development Department
200 North Center Street, Room 202
Casper, WY 82601
(307) 235-9435

Prepared By:



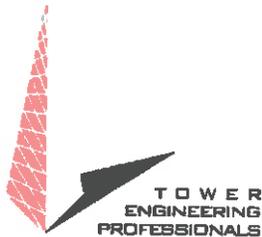
Tower Engineering Professionals, Inc.
5545 West 56th Ave, Unit E
Arvada, CO 80002
(303) 566-9914

Representing:



Mercury Towers
4760 Preston Road, Suite 244-291
Frisco, TX 75034
(214) 436-2986

received
7/22/16 - R



Letter of Intent

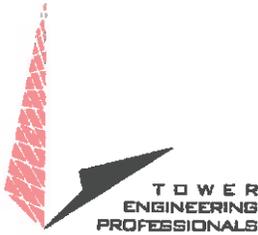
Mercury Towers Conditional Use Permit application is for an un-manned wireless telecommunication facility to be constructed on a 340 acre property zoned RAM (Ranching, Agricultural and Mining). The property is located on Canal Bank Road, Alcova, WY 52620 off of WY Highway 220, just north of Alcova Reservoir and is owned by the Miles Land & Livestock CO. The proposed facility will consist of a 195' self-support tower and 6,400 sq. ft. or leased ground area.

The proposed Mercury Tower wireless telecommunication facility will be designed to accommodate multiple carriers. Upon approval, this tower will be solicited by Mercury Towers to all broadband carriers that serve the Rocky Mountain Region. Mercury Towers has excellent relationships with carriers such as AT&T, Verizon, T-Mobile and have Site Lease Agreement templates in place to quickly process and get those carriers to collocate on their towers. This will provide wireless service in areas where there is limited to no coverage at the present time, and it will improve service in areas where the signal is weak and calls are dropped. While there is an existing Union Wireless tower located across WY Highway 220 the existing tower has limited structural capacity for additional carriers such as AT&T, Verizon and T-Mobile which Mercury Towers regularly caters to. In addition to improved in-building and in-vehicle service the additional cell coverage in the area would enable local residents to communicate and convey information during an emergency; for example wildfires (emergency personnel can respond more quickly and potentially reduce losses) and severe weather conditions, residents and motorists would be able to readily communicate the need for assistance.

Site Specific Information

Per the Conditional Use Permit Application requirements, please respond to the following questions and provide explanations for your answers:

- **Will granting the conditional use permit contribute to an overburdening of County Services?**
 - TEP Response: No. No county services will be required. All utilities required will be ordered and paid for by Mercury Towers and any future carrier.
- **Will granting the conditional use permit cause undue traffic, parking, population density or environmental problems?**
 - TEP Response: No, proposed site will not cause any additional traffic, parking, population density or environmental problems. The facility will be unmanned and will be only be visited on a monthly basis by site technicians.
- **Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?**
 - TEP Response: No, proposed site will not impair the use of adjacent properties or alter the character of the neighborhood. The majority of the adjacent properties are vacant and the neighborhood and properties to the south in Alcova will be shielded from the majority of the tower.
- **Will granting the conditional use permit detrimentally affect the public health, safety and**



CONDITIONAL USE PERMIT

Mercury Towers Facility

195' Self-Support Tower

July 20, 2016

welfare?

- TEP Response: No, proposed site will be constructed to meet all required FCC guidelines. See supplied NIER study for additional information.

Natrona County Zoning Regulations Review

Section 15. Communication Towers and Wireless Telecommunications Facilities

C. Location of Wireless Telecommunications Facilities

- Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and eight (8) being the lowest priority.
 - On County or other publicly owned facilities – **TEP Response: No County or publically owned facilities in the vicinity.**
 - On existing Towers or other structures without increasing the height of the tower or structure - **TEP Response: A Union Wireless Tower is located approximately ½ mile to the southeast of this proposed site. Upon review of the structural drawings there is limited structural capacity for the 45-ft tower that would not accommodate future carriers and the allowable RF centerline would not meet future carriers objectives of improving coverage long Route 220 to the northeast and to the west of Alcova. See attached correspondence for additional details.**
 - On Casper Mountain in existing tower sites – Tower Hill, K2 Tower and Micro Road. - **TEP Response: Casper Mountain is located approximately 24 miles to the northeast and would not provide coverage in this area.**
 - On properties in areas zoned HI (Heavy Industrial) - **TEP Response: The closest area zoned HI is approximately 27 miles to the northeast near Casper – Natrona County International Airport.**
 - On properties in areas zoned LI (Light Industrial) - **TEP Response: The closest area zoned LI is approximately 25 miles to the northeast on the west side of the Casper.**
 - On properties in areas zoned C (Commercial) - **TEP Response: The closest area zoned C is ½ mile to the east along SR-220 and CR-412. The elevation difference is over 200' and would not provide clearance over several ridges and topography obstructions. The proposed tower has a base elevation of 5,571' and commercial property has an elevation of approximately 5,350' +/- . In order to obtain their RF objectives a much taller tower would be required.**
 - On properties in areas zoned RAM (Ranching, Agricultural and Mining) - **TEP Response: The proposed site is located in this zone. The property is currently vacant and located close to a ridgeline provides additional elevation to clear several other ridges and topography obstructions in the area to meet their RF objectives. See attached RF propagation maps.**
 - On properties in areas zoned UA (Urban Agricultural) - **TEP Response: The closest area zoned UA is located approximately 21 miles to the northeast on the southwest side of Casper.**



- b. Applicants proposing to co-locate on existing structures or towers, (1) or (2) above are exempt from these regulations. Applicants must apply for necessary building, zoning, or other permits. A copy of the antenna FCC tower registration shall be filed with the Development Department.

TEP Response: All applicable permits will be filed prior to construction including all zoning permits and county building permits. Per FCC's Towair search tool this proposed structure will not be required to be registered with the FCC. See attached TOWAIR Determination Results. If FCC registration is required per the county Mercury Towers can register the tower as a condition of approval.

- c. If the proposed site is not proposed for the highest priority listed above, then the County may request a detailed explanation as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

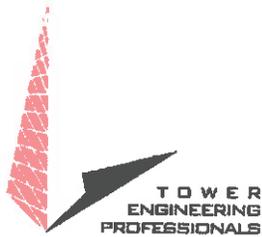
TEP Response: See explanation on last page. The only real options for a telecommunication facility in this area would be Priority #2 – Co-location on Existing Tower and #6 – Commercial Zoned property. In regards to the Co-Location the existing tower is only 45' tall, with panel antennas at 45', one 8' dishes at 20', and designed in TIA/EIA-222-Rev F. As is, there is minimal space for additional co-locations, 30' would be the only option for a carriers antennas and a microwave dish would likely be required for telephone/fiber signal which would need a separate centerline. A structural analysis completed in Rev-G (Natrona County and the State of Wyoming current requirement is TIA-Rev G) with additional loading for a co-locator and factoring additional wind/topographical criteria (as required in Rev-G) would likely result in structural failures.

The commercial zoned property is a great deal lower in elevation as detailed on the last page. The commercial property is currently home to The Reef Fly Shop.

This proposed tower will be 195' tall and designed for four carriers in TIA-Rev G. Mercury Towers regularly works with AT&T, Verizon, and T-Mobile to co-locate on their towers through out the Rocky Mountain Region and their intent is to market this site to them upon construction.

- d. An Applicant may not by-pass sites of higher priority stating the site proposed is the only site leased of selected. An Application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why co-location is commercially or otherwise impractical. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability of hardship.

TEP Response: See previous response.



CONDITIONAL USE PERMIT

Mercury Towers Facility

195' Self-Support Tower

July 20, 2016

- e. Notwithstanding the above, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

TEP Response: See NIER Report supplied by SiteSafe. The proposed site will not have a deleterious effect on the health and safety of the community and neighborhood. The proposed site will also provide additional options for the community in regards to the cellphone provider along with areas of improved in-building and in-vehicle service in areas with little to no current service.

- f. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application, if requested by the County.

TEP Response: See previous responses.

- g. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons:

- (1) Conflict with safety and safety-related codes and requirements.

TEP Response: See attached structural design for the tower as well as NIER reports.

- (2) Conflict with the historic nature or character of a neighborhood or historical district.

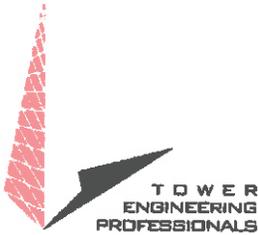
TEP Response: See attached concurrence from US Fish and Wildlife Service on February 17, 2016 stating "We know of no populations of candidate species in proximity of your Project". See attached concurrence from the State Historic Preservation Office (SHPO/THPO) stating "Direct Effect: No Historic Properties in Area of Potential Effects (APE)" and "Visual Effect: No Effect on Historic Properties in APE"

- (3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation.

TEP Response: Not Applicable.

- (4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers.

TEP Response: No risks anticipated in regards to this application.



- (5) Conflict with the provisions of this Resolution.

TEP Response: Upon review of this Application the Applicant, Tower Engineering Professionals, Inc, and Mercury Towers, will be more than happy to accommodate any additional requests and comments from the Natrona County Planning and Zoning Department.

D. Shared Use of Wireless Telecommunication Facilities and Other Structures

- (1.) Locating on existing Towers or other structures without increasing the height, shall be preferred by the County, as opposed to the construction of a new Tower. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within (4) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.

TEP Response: See Construction Drawings dated June 14, 2016 for vicinity map with nearby telecommunication facilities. The 45' Union Wireless Tower is the only site within four miles. See previous commentary on limitations to co-locating on this tower.

- (2.) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

TEP Response: Not Applicable.

- (3.) Such shared use shall consist only of the minimum Antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

TEP Response: All typical carriers minimize loading to the extent possible due to lease and structural constraints. However, due to differing frequency bands owned by carriers very often multiple antennas, Remote Radio Units, etc are required per antenna array.

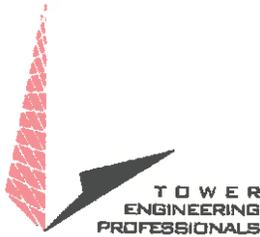
- (4.) For permitting requirements, see C.(2) above.

TEP Response: Unknown. Reference in ordinance does not appear to correlate to permitting requirements. Upon zoning approval all building permits and additional required permits will be applied for with the applicable jurisdiction.

E. Design Standards

- (1.) Height of Telecommunication Towers

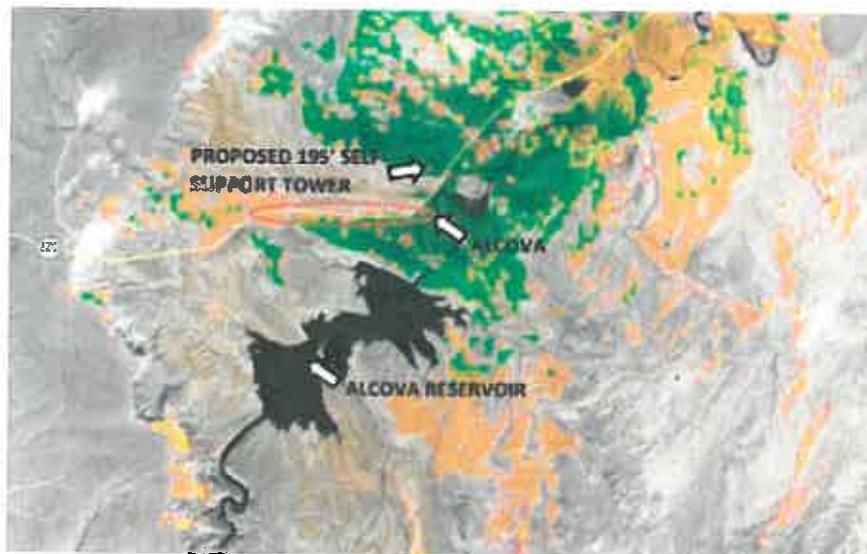
- a. The applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provided service primarily and



CONDITIONAL USE PERMIT
Mercury Towers Facility
195' Self-Support Tower
July 20, 2016

essentially within the County, the extent practicable, unless good cause is shown.

TEP Response: See attached RF propagation maps. The 195' height is required for the antennas to clear the existing ridgelines and topographical limitations. SR-220 to the west of the site is the major area of concern as you can see the RF propagation clears the existing ridge lines just enough to cover west along the highway.



- b. No Tower constructed after the effective date of this Resolution, including allowing for all attachments shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, County, State, and/or any Federal statute, law, local law, County resolution, code, rule or regulation.

TEP Response: See TOWAIR results. Tower is under 200-ft tall and not within five (5) miles of an airport. Therefore the tower will not be required to be lit by the FAA/FCC.

(2.) Appearance and Visibility of Wireless Telecommunication Facilities

- a. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law...

TEP Response: See TOWAIR results. Tower is under 200-ft tall and not within five (5) miles of an airport. Therefore the tower will not be required to be lit by the FAA/FCC.



CONDITIONAL USE PERMIT

Mercury Towers Facility

195' Self-Support Tower

July 20, 2016

- b. Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Resolution and in compliance with FAA regulations.

TEP Response: The tower will be galvanized at the time of fabrication and painted a tan color to help blend in with the surroundings. An alternate color may be utilized if requested by the County. (Sherwin Williams "Tower Tan" SW 7704)

(3.) Security of Wireless Telecommunication Facilities. All Wireless Telecommunication Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- a. All, Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

TEP Response: The facility will be enclosed within a 6-ft tall chain link fence with 3-strands of 12 gauge barbed wire with 4-point barbs.

- b. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

TEP Response: The facility will be enclosed within a 6-ft tall chain link fence with 3-strands of 12 gauge barbed wire with 4-point barbs. All equipment shelters and outdoor cabinets will be locked and only accessible to trained carrier technicians with carrier provided locks.

(4.) Signage

Wireless Telecommunication Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). They shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter and cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.

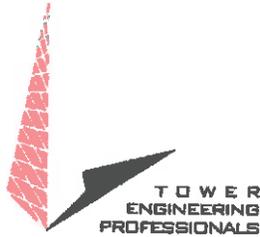
TEP Response: The facility will include signage for the tower owner, Mercury Towers, or any future tower owner that the site may be transferred to. All carriers such as AT&T, Verizon, Sprint and T-Mobile typically supply site signage on their equipment and can upon co-locating and going through the Natrona County zoning/permitting process.

(5.) Lot Size and Setbacks

- a. All proposed Towers and any other proposed Wireless Telecommunication Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and

5545 West 56th Ave, Unit E, Arvada, CO 80002 o) 303.566.9914 f) 303.566.9916

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CONDITIONAL USE PERMIT

Mercury Towers Facility

195' Self-Support Tower

July 20, 2016

street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunication Facility structure plus ten percent (10%) of the height of the Tower or structure, of the existing setback required of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is submitted.

TEP Response: See Construction Drawings, Sheet C-1, by TEP dated June 14, 016. The required setback is 219' +/- (199' x 110%). The minimum setback is to the western property line is 426' +/-.

- b. The Board of County Commissioners may grant a variance from this setback requirement if the applicant can provide structural drawings and plans, signed by a licensed engineer in the State of Wyoming that certifies that in the event the tower collapses, relief from the standard setback requirements would not pose a threat to health and safety of adjacent property owners.

TEP Response: Not Applicable.

F. Review and Approval Process

(1.) Preapplication Conference

TEP Response: Preapplication conference was completed on Wednesday, May 18, 2016 at 11:00am over the telephone. Parties included:

- Trish Chavis, Planner – Natrona County
- Nicholas Constantine, P.E., Director-Rocky Mountain Region – Tower Engineering Professionals, Inc.

(2.) Informal Neighborhood Meeting

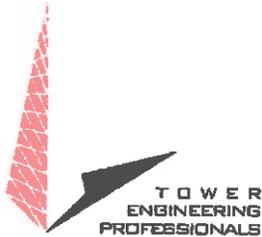
TEP Response: Per Trish Chavis during the Preapplication Conference an informal neighborhood meeting is not typically required in this area of Natrona County and would not be required for this project.

(3.) Balloon Test

TEP Response: Per Trish Chavis during the Preapplication Conference a balloon test would not be required for this site. Photo Sims and a "Zone of Visibility Map" have been provided.

(4.) Application Submittal Requirements

- a. Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed in-service or existing sites, including all modeling information used to derive the propagation studies and copies of equipment cut sheets.



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TEP Response: RF Propagation Maps are attached. As RF designs vary between carriers the propagation shown is based off a typical Omni antenna pattern at 195' assuming typical power levels for most carriers. This provides a good depiction of areas that would be covered and where antenna sectors if panel antennas were to be installed would be most effective.

A brief summary of the color codes shown in the propagation map are as follows:

- 95 dBm – Unreliable signal strength, not capable of reliably making and holding a call**
- 85 dBm – A level of service adequate for providing reliable coverage outdoors or inside car**
- 75 dBm – A level of service adequate for providing reliable coverage inside a building**
- 65 dBm – Excellent Coverage**

- b. The Name, address and phone number of the person preparing the report;
Nicholas Constantine, P.E. – Director – Rocky Mountain Region
Tower Engineering Professionals, Inc
5545 West 56th Ave, Unit E
Arvada, CO 80002
(303) 566-9914 x 9918
[**nconstantine@tepgroup.net**](mailto:nconstantine@tepgroup.net)
- c. The Name, address, and phone number of the property owner, operator, and Applicant and to include the legal form of the Applicant.
- Owner**
Miles Land & Livestock Company
Jim Price
15520 Highway 487
Casper, WY 82604
(307) 265-2818
- Operator/Tower Owner**
Mercury Towers - Aaron Gunn
4760 Preston Road, Suite 244-291
Frisco, TX 75034
(214) 436-2986
- d. The Postal address and tax map parcel number of the property.
Canal Bank Road, Alcova, WY 82620 (e911 Address TBD)
Tax Map Parcel # 30831210000400



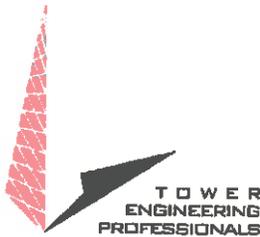
CONDITIONAL USE PERMIT

Mercury Towers Facility

195' Self-Support Tower

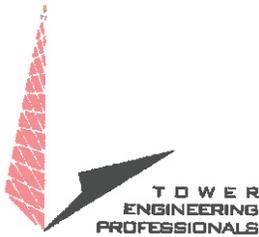
July 20, 2016

- g. The location of the nearest residential structure.
See Construction Drawings by TEP dated June 14, 2016. The closest residential structure to the south is 1,218' +/- away.
- h. The Location, size and height of all structures on the property which is the subject of the Application
See Construction Drawings by TEP dated June 14, 2016. There are no existing structures on the property.
- i. The Location, size and height of all proposed and existing antennae and appurtenant structures:
See Construction Drawings by TEP dated June 14, 2016.
- j. The Type, locations and dimensions of all proposed and existing landscaping and fencing.
See Construction Drawings by TEP dated June 14, 2016. There is no proposed and/or existing landscaping. The proposed fence will be a 6-ft tall chain link fence with tan slats added.
- k. The number, type and design of the Tower(s) and Antenna(s) proposed and the basis for the calculations of the Towers capacity to accommodate multiple users.
See attached drawings showing proposed design loading. Upon zoning approval a geotechnical report will be completed and structural drawings for this site will be ordered. Upon completion of design the structural drawings can be supplied to the county.
- l. The make, model and manufacturer of the Tower and Antenna(s).
See attached drawings showing proposed design loading. Upon zoning approval a geotechnical report will be completed and structural drawings for this site will be ordered.
- m. A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting.
See Construction Drawings by TEP dated June 14, 2016 and structural drawings showing proposed design loading.
- n. The frequency, modulation and class of service of radio or other transmitting equipment.
To be determined. Upon zoning approval and prior to construction the tower will be solicited to carriers to collocate on the tower.



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- o. The actual intended transmission and the maximum effective radiated power of the Antenna(s).
To be determined. Upon zoning approval and prior to construction the tower will be solicited to carriers to collocate on the tower.
- p. Direction of the maximum lobes and associated radiation of the Antenna(s).
To be determined. Upon zoning approval and prior to construction the tower will be solicited to carriers to collocate on the tower.
- q. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC in the form and format required by the County of its consultant.
See attached NIER report provided by Site Safe on June 30, 2016.
- r. Certification that the proposed Antenna(s) will not cause interference with other telecommunication devices.
Below are general guidelines that carriers Mercury Towers caters to shall follow on all their sites.
1. The proposed wireless telecommunication facility will comply with all current Federal communications Commission's (FCC) guidelines and specifically OET Bulletin 65 for cumulative measurements of radio frequency power densities and electromagnetic fields.
 2. The proposed wireless telecommunication facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts.
 3. The proposed wireless telecommunication facility will not interfere with any public safety frequencies servicing the city and its residents. Specifically, said facility will not interfere with any municipal radio or wireless data communications equipment that is operating in the 800 Hz frequency band.
 4. Immediately upon notification by Natrona County or any other bona fide Public Safety entity of interference with any public safety radio or wireless data communication equipment, Any carrier shall cease operation at the above described site until such time as a fix or solution has been implemented so that operations can resume without interference.
 5. A typical cellular carrier network will operate at an average output not exceeding approx. 300W (urban)/1000W(rural) ERP for UMTS and 1640W/MHz EIRP(urban)/3280W/MHz EIRP(rural) for LTE, per FCC transmit power limits in the CMRS Bands.
- s. A copy of the FCC license applicable for the intended use of the Wireless Telecommunication Facility.
To be determined. Upon zoning approval and prior to construction the tower will be solicited to carriers to collocate on the tower. All carriers that locate on this tower will be licensed by the FCC. Each carrier goes through FCC-sanctioned auctions to purchase frequency bands to avoid any potential interference with other carriers. Operating outside of their FCC licenses could result in large fines which carriers always try to avoid.
- t. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site.



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A geotechnical report has not been completed to date. Upon zoning approval and at the time of filing for a building permit the geotechnical report can be supplied to Natrona County.

- u. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Admin Regulation Part 77.

See attached TOWAIR results stating tower does not need to be registered and will not be required to be lit.

- v. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of the existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of the written requests and responses for shared use shall be provided to the County in the application along with any letters of rejections stating the reason for rejection.

See previous narrative regarding limitations of using the existing Union Wireless tower. There are no other structures in the vicinity that could be utilized.

- w. The Applicant shall certify that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.

The structure will be designed in accordance with ANSI/TIA/EIA-222-G, 2005, for a 90mph 3-second gust wind load. This conforms to the requirements of the International Building Code, Natrona County and the State of Wyoming.

- x. The Applicant shall certify that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and the property and installed with appropriate surge protectors.

See Construction Drawings by TEP dated June 14, 2016 from grounding plan and specifications.

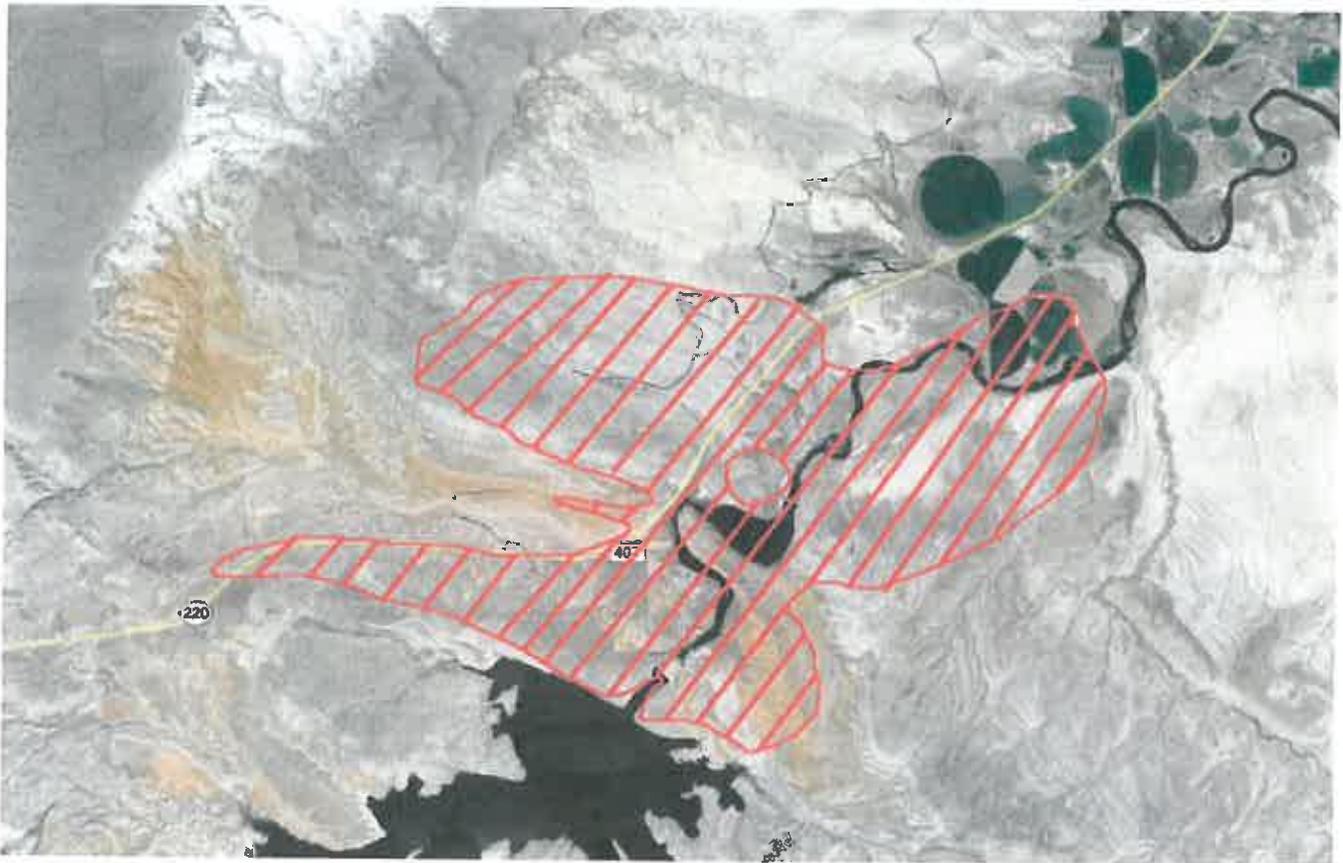
- y. An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and visual assessment will be reviewed at the pre-application meeting.

A Phase I and a NEPA environmental report was completed and can be supplied upon request. Photo simulations are also provided with this submittal. No additional scope was requested at the time of the pre-

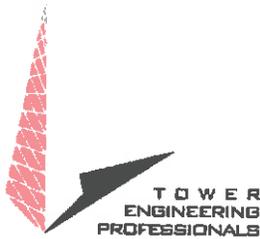


application meeting.

- z. The Applicant shall furnish a Visual Impact Assessment, which shall include:
- i. A “Zone of Visibility Map” which shall be provided in order to determine locations from which the Tower may be seen
See Map below of approximate locations where the tower will be visible from. Due to topography only the top portion of the tower will be visible in the majority of the locations. See Photo Sims for additional views.



- ii. Pictorial representations of “before and after” views from key viewpoints both inside and outside of the County as may be appropriate.
Before and After Photo Sims provided by three different views (West, South and to Northeast).
- iii. An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.



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The tower and compound base will only be visible from the northeast (along SR-220). The tower will be painted "Tower Tan" to help blend in the with hill side and the compound fence will be installed with tan slats to help screen the ground equipment and shelters.

(5.) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, resolutions, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

All electrical work will meet the latest NESC and NEC codes. All utilities within the facility will be located below ground however utility coordination will be completed with High Plains Power who serves this region. Currently the majority of their electrical lines are pole mounted throughout neighboring properties and businesses.

(6.) All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

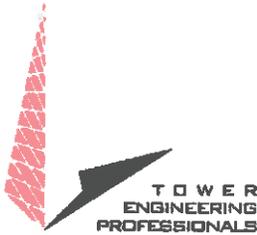
The proposed facility was sited to improve coverage along SR-220 in the Alcova Reservoir area. While the site will be visible from several angles the benefits of improved coverage and ability of several carriers to co-locate on this tower outweigh the visual effects. Refer to Photo Sims for proposed visual impacts.

(7.) Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the County.

The proposed tower and antenna will be painted "Tower Tan" and the chain link fence will have tan colored slats installed to help blend in with the natural surroundings and ridges.

(8.) At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

See Construction Drawings by TEP dated June 14, 2016 from access road plan and specifications. Approximately 1,800 ft of existing two-track road will be utilized prior to installing a new access road up to the proposed site. The proposed access drive follows natural contours to limit excessive grades and erosion. Minimal vegetation will be required to be cleared and a turnaround/parking space will be located outside of the compound to be utilized by technicians and emergency services.



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(9.) A person who holds a Conditional Use Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal, modify or restore the permitted Wireless Telecommunications Facilities in structure compliance with all current applicable technical, safety and safety related codes...

Mercury Towers will adhere to all applicable codes in relation to Telecommunication Towers. Refer to Construction Drawings by TEP dated June 14, 2016 for all required and applicable codes.

(10.) A holder of a Conditional Use Permit granted under this Resolution shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other government entity or agency having jurisdiction over the applicant.

Mercury Towers will obtain all required permits and licenses as required.

(11.) An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department.

Conditional Use Permit has been submitted. No other applications have been determined to be required at the time of the pre-application meeting in order to process this Conditional Use Permit.

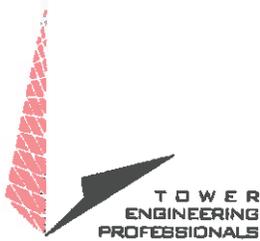
(12.) The Applicant shall examine the feasibility of designing a proposed Tower to accommodate future demand for additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicants, Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates and unnecessary and unreasonable burden, based upon:

- (a) The foreseeable number of FCC licenses available for the area;
- (b) The kind of Wireless Telecommunications Facilities site and structure proposed;
- (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites
- (d) Available space on existing and approved Towers

Mercury Towers specializes in development and construction of Wireless Telecommunications Towers throughout the Rocky Mountain Region for all broadband carriers such as AT&T, Verizon, T-Mobile, as well as excess capacity for smaller carriers, emergency services, etc. Current carriers regularly expanding service in Wyoming include AT&T and Verizon and this tower would certainly help their coverage objectives. T-Mobile has been expanding its coverage in states such as Montana over the past year and could expand to rural areas of Wyoming as well. See Letter from Mercury Towers detailing additional information regarding their

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willingness to allow for carriers to co-locate on their towers.

(13.) The owner of the proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

- (a) Respond within sixty (60) days to request for information from a potential shared-use applicant.
- (b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunication providers;
- (c) Allowed shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference and to allow a reasonable profit.

Mercury Towers' excellent relationships with numerous carriers and Site Lease Agreement templates already in place allow for quick execution of agreements and colocations.

(14.) The holder of a Conditional Use Permit shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

Mercury Towers will notify the County of any proposed modifications to the proposed telecommunications tower in the future.

(15.) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Admin Regulation Part 77.

See attached TOWAIR results stating tower does not need to be registered and will not be required to be lit.



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Additional Comments

Application Fee – Provided is a check made out from Tower Engineering Professionals, Inc for \$1,010.00 to cover the Communication Tower CUP fee of \$1,000.00 and the Zoning Certificate of \$10.00

Exemptions – No exemptions are being requested

Retention of Expert Assistance and Reimbursement by Applicant – Mercury Towers is willing to allow a 3rd party reviewer to review this submitted information and can provide a reimbursement check to the County for the cost of the consultant.

Performance Security – Upon approval of this CUP Mercury Towers can supply a bond or other form of security acceptable to the County to cover the removal of such tower per County requirements.

Reservation of Authority to Inspect Wireless Telecommunications Facilities – This section is acceptable and county is free to inspect the lease premises as needed.

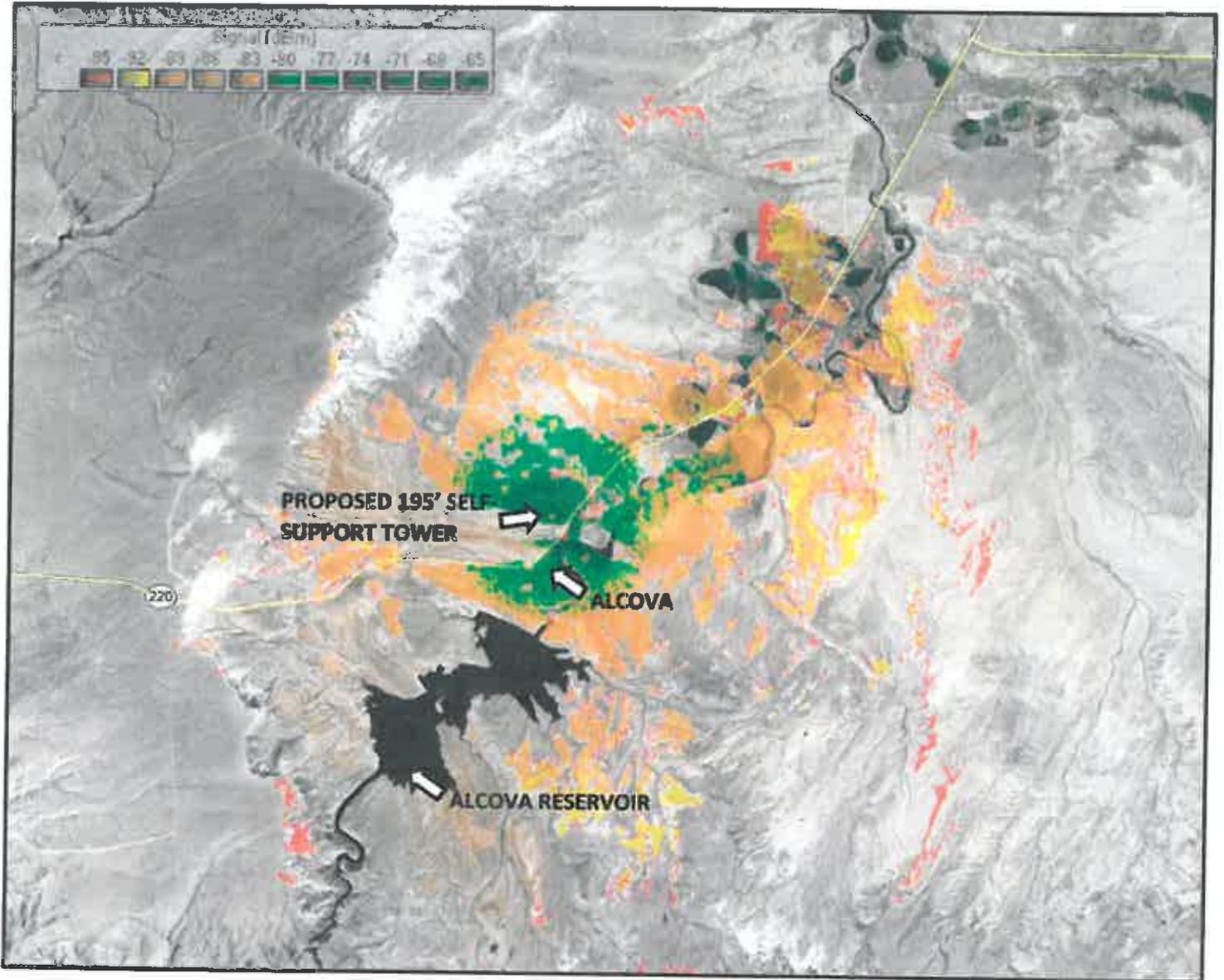
Annual NIER Certification – Annual NIER Certifications will be supplied as required by the County.

Liability Insurance – Upon approval of this CUP Mercury Towers can supply the required Certificates of Insurance per County requirements.

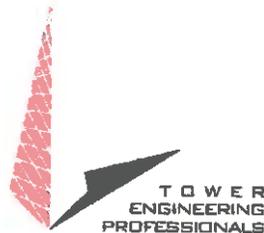
GRAY REEF – TELECOMMUNICATIONS TOWERS - MERCURY TOWERS LLC

RF PROPOGATION MAP – 1800 MHz

CANAL BANK ROAD, ALCOVA, WY 82620 (NATRONA COUNTY)



PREPARED FOR:

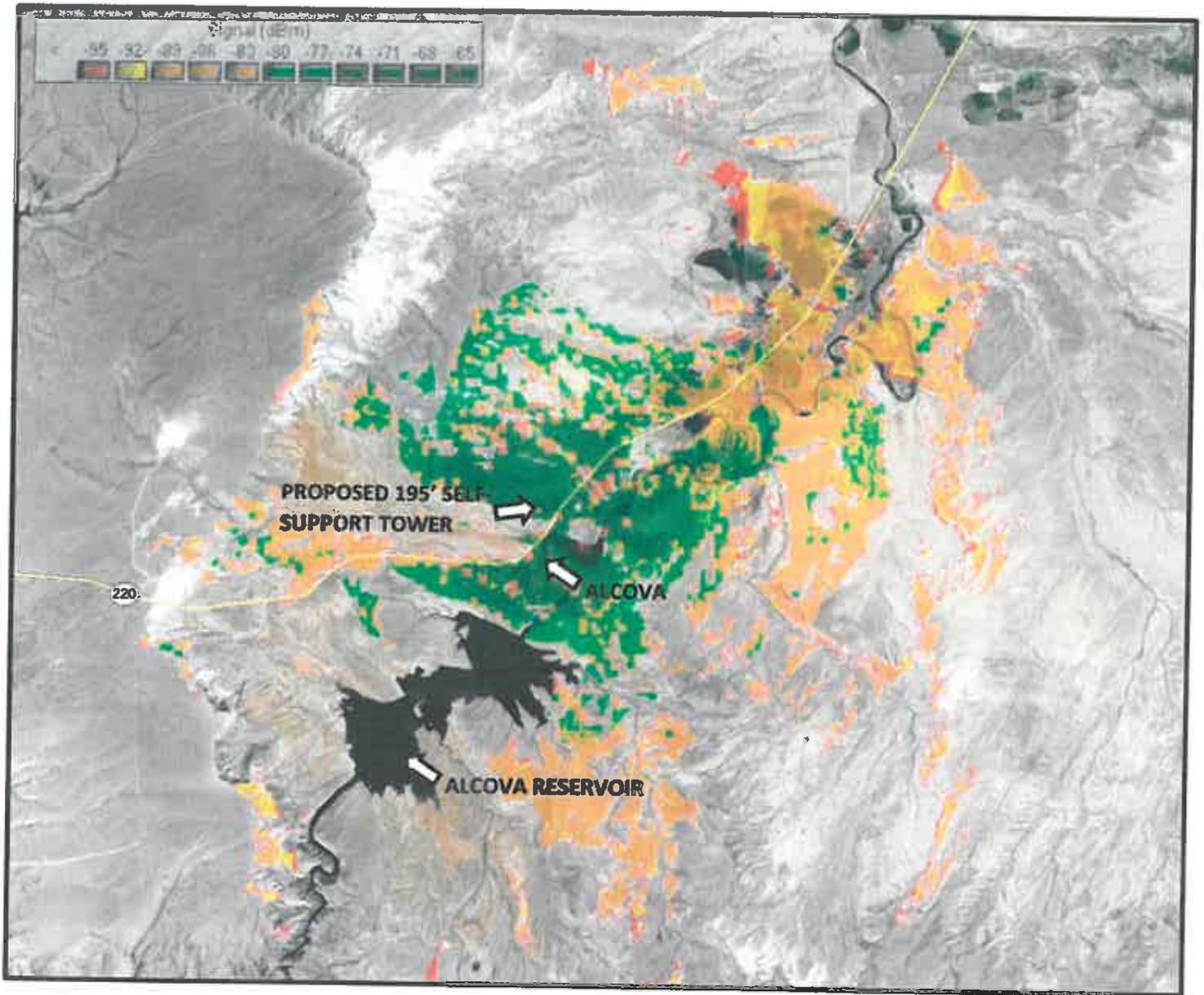


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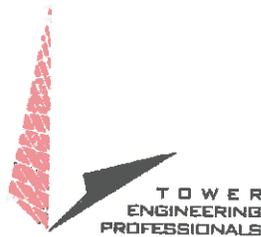
GRAY REEF – TELECOMMUNICATIONS TOWERS - MERCURY TOWERS LLC

RF PROPOGATION MAP – 800 MHz

CANAL BANK ROAD, ALCOVA, WY 82620 (NATRONA COUNTY)



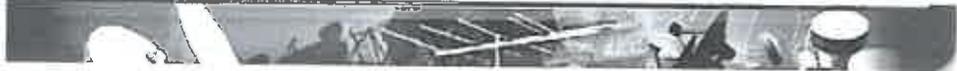
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7/22/16 - SW



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Antenna Structure Registration

[FCC](#) > [WTB](#) > [ASR](#) > [Online Systems](#) > TOWAIR

[FCC Site Map](#)

TOWAIR Determination Results

[? HELP](#)

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*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude 42-34-16.9 north
Longitude 106-43-10.7 west

Measurements (Meters)

Overall Structure Height (AGL) 60.7
Support Structure Height (AGL) 59.4
Site Elevation (AMSL) 1698

Structure Type

LTOWER - Lattice Tower

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

ASR Help

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ASR Online Systems

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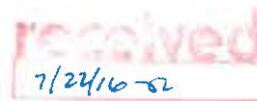
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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

FEB 17 2016

In Reply Refer To:
06E13000-2016-CPA-0130

Ryan A. Malek, Environmental Division Manager
Tower Engineering Professionals
326 Tryon Road
Raleigh, North Carolina 27603

Dear Mr. Malek:

Thank you for your letter of January 26, 2016, received in our office on January 29, regarding the proposed Mercury Towers Gray Reef Communications Tower (Project). This Project includes the construction of a 195-foot self-support communications tower located at N 42°34'16.98", W 106°43' 10.70" north of the Town of Alcova, Natrona County, Wyoming. We are writing in response to your inquiry related to species listed under Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), candidate species, species of special concern, or migratory birds. We have indicated our response below, which we believe best meets your request.

- You requested a list of endangered, threatened, proposed, and/or candidate species, and designated or proposed critical habitat that may occur in the area of your Project. In an effort to expedite information sharing, we created an Information, Planning, and Conservation System (IPAC), available on-line at <http://ccos.fws.gov/ipac/>. IPAC can be used to identify any potential federally listed species or critical habitat in your project area by using the "Initial Project Scoping" tool. For species identified by IPAC, you should review the recommendations and measures at http://www.fws.gov/wyominges/species_endangered.php.
- Based on information from your request, our understanding of the nature of the project, local conditions, and current information of federally listed species:
 - We have not identified any issues that give us concern relative to species or critical habitat listed under the ESA.
 - Contact the WGFD to identify measures to minimize impacts to greater sage-grouse (see <http://www.fws.gov/wyominges/Species/GRSG.php>).
 - The ESA does not require the U.S. Fish and Wildlife Service to concur with "no effect" determinations; however, we appreciate receiving the information used to support your conclusion.

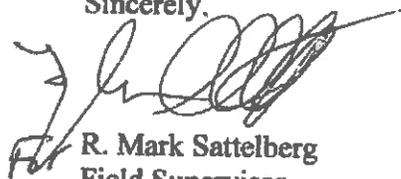
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- We concur with your “may affect, not likely to adversely affect” determination for federally listed species and designated critical habitat.
- Your Project should be re-analyzed if Project plans change, or if new information on the distribution of listed or proposed species or critical habitat becomes available, or if new information reveals effects to listed or proposed species or critical habitat not previously considered.
- Based on information from your request, we also recommend you:
 - Review your Project relative to responsibilities under the Migratory Bird Treaty Act (see http://www.fws.gov/mountain-prairie/es/wyoming/species_Migratory.php).
 - Review Avian Power Line Interaction Committee (APLIC) guidelines to avoid and minimize electrocutions and collisions (see <http://www.aplic.org>).
 - Review your Project relative to guidelines regarding placement of cell towers (see <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>).
 - Review your Project relative to responsibilities for wetland protection (see <http://www.fws.gov/wyominges/landscapeConservation.php>).
 - Take steps to conserve and protect Species of Greatest Conservation Need (see http://www.fws.gov/mountain-prairie/es/wyoming/species_concern.php).

Bald eagle (*Haliaeetus leucocephalus*)

We know of no populations of candidate species in proximity to your Project. We appreciate your efforts to conserve endangered, threatened, and candidate species and migratory birds. If you have any questions regarding this letter or your responsibilities under the ESA or other authorities, please contact Erin Madson of my office at the letterhead address or phone (307) 772-2374, extension 222.

Sincerely,



R. Mark Sattelberg
Field Supervisor
Wyoming Field Office

- cc: WGFD, Statewide Nongame Bird and Mammal Program Supervisor, Lander, WY
(Z. Walker) (zack.walker@wyo.gov)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)
(mary.flanderka@wyo.gov)
WGFD, Habitat Protection Secretary, Cheyenne, WY (N. Stange)
(nancy.stange@wyo.gov)

received
7/22/16 - R

EXISTING VIEW FROM LOCATION 1



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 1
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

received
7/22/16 - a

PROPOSED VIEW FROM LOCATION 1



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 1
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.

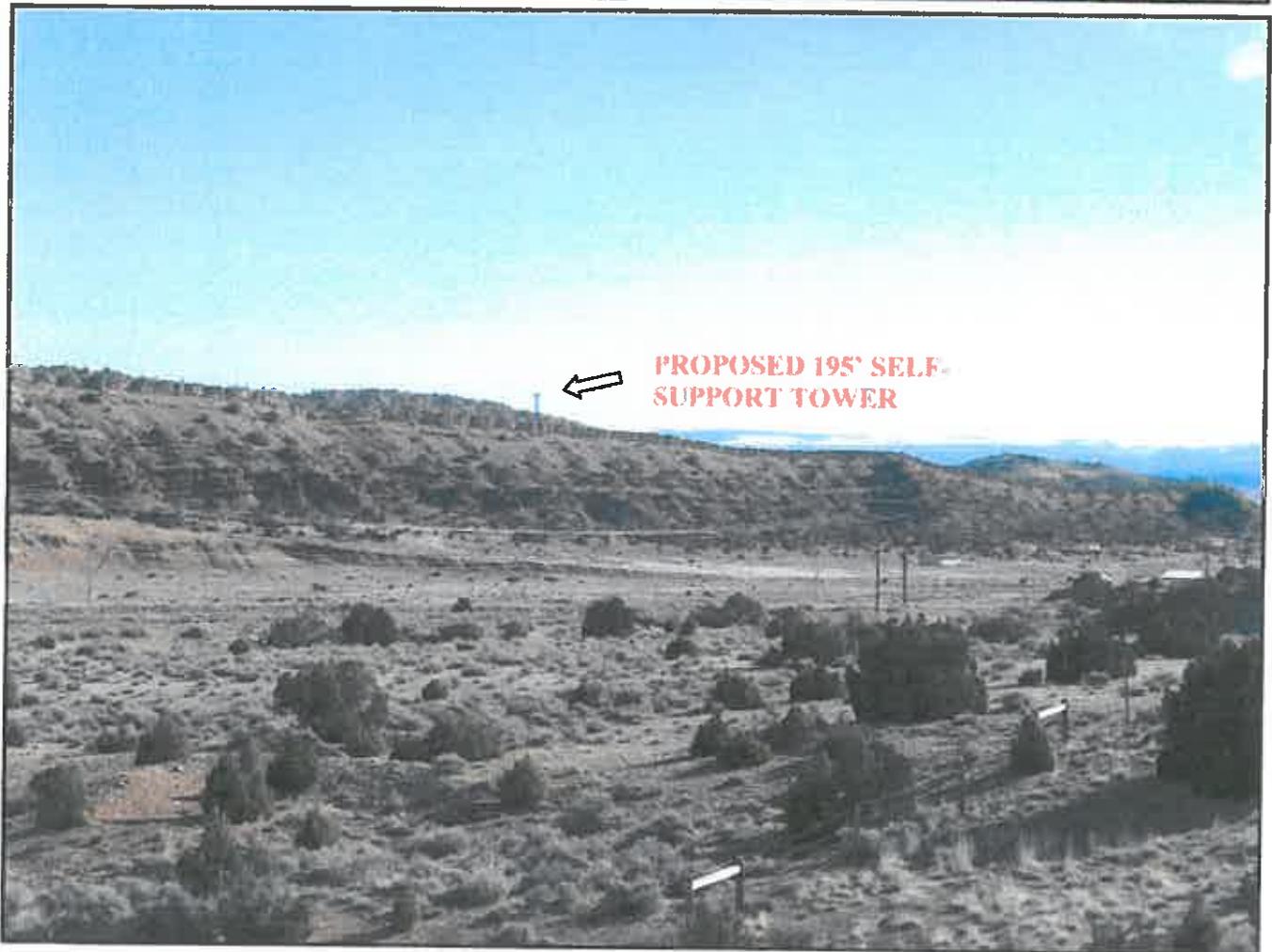


PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

received
7/22/16-52

EXISTING VIEW FROM LOCATION 2



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 2
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

received
7/22/16 - R

PROPOSED VIEW FROM LOCATION 2



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 2
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.

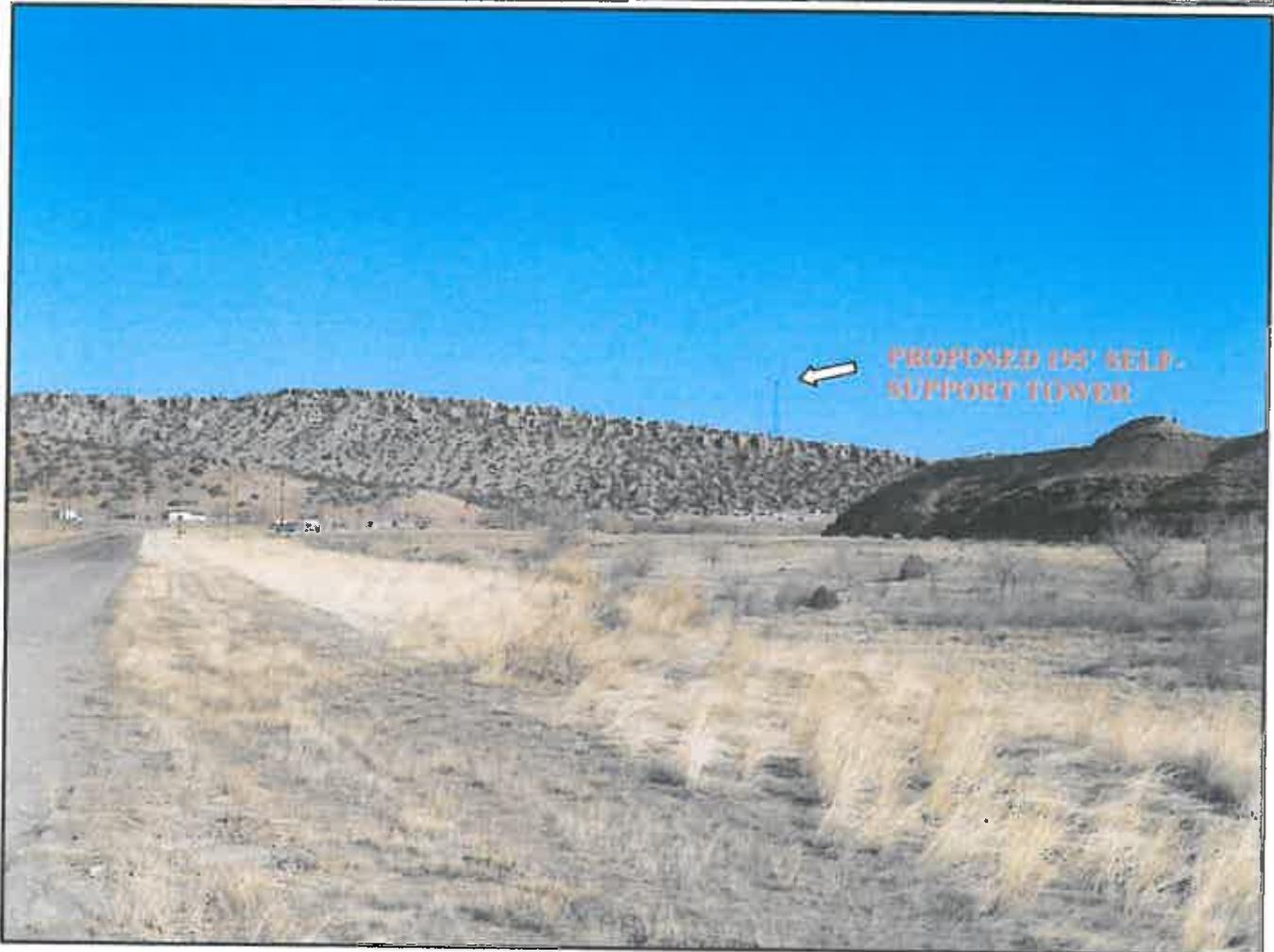


PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

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7/22/10 - c

EXISTING VIEW FROM LOCATION 3



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 3
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

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PROPOSED VIEW FROM LOCATION 3



MERCURY TOWERS

SITE NAME:

GRAY REEF

SITE ADDRESS:

CANAL BANK ROAD
ALCOVA, WY 82620
(NATRONA COUNTY)

VIEW FROM:

LOCATION 3
(SEE MAP TO THE RIGHT)

PROPOSED 195' SELF-SUPPORT LATTICE TOWER BY
MERCURY TOWERS.



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.

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7/22/16 - 02

CONDITIONAL USE PERMIT REQUEST
FOR A
TELECOMMUNICATIONS SITE

CUP16-4

Staff Report: Trish Chavis
August 31, 2016

For

September 13, 2016
Planning and Zoning Commission

And

October 4, 2016
Board of County Commissioner Meeting

Applicant: Mercury Towers, LLC

Request: Construct a 195' self-supporting lattice tower within an 80' x 80' lease area.

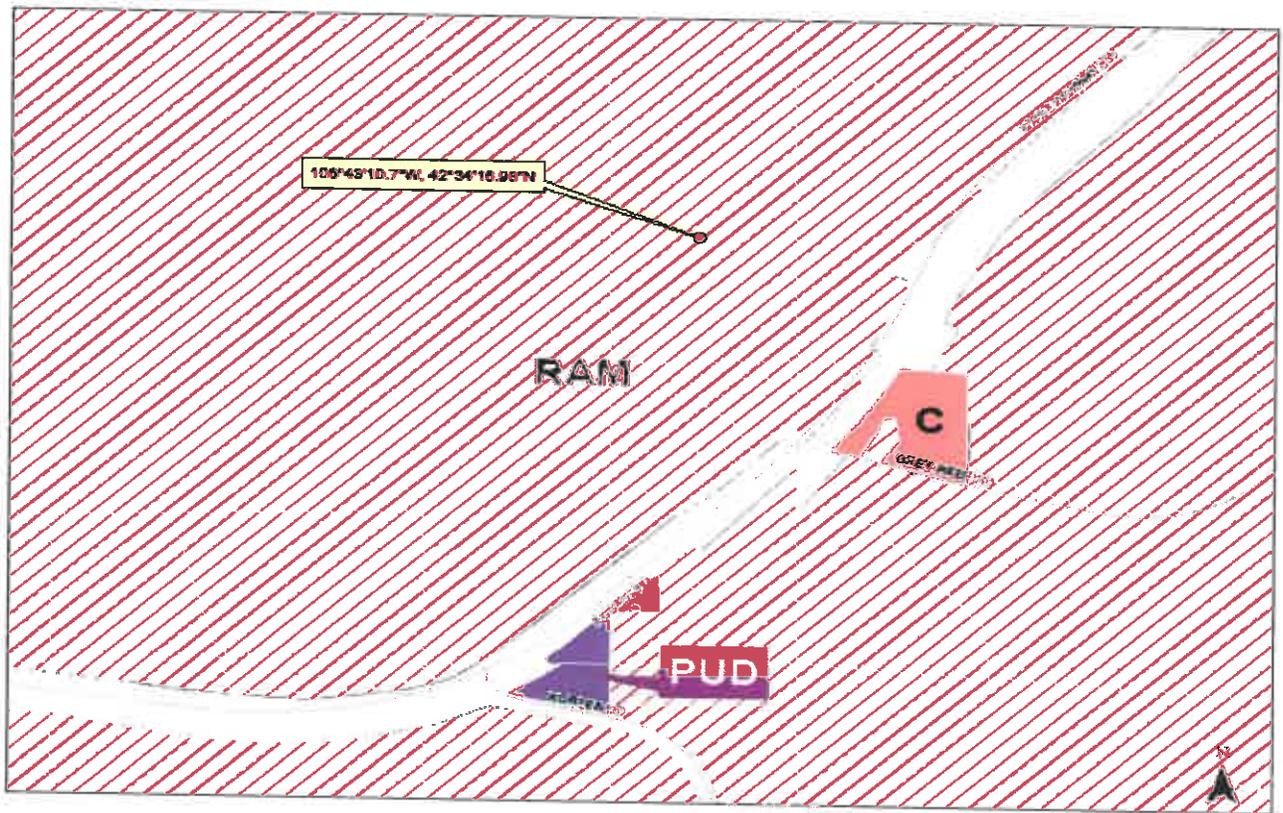
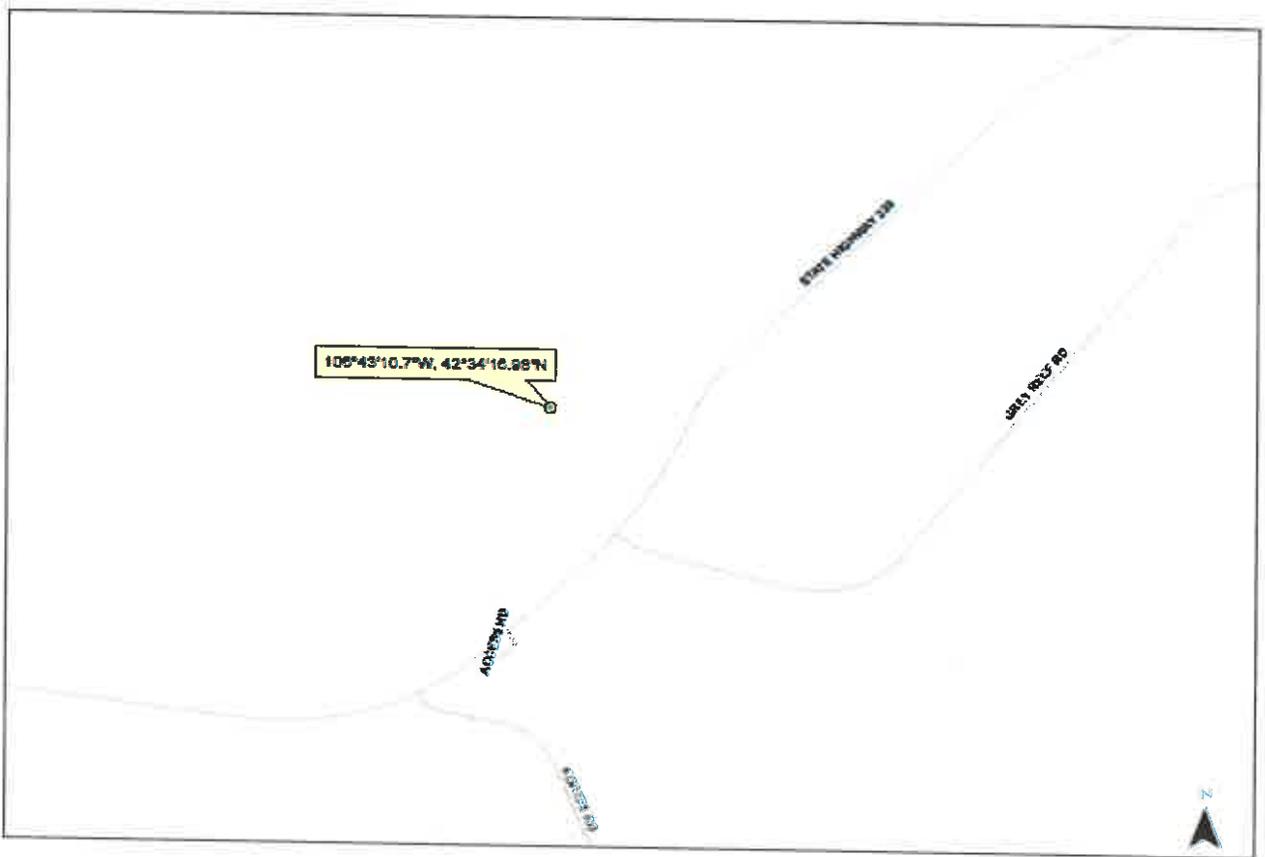
Background

Mercury Towers, LLC is a full service tower development company that specializes in the development and construction of communication tower sites. Mercury Tower designs and constructs its towers for a minimum of 4 full broadband carriers, as well as excess capacity for smaller carriers, emergency services, etc. *See application letter from Mercury Tower President Aaron Gunn*

Location and Zoning

The 80' x 80' leased area is located in a portion of the E ½ NE ¼ of Section 13, Township 30 North, Range 83 West.

The zoning for this parcel and all adjacent parcels is Ranching, Agriculture, and Mining (RAM).



General Standards

For

Conditional Use Permits

Conditional Use Permit to allow construction of a 195' Telecommunication Tower

Criteria for Approval *Applicant answers are italic*

1. Will granting the conditional use permit contribute to an overburdening of county services?

No, the facility will be unmanned and will not require any county services. All utilities required will be ordered and paid for by Mercury Towers and any future carrier.

Finding of Fact: Granting the Conditional Use Permit will not contribute to an overburdening of county services. County services and infrastructure will not be necessary for this permit.

2. Will granting the conditional use permit cause undue traffic, parking, population density or environmental problems?

No, the facility will be unmanned and will be only visited on a monthly basis by site technicians.

Finding of Fact: The facility is unmanned and will not cause undue traffic or parking. Routine maintenance for the tower and antennas will be limited. There will be no affects to population density. Mercury Towers will supply the environmental report when building permits are applied for.

3. Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?

No, proposed site will not impair the use of adjacent properties or alter the character or the neighborhood. The majority of the adjacent properties are vacant and the neighborhood and properties to the south in Alcova will be shielded from the majority of the tower.

Finding of Fact: The surrounding properties are zoned RAM with uses being ranching and agriculture.

4. Will granting the conditional use permit detrimentally affect the public health, safety and welfare, or nullify the intent of the Development Plan or Zoning Resolution?

No, proposed site will be constructed to meet all required FCC guidelines. See supplied NIER study for additional information.

Finding of Fact: The telecommunications facility covered by the requested Conditional Use Permit will not affect the public health, safety or welfare. The proposed tower will be constructed in accordance with all applicable building, electrical and plumbing codes. With an approved CUP, the tower will be in compliance with the Zoning Resolution and Development Plan. This site will provide wireless coverage to residents and travelers as well as provides for valuable E911 services.

Key Communication Tower Regulations

Artificially Lighted: There is no requirement for lighting until the tower reaches 200 feet. The proposed tower is 195 feet.

Setbacks: Setbacks from roads and structures in 110% of the tower height. The proposed tower is 195 feet making setbacks a minimum of 214.50 feet. This requirement has been met; the setback to the closest property line is approximately 400 feet.

Documentation demonstrating the need for Telecommunication Tower: Applicant has supplied the propagation maps.

Site Priority – Applicant has provided sufficient evidence to support the tower location. This location is number 7 on the priority list.

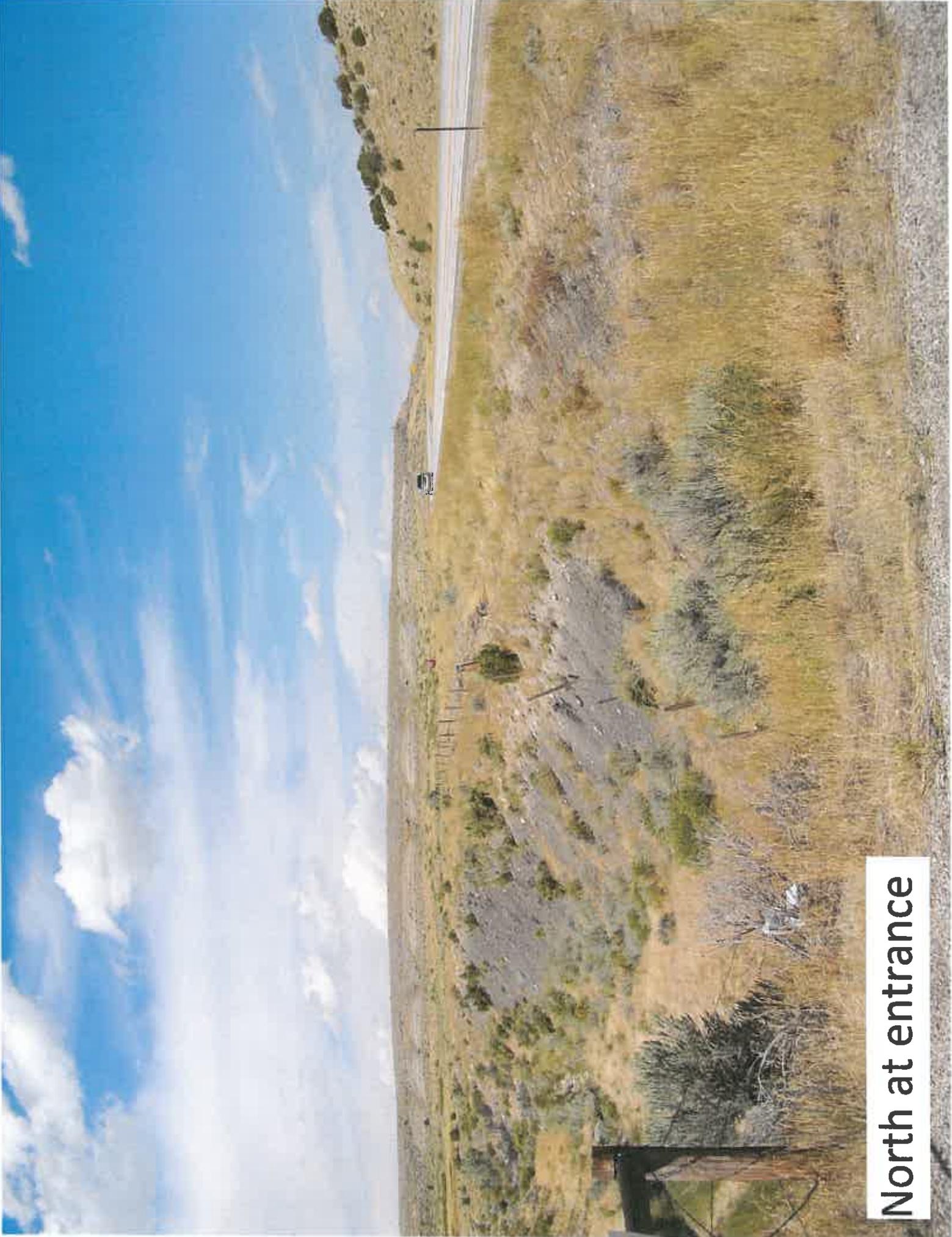
Public Comment

As of the date of this staff report there have been no comments received. Staff sent the public notice to 245 neighbors within 5 miles.

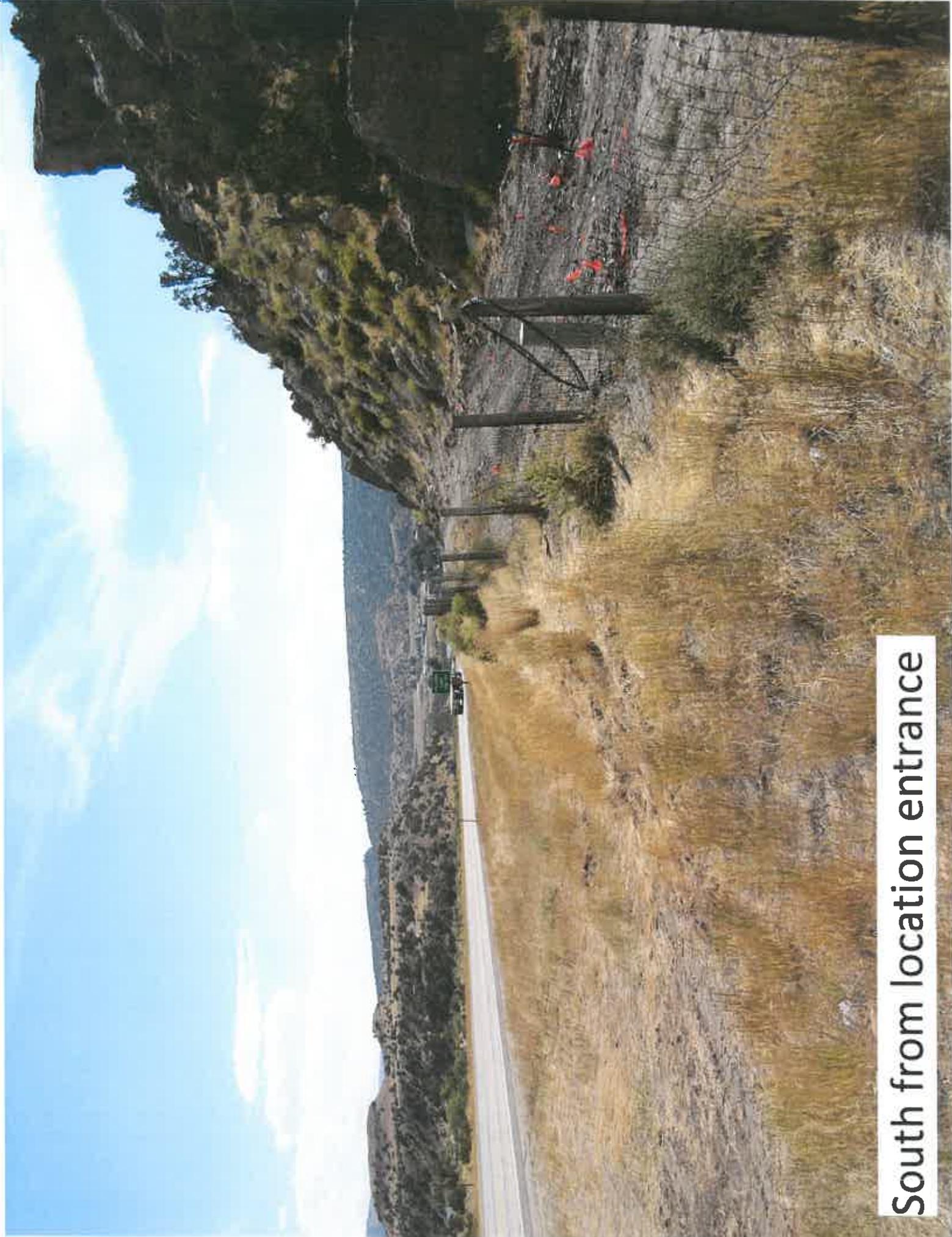
Staff did speak with a resident in the area who welcomed the idea of additional cell service.

Recommendation

Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit, by the Board of County Commissioners and incorporate by reference all findings of fact set forth herein and make them a part thereof.



North at entrance



South from location entrance



Looking West from Hwy 220 at entrance to tower location

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ZONE CHANGE APPLICATION

(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming; as provided in Section 18-5-201 to 18-5-207, inclusive, of the Wyoming State Statutes, 1977, as amended, and as provided in the 2000 Natrona County Zoning Resolution, to rezone the following described real property:

FROM: RAM

TO: URBAN AG

Applicant:

Owner:

1. Name SEPARATE, LLC

Name SEPARATE, LLC

2. Address 4940 Dexter Casper, WY 82609 Address 4940 Dexter Casper, WY 82609

3. Phone 307-262-9996

Phone 307-262-9996

4. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range). N1/2NW1/4, Section 24,

Township 30 North, Range 83 West of the 6th Principal Meridian, Natrona County, Wyoming

5. Common description of the property to be rezoned (street address and location description):

48 Acres along Highway 220

6. Type of sewage disposal: Public ___ Septic X Holding Tank ___ Other ___

7. Source of Water: Water well

8. This property was purchased from: Rex O. Hoff

9. The date this property was purchased: 04/17/2014

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Rev. 9/30/2008

received
7/22/16 - R

Applicant: SEPARATE, LLC Date: _____
(Signature)

Print Applicant Name: Cynthia Schlicht

Owner: SEPARATE, LLC Date: _____
(Signature)

Print Owner Name: CYNTHIA S. SCHLICHT

July 22, 2016

Planning and Zoning Commission
Natrona County Development Department
200 North Center Street, Room 202
Casper, WY 82601

RE: Zoning change for 48.47 acres

Dear Commissioners,

We are applying for a zoning change for property owned by Separate, LLC, adjacent to the Town of Alcova. The parcel contains 48.47 acres. Currently, the lands are zoned RAM and we are applying for a change to URBAN AG. The Alcova area has been recently growing in use and diversity. To better utilize the property and maximize the beneficial use, it needs to be rezoned. The major factors supporting a zoning change are: topographical characteristics, an increase in the Alcova area use and a current understanding of this particular parcel and the community opportunities that were not anticipated when the Natrona County Development Plan was approved.

First of all, the 48.47 acres in question have topographical elements that do not allow it to be used as a whole. These include ridges, a major transmission line with a 75 foot easement and drainage ravines that dissect the property. Fortunately, the parcel benefits from having four highway access points. These access points allow the property to be used but only by highway use. Meetings with the Wyoming Department of Transportation have determined that we would reduce it to three access points to meet their requirements if the property is rezoned and developed.

Secondly, there has been large increase of public use in the Alcova area. The recent adoption of the Alcova - Grey Reef - Pathfinder Master Plan shows the need for more public facilities. There has also been an increase of fisherman lodging and commercial use, recreational living and personal residences/rentals. This is evidenced by the increase in fishing guides, the low vacancy rate at The Inn at Alcova, Grey Reef Fly Shop cabins and North Platte Lodge. We believe a properly zoned acreage will encourage more attractive development and will satisfy the community needs of the Alcova area.

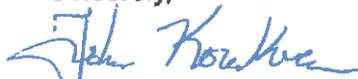
Finally, the adoption of the Natrona County Development Plan was an overall plan which couldn't anticipate every need or the best use of every parcel in its jurisdiction. The community has evolved into a destination site for fisherman. Our fishing paradise has been nationally recognized which accents the need for a rezoning of this property.

In summary, the rezoning of this 48.47 acres to URBAN AG maximizes the beneficial use for the owner, community and the Natrona County tax base. In your consideration of the natural

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characteristics of the property, the needs of the Alcova area and its increased recreational use, we ask that you approve this zone change and look forward to working with you to build a better Natrona County.

Sincerely,



John

John Kornkven
Associate Broker
CENTURY 21 Rocky Mountain
101 East 2nd Street
Casper, WY 82601
Office: 307-472-9990
Cell: 307-267-8108

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7/22/16 -02

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land being portions of the N¹/₂NW¹/₄ of Section 24, T 30N., R.83W., 6th P.M., Natrona County, Wyoming, being shown on the attached Exhibit "B" and more particularly described by metes and bounds as follows:

Commencing at a found GLO brass cap marking the N¹/₂ 16 corner common to said Section 24 and Section 23, being the Point of Beginning of this legal description and the southwest corner of the parcel of land being described herein;

Thence N.00°38'24"W, along the west line of this parcel of land and the west line of said Section 24, 976.16 feet to the northwest corner of this parcel of land, said point being located on the south right-of-way line of Wyoming State Highway 220;

Thence S 82°42'52"E., along the north line of this parcel of land and along said south right-of-way line, 646.62 feet to a found Wyoming Highway Department right-of-way monument at an angle point in this legal description;

Thence S.06°59'39"W., continuing along the north line of this parcel of land and along said south right-of-way line, 25.06 feet to a found Wyoming Highway Department right-of-way monument at an angle point in this legal description;

Thence S.82°43'35"E., continuing along the north line of this parcel of land and along said south right-of-way line, 713.01 feet to a found Wyoming Highway Department right-of-way monument at a point of curvature;

Thence 1294.64 feet, continuing along said common line and along the arc of a true curve to the left having a radius of 3014.63 feet, through a central angle of 24°36'21", said curve having a chord bearing and distance of N.84°57'34"E. and 1284.72 feet to a found aluminum cap at the northeast corner of this parcel of land;

Thence S.00°26'33"E, along the east line of this parcel of land and the north-south centerline of said Section 24, 833.00 feet to a found GLO brass cap marking the C-N 1 16 corner of said Section 24, being the southeast corner of this parcel of land;

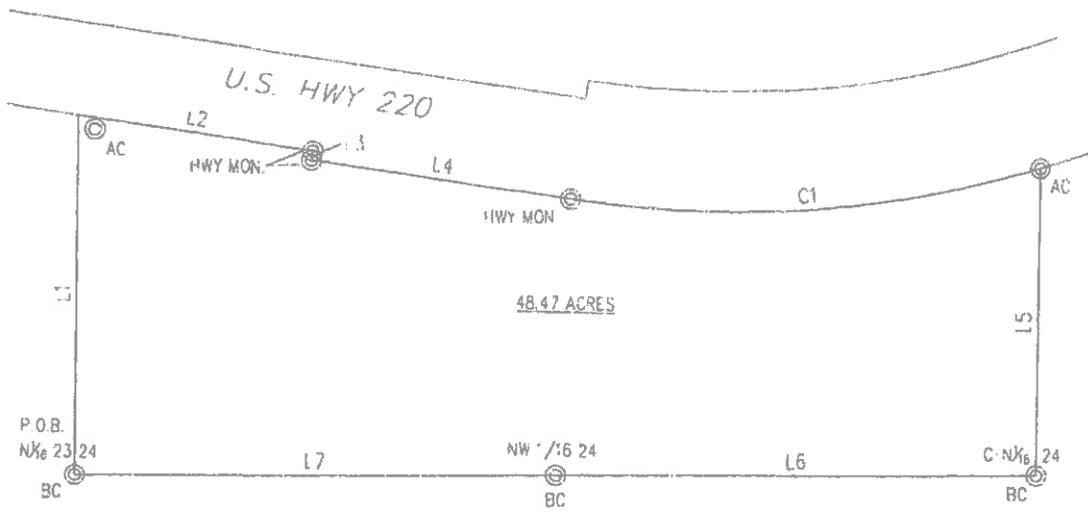
Thence S.88°40'18"W, along the south line of this parcel of land and the east-west centerline of the NW¹/₄ of said Section 24, 1310.80 feet to a found GLO brass cap at the NW 1 16 corner of said Section 24;

Thence S.88°45'20"W, continuing along the south line of this parcel of land and the east-west centerline of the NW¹/₄ of said Section 24, 1310.77 feet to the Point of Beginning.

The above described parcel of land contains 48.47 acres of land and is subject to any and all rights of way and/or easements, reservations and encumbrances which have been legally acquired.

I, James F Jones, a Registered Wyoming Professional Land Surveyor, do hereby certify that this legal description was prepared from notes taken during an actual survey made under my direction during the month of May, 2014, and that on the basis of my information, knowledge and belief that this description is true and correct.





Parcel Line Table

Line #	Length	Direction
L1	976.16'	N0°38'24"W
L2	646.62'	S82°42'52"E
L3	25.06'	S6°59'39"W
L4	713.01'	S82°43'35"E
L5	833.00'	S0°26'33"E
L6	1310.80'	S88°40'18"W
L7	1310.77'	S88°45'20"W



Curve Table

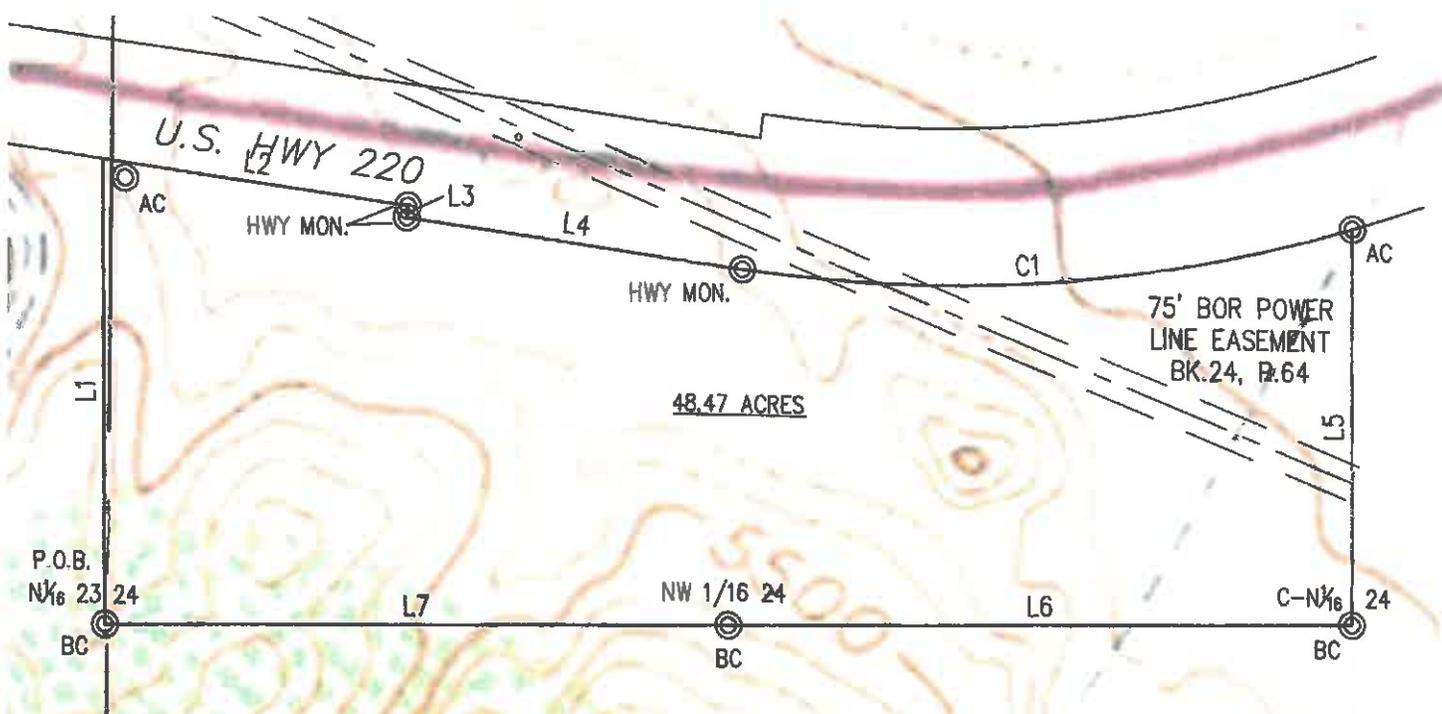
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	1294.64'	3014.63'	24°36'21"	N84°57'34"E	1284.72'

James F. Jones, a Registered Wyoming Professional Land Surveyor, License No. 5529, do hereby certify that this map was made from notes taken during an actual survey made under my direct supervision in May, 2014, and this map, to the best of my knowledge and belief, correctly and accurately represents said record data



Exhibit "B"
BOUNDARY SURVEY
 48.47 Acre Tract
 N1/2NW 1/4 Sec. 24, T. 30N., R. 83W
 Natrona County
 August 25, 2014 W.O. 14-181





Parcel Line Table

Line #	Length	Direction
L1	976.16'	N0°38'24"W
L2	646.62'	S82°42'52"E
L3	25.06'	S6°59'39"W
L4	713.01'	S82°43'35"E
L5	833.00'	S0°26'33"E
L6	1310.80'	S88°40'18"W
L7	1310.77'	S88°45'20"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	1294.64'	3014.63'	24°36'21"	N84° 57' 34"E	1284.72'

I, James F. Jones, a Registered Wyoming Professional Land Surveyor, License No. 5529, do hereby certify that this map was made from notes taken during an actual survey made under my direct supervision in May, 2014, and this map, to the best of my knowledge and belief, correctly and accurately represents said record data.



REQUEST FOR A ZONE MAP AMENDMENT

ZC16-3

STAFF REPORT: Trish Chavis
August 31, 2016

For

September 13, 2016
Planning and Zoning Commission

And

October 4, 2016
Board of County Commissioner Meeting

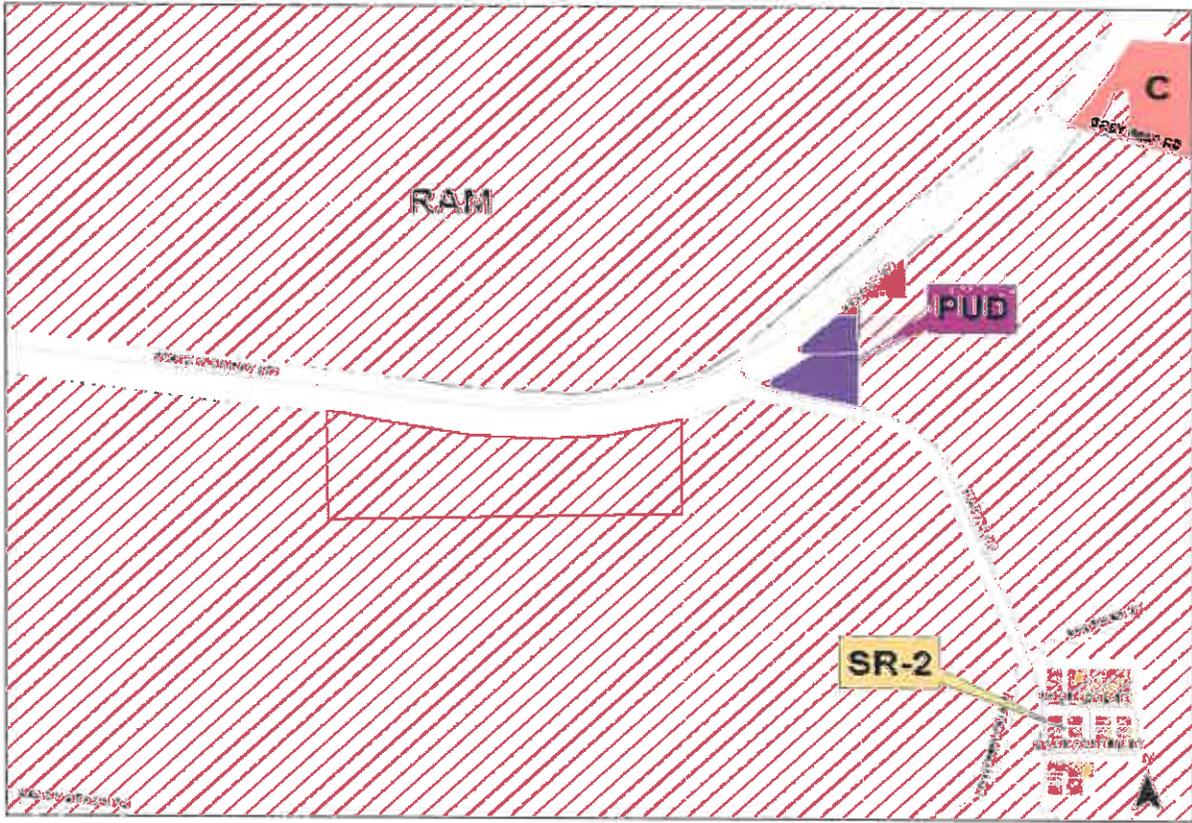
Applicant: Separate, LLC

Request: To change the zoning district classification for approximately 48.47 acres, from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA).

Location and Zoning

The property is located in a portion of the N ½ NW ¼ of Section 24, Township 30 North, Range 83 West of the 6th Principle Meridian, Natrona County, Wyoming. The 48.47 acre parcel is located roughly ½ mile west of Sloan's General Store on the south side of State Highway 220.

The applicants parcel and adjacent parcels are zoned Ranching, Agricultural, and Mining (RAM).



General Standards
For
Zone Map Amendments

Definition: An applicant must demonstrate that at least one of the following criteria is met for the approval to be consistent with the Zoning Resolution:

- 1) Is necessary to come into compliance with the Natrona County Development Plan.
- 2) Existing zoning of the land was the result of a clerical error.
- 3) Existing zoning of the land was based on a mistake of fact.
- 4) Existing zoning of the land failed to take into account the constrains on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
- 5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.
- 6) Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.

The applicant is seeking the Zone Map Amendment under Criteria #4, 5, and 6. The applicant provided the following statement:

We are applying for a zoning change for property owned by Separate, LLC, adjacent to the Town of Alcova. The parcel contains 48.47 acres. Currently, the lands are zoned RAM and we are applying for a change to Urban Ag. The Alcova area has been recently growing in use and diversity. To better utilize the property and maximize the beneficial use, it needs to be rezoned. The major factors supporting a zoning change are: topographical characteristics, an increase in the Alcova area use and a current understanding of this particular parcel and the community opportunities that were not anticipated when the Natrona County Development Plan was approved.

First of all, the 48.47 acres in questions have topographical elements that do not allow it to be used as a whole. These include ridges, a major transmission line with a 75 foot easement and drainage ravines that dissect the property. Fortunately, the parcel benefits from having four highway access points. These access points allow the property to be used but only by highway use. Meetings with the Wyoming Department of Transportation have been determined that would reduce it to three access points to meet their requirements if the property is rezoned and developed.

Secondly, there has been large increase of public use in the Alcova area. The recent adoption of the Alcova – Grey Reef – Pathfinder Master Plan shows the need for more public facilities. There has also been an increase of fisherman lodging and commercial use, recreational living and personal residence/rentals. This is evidenced by the increase in fishing guides, the low vacancy rate at The Inn at Alcova, Grey Reef Fly Shop cabins and North Plate Lodge. We believe a properly zoned acreage will encourage more attractive development and will satisfy the community needs of the Alcova area.

Finally, the adoption of the Natrona County Development Plan was an overall plan which couldn't anticipate every need or best use of every parcel in its jurisdiction. The community has evolved into a destination site for fisherman. Our fishing paradise has been nationally recognized which accents the need for a rezoning of this property.

In summary, the rezoning of this 48.47 acres to Urban Ag maximizes the beneficial use for the owner, community and the Natrona County tax base. In your consideration of the natural characteristics of the property, the needs of the Alcova area and its increased recreational use, we ask that you approve this zone change and look forward to working with you to build a better Natrona County.

Finding of fact: The applicant's property is within Area J – Alcova/Pathfinder, Rural Planning Area of the 2016 Development Plan. The Development Plan recommends that this rural area remain Ranching, Agriculture and Mining (RAM) with limited Commercial.

Staff recommends denial based upon the following:

The proposed zone change is not supported by the Development Plan.

During the public meetings that were held while writing the Development Plan there were no comments from the public in regards to the environs changing or providing land for a community need that had not been anticipated. The Development Department has not seen substantial growth in this rural area to justify a rezoning due to events not anticipated at the time of adoption of the Development Plan.

The RAM zoning districts intent and purpose includes commercial resource activities such as forest and wildlife management, ranch recreation, hunting camps and other rural activities. The UA district is to provide for and protect properties of ten (10) acre lots or larger in the urbanized area which are used for agriculture and residential purposes.

If the purpose it to provide for rural activities, the RAM zoning district is appropriate for ranch recreation, hunting camps and lodging, campgrounds and other rural activities.

The existing zoning of the land takes into consideration the constraints on development and topographical conditions that exist on this property. There is limited developable area on this parcel currently, it would be counterproductive to zone this property for any smaller of a lot size.

Discussion of the Alcova – Grey Reef – Pathfinder Master Plan

The purpose of this plan was to provide an updated comprehensive planning and management document that responds to current and future water based recreation trends which manages and protects the reservoir resources in an environmentally sustainable way and is acceptable to Reclamation for use under the existing MOU with Natrona County.

The Alcova – Grey Reef – Pathfinder Master Plan is for Bureau of Reclamation land that is managed by Natrona County. The plan consists of recommendation for existing campsites, hook-up RV sites and improvement of boat ramps, boat trailer parking, picnic shelters, etc. The plan does not address residential dwelling units outside of the Bureau of Reclamation/Natrona County lands.

Additional Information

Conversation with the applicant indicated they do not have specific plans for property, but UA zoning would provide for further division of the property for resale.

Conversations with Mark Williams, PE, District Traffic Engineer, Wyoming Department of Transportation indicate this is an area of concern and without details of development any formal direction on highway access is limited. A frontage road system and traffic studies may be required before access could be determined. See attached email, residential development may allow some access points pending on separation.

Key Issue

Should Natrona County approve a zone change that is not supported by the 2016 Development Plan that was adopted July 5, 2016?

Public Comment

As of the date of this staff report, no written comments have been received. The Development Department has received two calls in opposition.

In general, their concerns were in regard to change in character of the neighborhood, and safety on highway. The Development Department notified 243 property owners within 5 miles.

Recommendation

Staff proposes a motion and vote by the Planning Commission to recommend denial by the Board of County Commissioners of the proposed zone change from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA) zoning district.

Staff also recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.

CHAPTER VI
ZONING DISTRICTS

Section 1. Ranching, Agricultural and Mining (RAM)

a. The intent and purpose of the Ranching, Agricultural and Mining District is to provide for and protect areas traditionally used for commercial ranching, agriculture and mining. This also includes other commercial resource activities including oil and gas production, forest and wildlife management, ranch recreation, hunting camps and other rural activities.

For each Permitted or Conditional Use, check the definitions, Appendix A, and Design Criteria, Chapter VII, to determine requirements for that specific use.

- b. The following are Permitted Uses in this district:
- (1) Accessory buildings and uses.
 - (2) Agriculture, commercial ranching and agriculture and associated accessory uses.
 - (3) Arena, commercial or recreational.
 - (4) Auto repair station.
 - (5) Auto service station.
 - (6) Auto wrecker service.
 - (7) Bed and breakfast.
 - (8) Campground.
 - (9) Cemetery.
 - (10) Club or lodge.
 - (11) Dwellings: any combination of single-family dwellings, mobile homes, manufactured homes, seasonal dwellings or bunk houses under single ownership, incidental and customary to the primary use.
 - (12) Family Child Care Home, Family Child Care Center and Child Care Center.
 - (13) Forest and wildlife management.
 - (14) Guest or dude ranch; hunting facility.
 - (15) Home business.
 - (16) Meat Processing.
 - (17) Mining, oil and gas exploration, production and associated and accessory uses.
 - (18) Park, playground, golf course and other similar open space recreation facilities.
 - (19) Place of worship.
 - (20) Small wind energy systems (SWES)
 - (21) Temporary dwelling, man camps, requiring no hook-up to water or sewer, and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.

(22) Utilization of mobile and/or manufactured homes for storage purposes, incidental to the principal structure(s) on the property. (see Chapter VII, Section 8f).

(23) Communication Towers less than or equal to forty-five (45) feet in height and Communication Tower and Antenna combinations less than or equal to seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communication enthusiasts and are located not less than one (1) mile from any other zoning district (see Chapter VII, Section 15- Communication Towers and Wireless Telecommunication Facilities)

(24) Other similar and compatible uses, as determined by the Board.

(25) Airports and Heliports

c. In addition to the above permitted uses, the following uses may be approved by Conditional Use Permit:

(1) Auto reduction/recycling center.

(2) Collector Car Storage

(3) Communication Towers and Wireless Telecommunication Facilities of any height which are owned and operated by commercial users providing services to the public and are located not less than one (1) mile from any other zoning district; Communication Towers greater than forty-five (45) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts and are located not less than one (1) mile from any other zoning district; and any Communication Tower and Antenna combinations greater than seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts and are located not less than one (1) mile from any other zoning district. (See Chapter VII, Section 15—Communication Towers and Wireless Telecommunication Facilities)

(4) Confinement livestock facility.

(5) Correctional facility (See Chapter VII – Design Criteria and Procedures)

(6) Hot mix batch plant, temporary.

(7) Manufacturing and storage of explosives.

(8) Mining; aggregate extraction (See Chapter VII, Design Criteria and Procedures).

(9) Mobile home park.

(10) Public facility.

(11) Recreational facility, public or private.

(12) Rendering plant.

(13) Salvage yard.

(14) Sanitary landfill, sewage treatment facility.

(15) School; elementary, junior and senior high, college, university, vocational trade, professional or business.

(16) Temporary dwelling, dependent on outside water and sewer, and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.

(17) Utility installation.

(18) Wind generator(s), commercial, producing electricity for sale.

(19) Commercial recreation

(20) Other similar and compatible uses, as determined by the Board.

RAM District Minimums

- d. Minimum district size is 40 acres or the legally described 1/16 Section.
- e. Minimum lot size is 35 acres.
- f. Minimum setbacks for principle and accessory buildings are as follows:
 - (1) 25 feet adjacent to public roads.
 - (2) 10 feet from all property lines not abutting a road.
- g. No maximum height.
- h. No minimum open space.

Section 2. Urban Agricultural (UA)

a. The intent and purpose of the Urban Agricultural District is to provide for and protect properties of ten (10) acre lots or larger in the urbanized area which are used for agriculture and residential purposes.

For each Permitted or Conditional Use, check the definitions, Appendix A, and Design Criteria, Chapter VII, to determine requirements for that specific use.

b. The following are permitted uses in this district:

- (1) Accessory buildings and uses.
- (2) Agriculture, commercial ranching and agriculture and associated accessory uses.
- (3) Animal clinic, animal shelter/kennel.
- (4) Arena, commercial
- (5) Arena, recreational.
- (6) Bed and breakfast.
- (7) Cemetery.
- (8) Club or lodge.
- (9) Dwellings: any combination of single-family dwellings, mobile homes, manufactured homes, seasonal dwellings or bunk houses under single ownership, incidental and customary to the primary use. See definition of manufactured homes and building codes for construction and installation requirements for manufactured homes.
- (10) Family Child Care Home, Family Child Care Center and Child Care Center.
- (11) Greenhouse, commercial.
- (12) Guest or dude ranch; hunting facility.
- (13) Home occupation.
- (14) Park, playground, golf course and other similar open space recreation facilities.
- (15) Place of worship.
- (16) Recreational activities associated with agriculture.
- (17) Temporary housing, independent, (man camps), requiring no hook-up to water or sewer, housing and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.
- (18) Small wind energy systems (SWES)
- (19) Other similar and compatible uses, as determined by the Board.

c. In addition to the above permitted uses, the following uses may be approved by Conditional Use Permit:

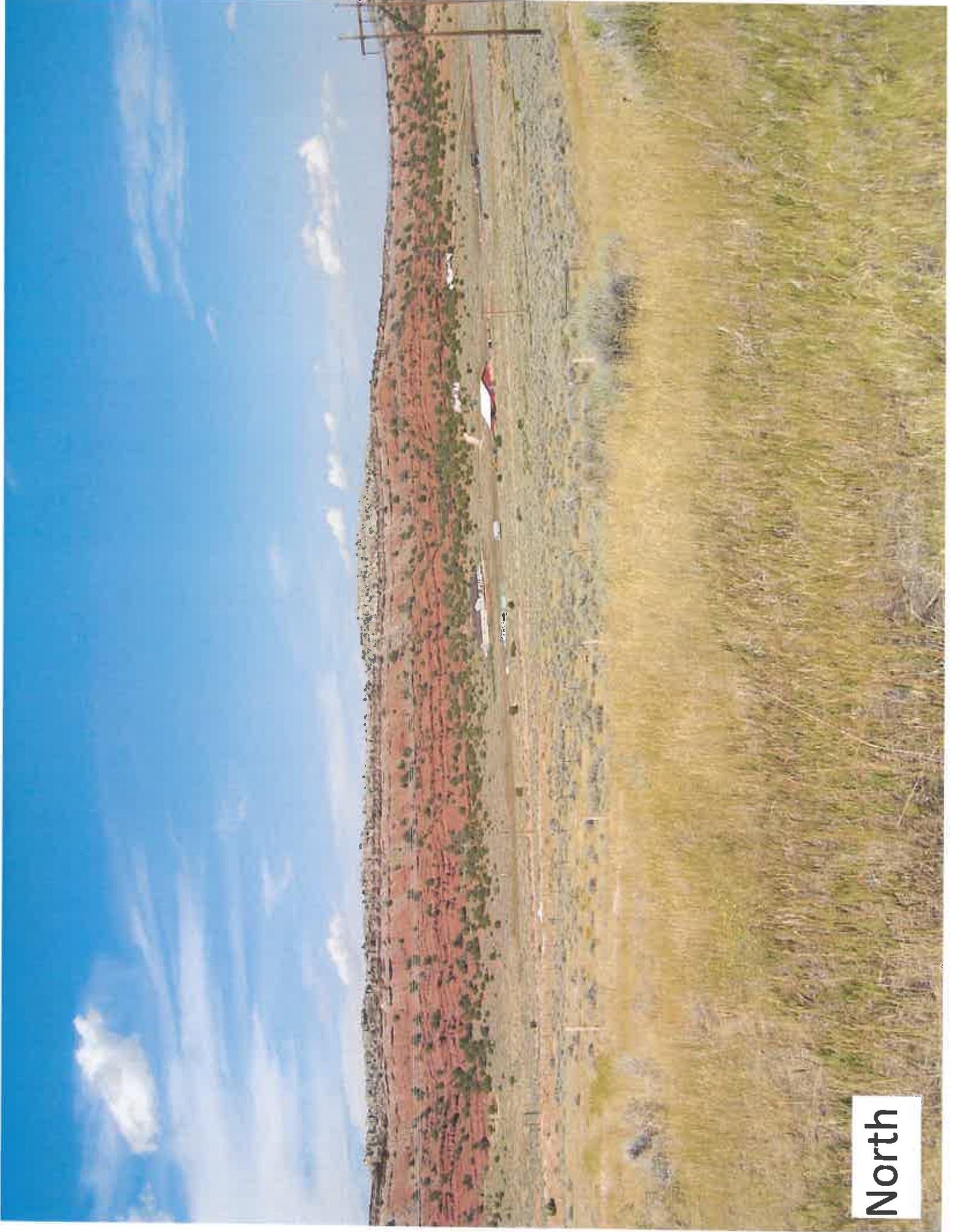
- (1) Airports and Heliports.
- (2) Auto reduction/recycling center.
- (3) Auto repair station.
- (4) Auto service station.
- (5) Auto wrecker service.
- (6) Campground.

- (7) Collector Car Storage
- (8) Commercial recreation
- (9) Communication Towers and Wireless Telecommunication Facilities of any height which are owned and operated by commercial users providing services to the public. Communication Towers greater than forty-five (45) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts; and any Communication Tower and Antenna combinations greater than seventy (70) feet in height, which are owned and operated by non-commercial users, including ham radio operators and other communications enthusiasts. (See Chapter VII, Section 15—Communication Towers and Wireless Telecommunication Facilities)
- (10) Correctional facility (see Chapter VII – Design Criteria and Procedures).
- (11) Hot mix batch plant, temporary.
- (12) Meat processing.
- (13) Mining; aggregate extraction (See Chapter VII, Design Criteria and Procedures).
- (14) Mobile home park.
- (15) Public facility.
- (16) Recreational facility, public or private.
- (17) Sale Barn
- (18) Sanitary landfill, sewage treatment facility.
- (19) Sawmill.
- (20) School; elementary, junior and senior high, college, university, vocational trade, professional or business.
- (21) Small wind energy systems (SWES)
- (22) Temporary dwelling, dependent on outside water and sewer, and appurtenant facilities associated with highway, pipeline and power line construction or mineral exploration.
- (23) Utility installation.
- (24) Wind generator(s), commercial, producing electricity for sale.
- (25) Utilization of mobile and/or manufactured homes for storage purposes, incidental to the principal structure(s) on the property. (see Chapter VII, Section 8f).
- (26) Other similar and compatible uses, as determined by the Board.

UA District Minimums

- d. Minimum district size is 40 acres or the legally described 1/16 Section.
- e. Minimum lot size is 10 acres.
- f. Minimum setbacks for principle and accessory buildings are as follows:
 - (1) 25 feet adjacent to public roads.
 - (2) 10 feet from all property lines not abutting a road.
- g. No maximum height.

h. No minimum open space.



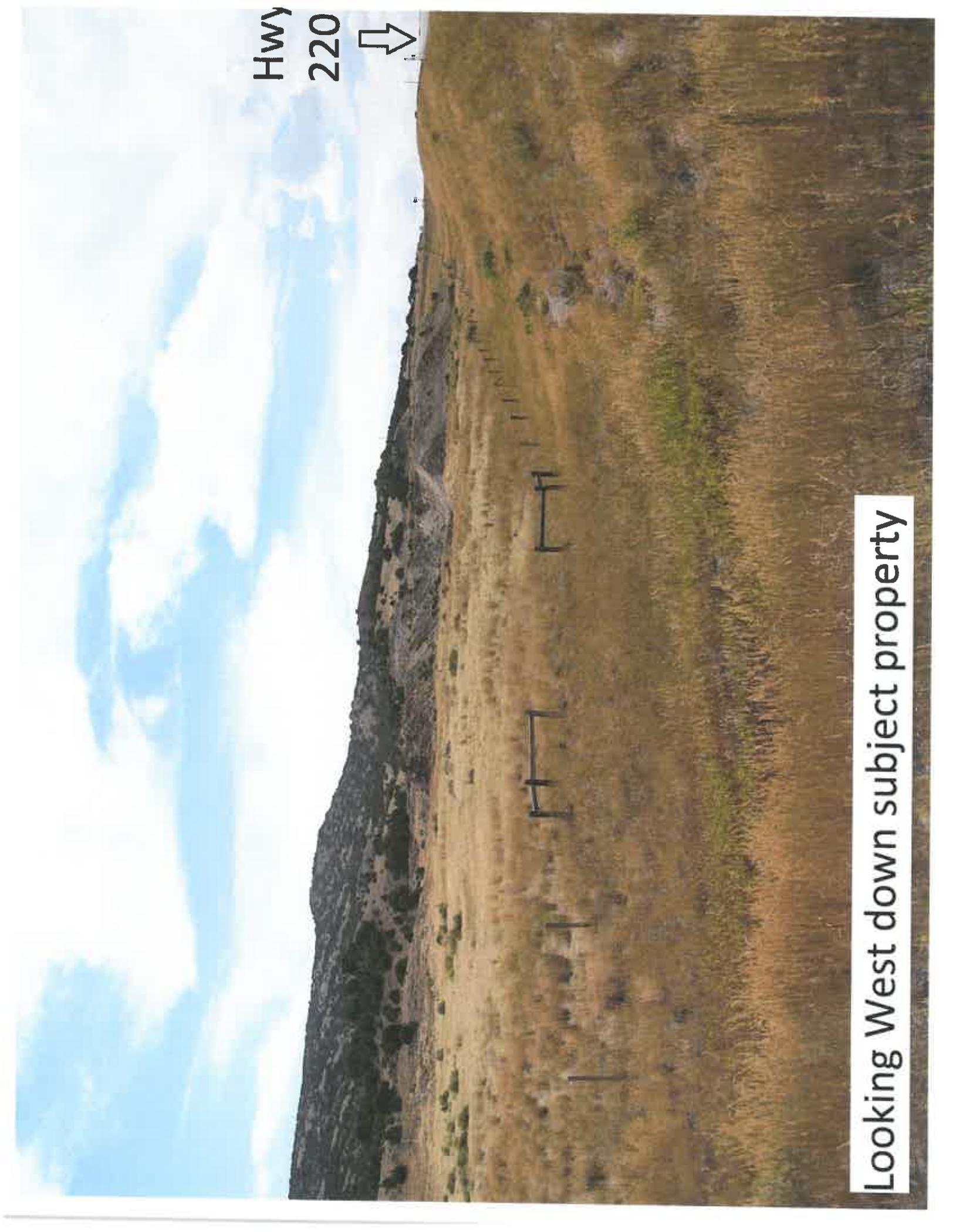
North



Looking south at subject property

Hwy
220
↓

Looking West down subject property

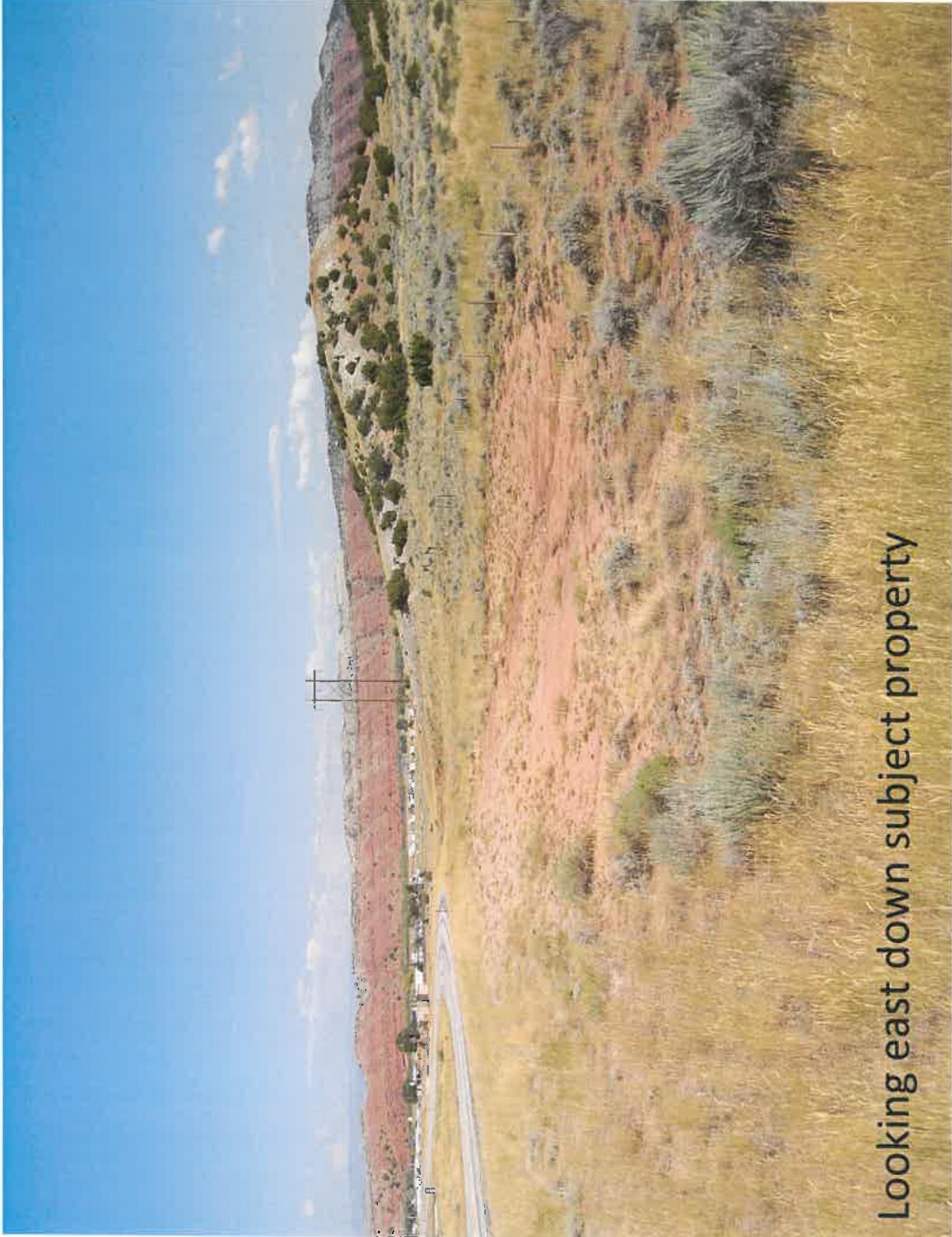


**Subject
Property**

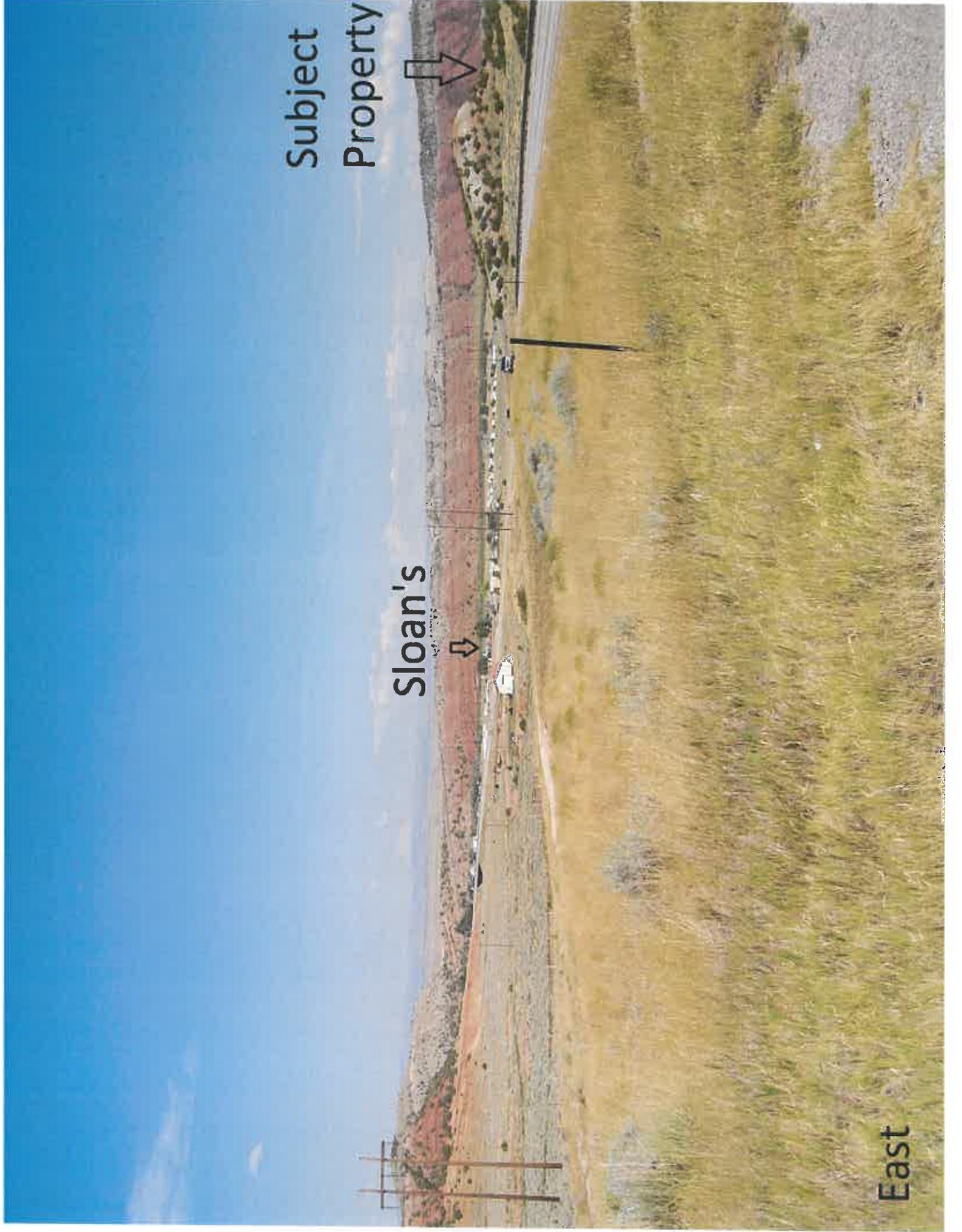


West





Looking east down subject property



Subject
Property



Sloan's



East

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Eight (8) copies of a written statement outlining the considerations that have been given to the maintenance of the quality of life and scenic beauty of the area. These might include maintaining open lands and vistas, avoiding building on skylines or hilltops, avoiding disturbing the local natural beauty, compatibility with surrounding land uses, natural landscaping, non-intrusive home siting, etc.

Proof that the applicant has published Notice of Intent to apply for a Subdivision Permit once a week for two (2) separate weeks within thirty (30) days prior to filing this application. (see Appendix G).

Eight (8) copies of percolation tests approved by the City of Casper/Natrona County Health Department, with test locations shown on a copy of the preliminary plat indicating soil types, percolations rates, depth to ground water, and suitability for on site waste water disposal. One by the City of Casper/Natrona County Health Department or State Department of Environmental Quality.

Is the current access part of an existing Improvement and Service District? If so please provide the appropriate paperwork. Major Subdivisions will be required to join any existing Improvement and Service District.

1. Applicant: Name Cattle Trail LLC Owner: Name James + Nora Best
2. Address 421 S Center Casper Address 4350 Gray Rd Casper 82604
PO Box 999 Mills 82644
3. Phone 307 577 7775 Phone 234-3003
4. Explain why you are requesting this major subdivision and detail the proposed use:
80 acres divided into 7-11+ acre lots for the purpose of developing home sites
5. Legal description, acreage and Parcel Identification number (PID) (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range).
East 1/2 SE 1/4, Section 22, T.34N
1281 W 6th p.m
6. Current zoning of property URBAN AG
7. Type of sewage disposal Public Septic Holding Tank Other
8. Source of Water Pioneer Water - See attached letter

Burt +
Andrea
111 W. 2nd
St 6000
82601

9. This property was purchased from: will close 7/22 - Oct 18, 2016
10. The date this property was purchased James + Nora Best

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant  (Signature) 7/22/16 Date
Owner James L Best (Signature) 22 - July - 2016 Date
Nora M. Best



July 25, 2016

Natrona County Development Board
200 North Center Street, Room 202
Casper, Wyoming 82601

Re: Cattle Trail Subdivision Plat Application - Memo

ECS Engineers has been contracted by Cattle Trails LLC to survey and develop a plat for a 7 lot subdivision west of Casper. The parcel to be divided is the East half of the south east quarter of section 22 township 34 North Rand 81 West. The entire subdivision encompasses 78.65 acres and is accessed from Cattle Drive Road on its eastern boundary. The developer proposes 7 lots equaling approximately 11.2 acres each running east west along the property.

Each lot will be single occupancy residential lots which will remain zoned Urban Agriculture. A letter is attached from Pioneer water system stating that they can provide municipal water service for this development. When the approval is granted the water distribution system shall be installed in Cattle Drive Road.

There are no flood plains on this property. The preliminary plat shows a 10 foot general utility easement around the perimeter of each lot. Additionally, there is a 40' power easement running parallel to Cattle Drive Road. The proposed subdivision complies with Chapter 7 of the Natrona County Subdivision Regulations of 2013.

A chapter 23 study is currently being developed by Weston Engineering Inc. of Laramie Wyoming, addressing the suitability of the property for on-site wastewater treatment systems, water availability, and any other requirements of Wyoming DEQ.

The topography of the parcel shown on the preliminary plat indicates that the terrain is rolling and the maximum slopes on the property are less than 3% anywhere on the parcel to be divided.

The proposed lots will be occupied by new home construction of one home per lot with agriculture zoning. The subdivision will very closely mimic the surrounding area in terms of types of homes and usage.

Each of the proposed lots will have 10 acres of irrigation water rights through the Casper Alcova Irrigation District and that process has been started with the state engineer's office. To assign those water rights.

Pioneer Water & Sewer District

8917 Poison Spider Road
Casper, Wyoming 82604
307.472.7300
FAX 307.215.0028
pwsd@alluretech.net



July 21, 2016

*Ken Waters, Chairman
Bette Bard, Secretary
Jenny Vass, Treasurer
Tim Kulhavy, Board Member
Linda Tasler, Board Member
Lee Anne Bayne, District Manager
Val Reed, Chief Operator*

Trish Chavis
Natrona County Planning Department
200 N Center Ste 202
Casper WY 82601

RE: Proposed Subdivision on Cattle Trail Drive

Dear Ms. Chavis,

Mr. Jason Lewis of Lisa Burrige & Associates Real Estate has recently been in contact with me regarding a proposed subdivision of an 80 acre parcel currently owned by James L Best on Cattle Trail Drive.

The proposal as presented to me is to subdivide the parcel into 7 rural residential lots.

Mr. Lewis asked me to provide a preliminary statement about the availability of potable water to the proposed subdivision.

Pioneer Water & Sewer District has a 6" main which is located with a 90 degree bend heading south near the southeast corner of the parcel in question. The flows and pressures in that main are more than adequate to serve the needs of 7 additional residential users without adversely impacting any other water users in the area. An extension of the existing system would need to be added to carry the water to the north, however the supply would be adequate for the proposed subdivision.

As of this date, Pioneer Water has not officially approved the proposed subdivision, this letter is a preliminary statement of the availability of water in the immediate area.

Please do not hesitate to contact me with any questions or if I can provide any further information.

Sincerely,

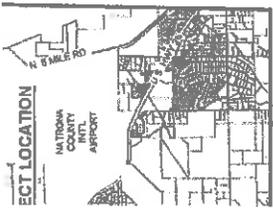
PIONEER WATER & SEWER DISTRICT

A blue ink handwritten signature of Lee Anne Bayne.

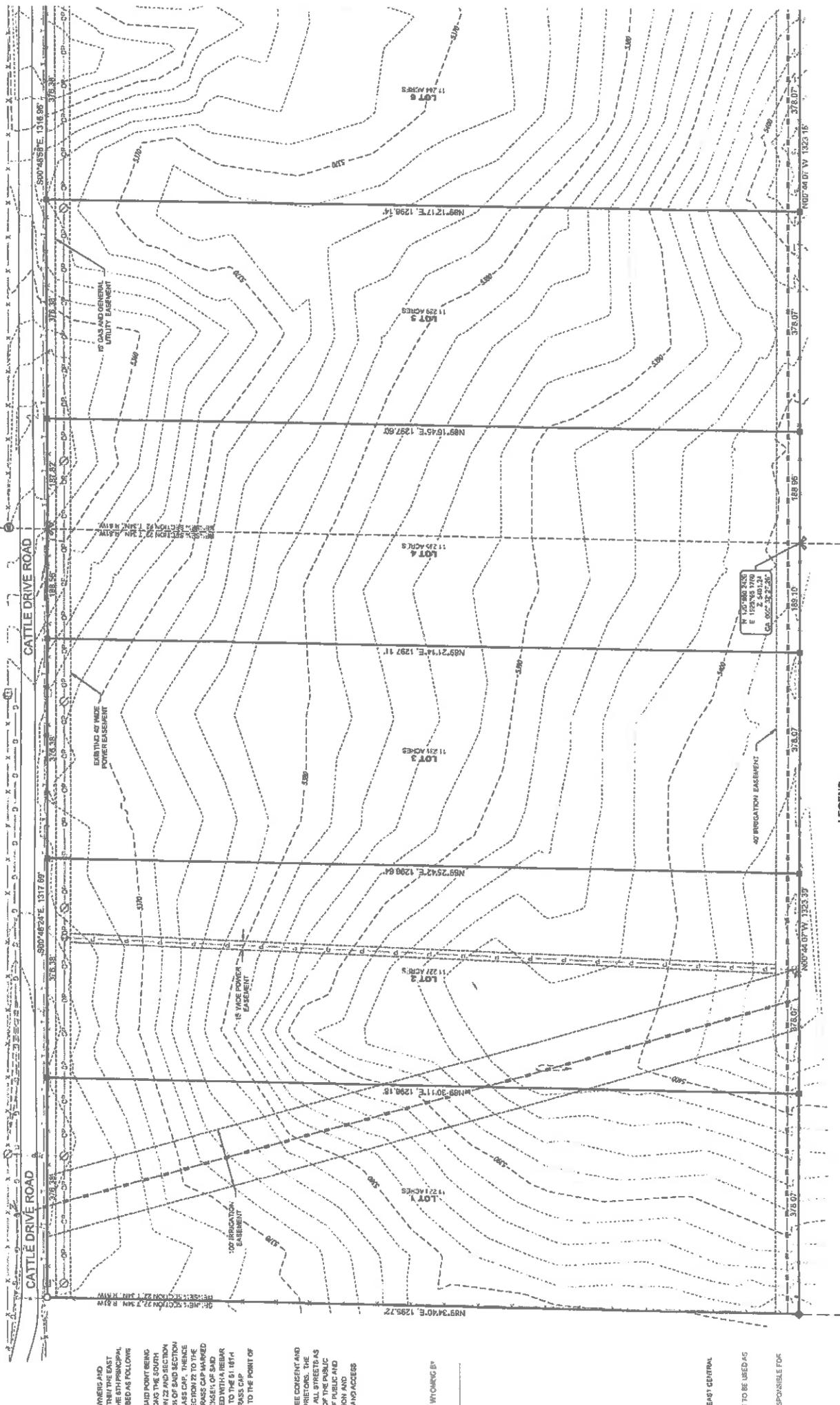
Lee Anne Bayne
District Manager

CATTLE DRIVE SUBDIVISION

LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER (E $\frac{1}{2}$ SE $\frac{1}{4}$), SECTION 22, T.34N., R.81W.
OF THE 6th PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING



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RESPONSIBLE FOR

1 FCR/117

REQUEST FOR APPROVAL OF
CATTLE TRAIL ACRES SUBDIVISION—A MAJOR SUBDIVISION

PS16-5

STAFF REPORT: Trish Chavis
August 31, 2016

For

September 13, 2016
Planning and Zoning Commission Meeting

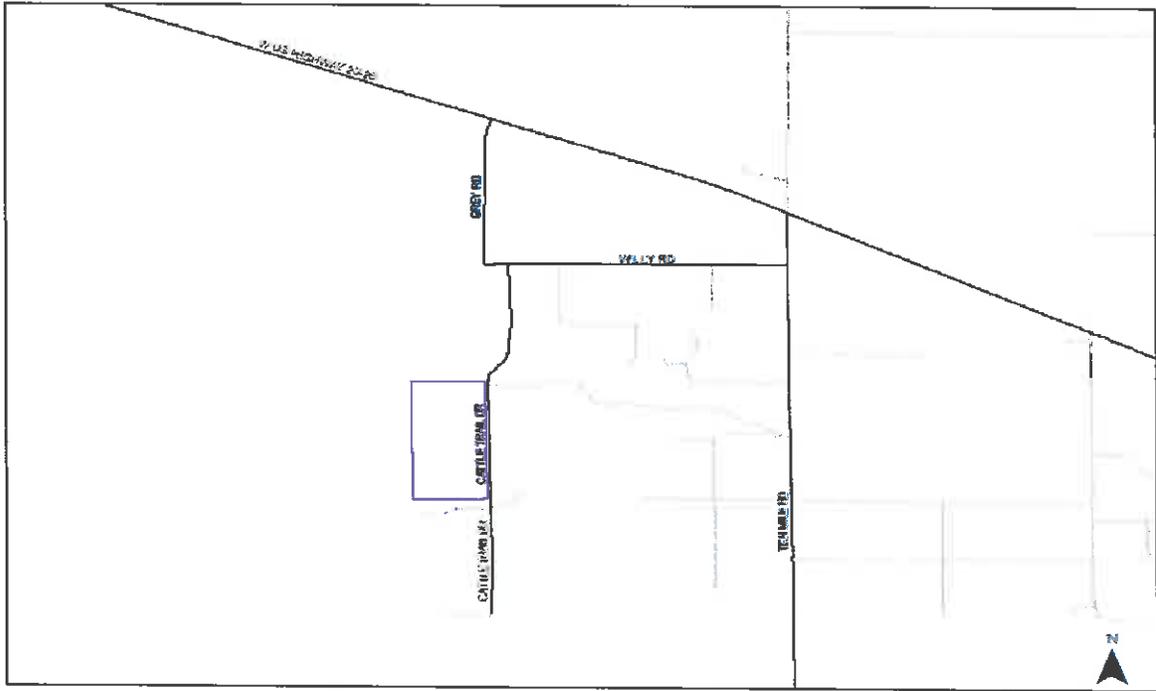
APPLICANT: Cattle Trail, LLC

REQUEST: Approval of Cattle Trail Acres (Preliminary) Subdivision, a Major
Subdivision, consisting of 7 lots.

LOCATION AND ZONING

The proposed Cattle Trail Acres Subdivision, comprised of 78.65 acres, is located in portions of Sections 22, Township 34 North, Range 81 West of the 6th Principal Meridian, Natrona County, Wyoming.

This tract of land is zoned Urban Agriculture (UA). The adjacent properties are also zoned Urban Agriculture (UA).



DEFINITION AND APPLICATION

1. Intent and purpose. The Urban Agriculture zoning districts intent and purpose is provide for and protect properties of ten acre lots or larger in the urbanized area which are used for agriculture and residential purposes.

The proposed subdivision will create lots that are slightly larger than ten acres. Low density residential is defined by the 2016 Development Plan as a maximum of 1 unit per 5 acres. This subdivision would be considered low density and supported by Development Plan.

2. Major Subdivision. A Major Subdivision is a division of one parcel into two or more parcels. Subdivision Regulations of Natrona County, Wyoming, Chapter 2, Section 1d at page 9.

The proposed subdivision will consist of seven (7) lots.

GENERAL STANDARDS FOR MAJOR SUBDIVISIONS

1. Criteria for Approval

- a) The subdivision is consistent with the Natrona County Development Plan and the Natrona County Zoning Resolution.

Finding of fact. The proposed subdivision is located in Area F of the 2016 Development Plan.

Area F, Casper Canal, of the Development Plan recommends Agricultural land with low density residential development. Zoning to remain Urban Agriculture (UA) and Ranching, Agriculture, and Mining (RAM). The proposed subdivision will be low density residential and remain Urban Agriculture; this is consistent with the Development Plan.

- b) The subdivision is in conformance with the General Provision (Chapter 1) and Subdivision Design Standards (Chapter 7).

Once the conditions have been met the subdivision will be in conformance with the General Provision and Subdivision Design Standards. These conditions will need to be addressed prior to the final subdivision application.

- c) The applicant has provided evidence that a sufficient water supply system will be acquired in terms of quantity, quality, and dependability for the type of subdivision proposed.

Finding of fact. Applicant has supplied a letter from Pioneer Water stating that they can provide municipal water service for this development. A Chapter 23 Report is being developed, addressing the suitability of the property for on-site wastewater treatment systems, water availability, and any other requirement of Wyoming Department of Environmental Quality (WDEQ). A Non-Adverse recommendation from WDEQ will be a condition of approval.

- d) The applicant has provided evidence that a public sewage disposal system will be established and, if other methods are proposed, evidence that the system complies with state and local laws and regulations.

Finding of fact. There is no public sewer source; the applicant is proposing each lot to have individual on-lot septic systems. A Chapter 23 Report is being developed, addressing the suitability of the property for on-site wastewater treatment systems, water availability, and any other requirement of Wyoming Department of Environmental Quality (WDEQ). A Non-Adverse recommendation from WDEQ will be a condition of approval.

- e) The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of the areas are compatible with such areas.

Finding of fact. The proposed subdivision has lots with less than 3% grade anywhere on the parcel. The proposed lots will be occupied by new home construction of one home per lot with Urban Agriculture zoning and be compatible with surrounding properties.

- f) Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

This subdivision will be within the Natrona County Sheriff's jurisdiction. The Natrona County Fire Marshal has requested that at least two fire hydrants spaced not more than 1,000 feet apart and no more than 1,000 feet from each lot be installed. He is also requesting that flow data on the water line be supplied for review. This request will be a condition of approval.

- g) The subdivision appears to be compatible with the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, and general welfare of the inhabitants of the area and the County.

The proposed subdivision will not be detrimental to the surrounding area as the uses will be low density residential and compatible with the surrounding area. The addition of two fire hydrants will help to protect the health, safety, and general welfare of the inhabitants.

- h) Documentation satisfactory to the Board of County Commissioners that the Improvement and Service District requirements have been met.

Cattle Trail Road is not a County maintained road. The maintenance of this road will need to be addressed by the applicant prior to the final subdivision application. The applicant is currently working on the framework and ultimate formation of an ISD for road maintenance.

- i) Documentation that the subdivider has adequate financial resources to develop and complete water and/or sewage systems or any facility proposed or represented to be the responsibility of the subdivider, but not limited to the above mentioned.

This will be addressed during the final subdivision.

PROPOSED MOTION

Staff proposes that the Planning and Zoning Commission enter a motion and vote to recommend approval of the requested Cattle Trail Acres (Preliminary) Subdivision, Major Subdivision with the following conditions:

- A Non-Adverse recommendation from WDEQ shall be received prior to the final subdivision application;
- All requirements from the State Engineer's Office and compliance with W.S. 18-5-306 (c)(i) be submitted and approved prior to final subdivision application;
- Natrona County Fire Marshal request be addressed;
- Improvement and Service District requirements be met in regards to Cattle Trail Road maintenance;
- Evidence satisfactory to the Board of County Commissioners that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider.

PUBLIC COMMENT

The property owners within one mile were notified resulting in 48 neighbors being notified.

As of the date of this staff report no comments have been received.

From: [Bob Fawcett](#)
To: [Trish Chavis](#)
Subject: RE: Cattle Drive Review
Date: Wednesday, August 03, 2016 9:27:05 AM

I don't see any fire hydrants on this. We will need at least two spaced not more than 1000 ft apart and no more than 1000 ft from each lot. I would also like to see flow data on the water line. Other than that I have no issues.

BoB Fawcett
Fire Marshal
Natrona County Fire Protection District
307-234-8826

From: Trish Chavis
Sent: Wednesday, August 03, 2016 9:05 AM
To: lisa.ogden@wy.nacdn.net; rheald@cnchd.org; Bob Fawcett <bfawcett@natronacounty-wy.gov>; Collier, Bob (Bob.Collier@rockymountainpower.net) <Bob.Collier@rockymountainpower.net>; Dawn Sabec <dsabec@natronacounty-wy.gov>
Subject: Cattle Drive Review

I have attached the Cattle Trail Acres Subdivision for your review. The applicant will be submitting a Chapter 23 Study to WDEQ shortly, if they have not already.

This item will be on the Planning Commission agenda for September 13, 2016.

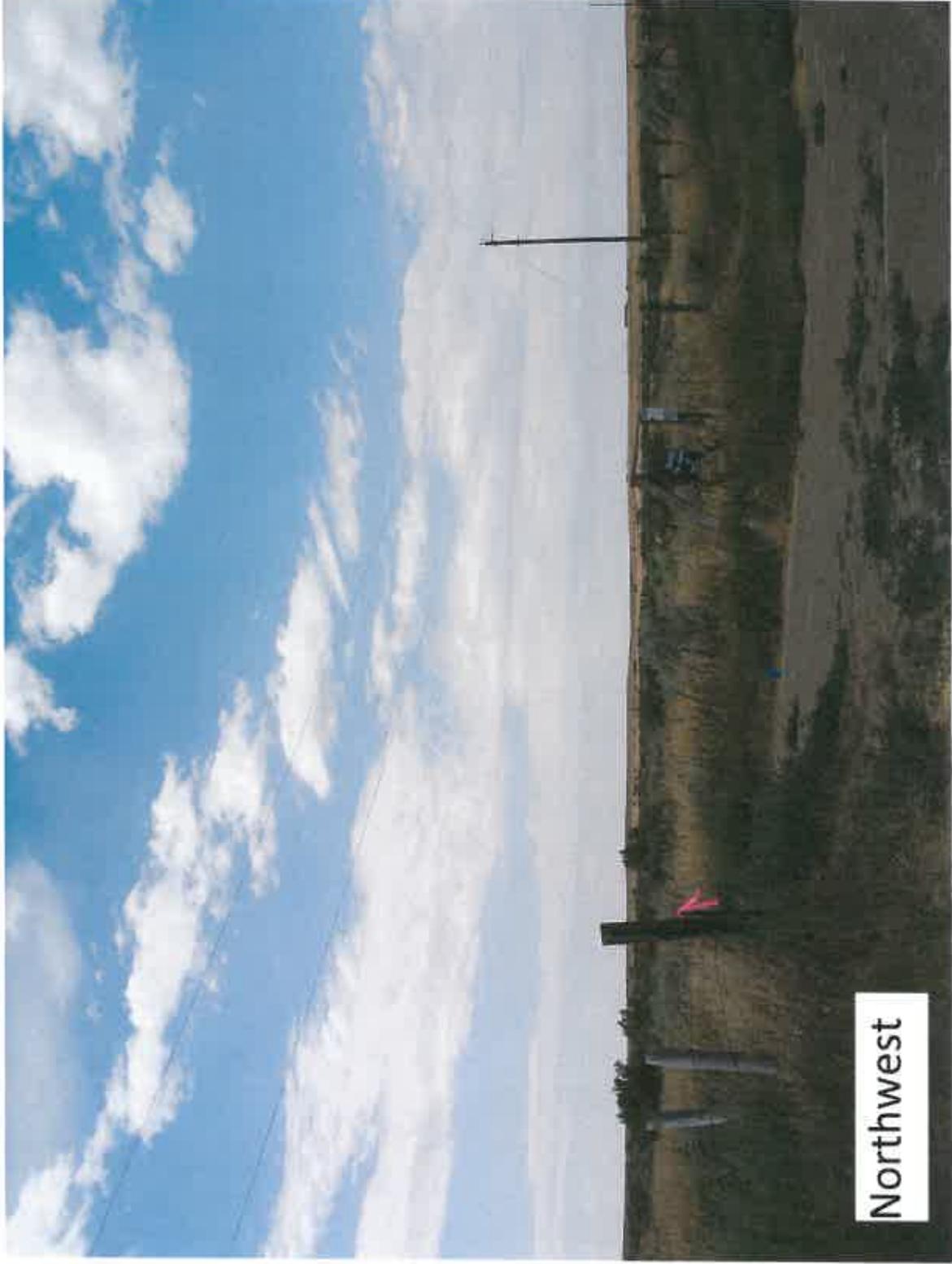
If you have any questions please let me know.

Trish Chavis, Planner
Natrona County Development Department
200 N. Center St. Ste 202
Casper, WY 82601
(307)235-9330

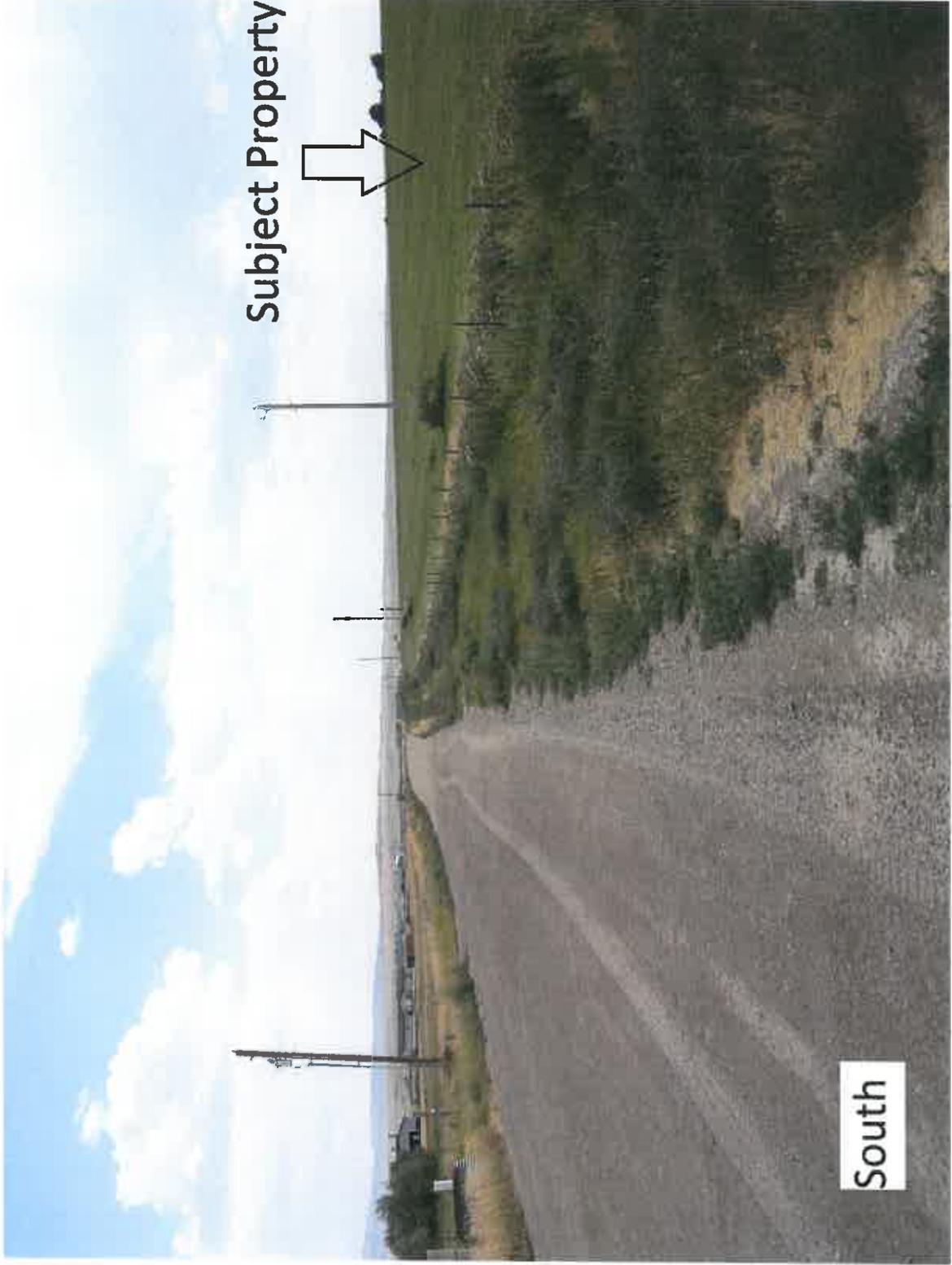
All Natrona County e-mails and attachments are public records under the Wyoming Public Records Act, W.S. § 16-4-201 *et seq.*, and are subject to public disclosure pursuant to this Act.



North



Northwest

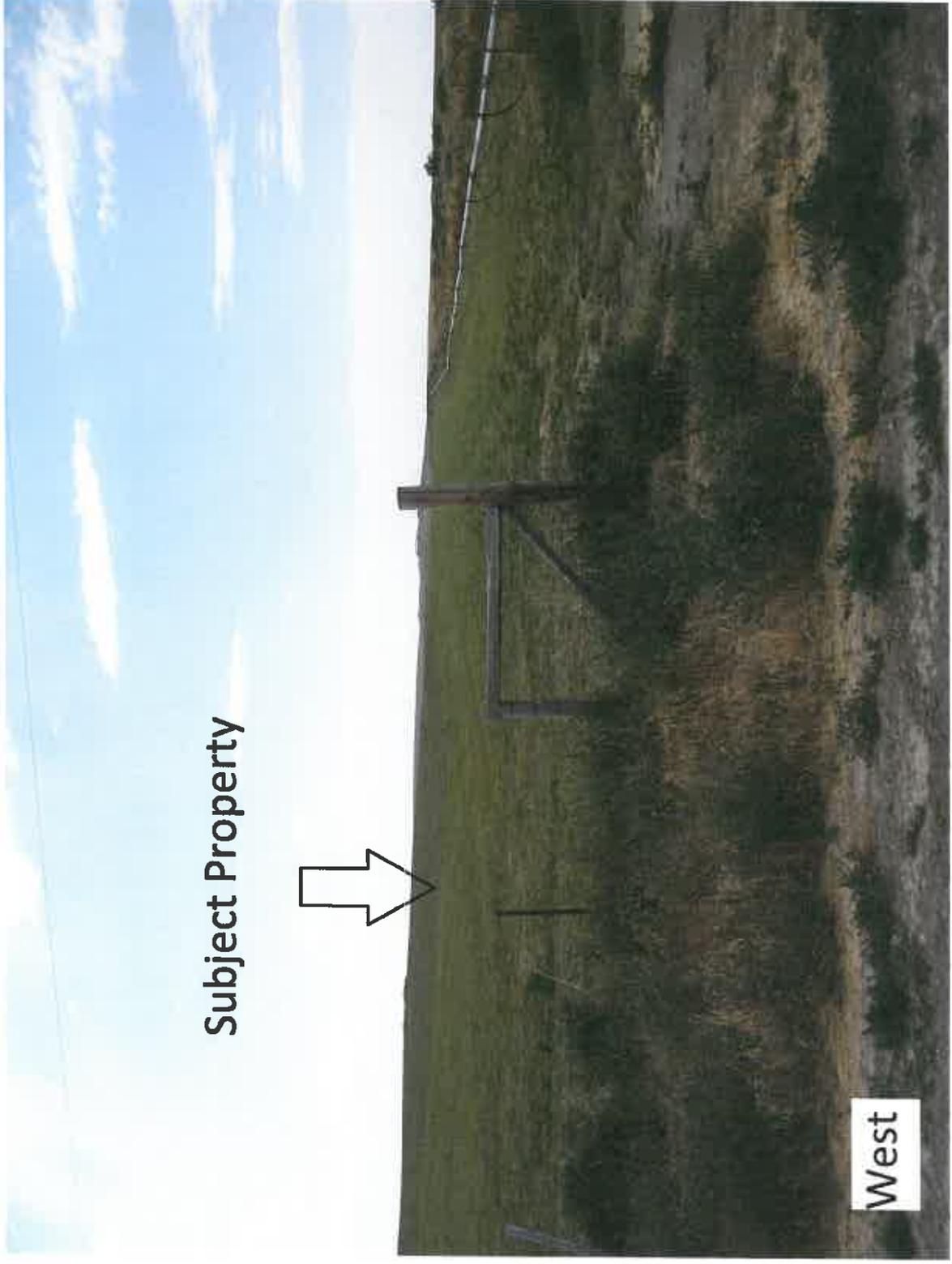


Subject Property

South

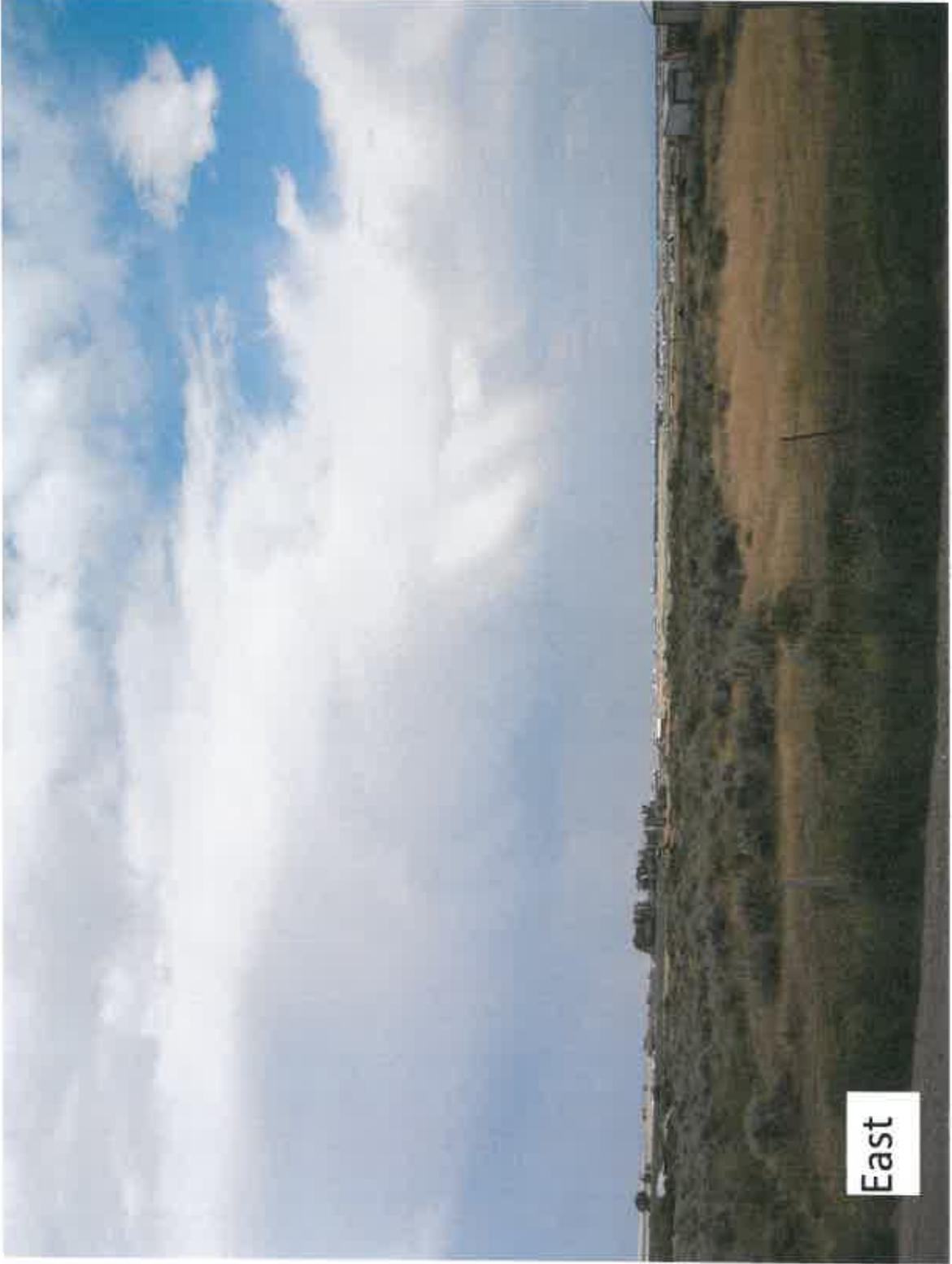


Looking southwest at subject property



Subject Property

West



East