



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

AGENDA

Natrona County Planning Commission

Monday, August 10, 2020 – 5:30 P.M.

District Courtroom #1, 200 North Center St., Casper, WY 82601

RECOMMENDATIONS BY THE PLANNING COMMISSION ON ITEMS 2-4 ON THIS AGENDA MAY BE CONSIDERED BY THE **BOARD OF COUNTY COMMISSIONERS AT ITS MEETING SEPTEMBER 1, 2020 AT 5:30 P.M.**

1. Approval of the July 14, 2020 Planning Commission meeting minutes.
2. **CUP20-7** – Land reclamation and drainage improvements not associated with a building permit at 3946 Douglass Rd.
3. **VC20-2** – A variance request to reduce the minimum lot size in the Urban Agriculture district to 8.96 acres to correct the easement and right-of-way for Enberg Rd.
4. **TA20-1** – Request to add regulations for Utility Scale Solar Energy System to the *2000 Zoning Resolution* as Chapter 7, Section 21.

RECOMMENDATIONS BY THE PLANNING COMMISSION ON ITEM 5 FROM THIS AGENDA MAY BE CONSIDERED BY THE **BOARD OF COUNTY COMMISSIONERS AT ITS MEETING SEPTEMBER 15, 2020 AT 5:30 P.M.**

5. **ZC20-2** - A request to change the zoning district classification of 43 acres, from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA).

---PUBLIC COMMENT---

6. "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 July 14, 2020

MEMBERS PRESENT: Jim Brown, Bob Bailey, Tom Davis and Hal Hutchinson

MEMBERS ABSENT: Harold Wright

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

OTHERS PRESENT: None

Vice Chairman Brown called the meeting to order at 5:30 p.m.

ITEM 1

Bailey moved and Davis seconded a motion to approve the May 12, 2020 meeting minutes as presented. Motion carried unanimously.

ITEM 2

Vice Chairman Brown opened the hearing for **PS20-2** – a request to subdivide a 5.04-acre parcel of land into 2 lots to be known as Zero Road Industrial Park, Lots 3A & 3B. This parcel currently has 2 buildings addressed as 1014 & 1028 N. Robertson Road.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested subdivision and incorporate by reference the findings of fact in the staff report and the public hearing.

Those speaking in favor – None

Those speaking in opposition - None

Hutchinson made a motion to recommend approval of PS20-2 by the Board of County Commissioners including the findings of fact as presented by staff. Bailey seconded the motion.

Motions carried unanimously.

ITEM 3

Vice Chairman Brown opened the hearing for **CUP20-3** – A Conditional Use Permit (CUP) by Union Wireless/Hemphill for an 84-foot self-supporting communication tower on an existing site located at 56252 W. US Highway 20-26. Applicant is requesting 100-feet to include all appurtenances. This location is approximately 4 miles west of Hiland.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit and incorporate by reference the findings of fact in the staff report and the public hearing.

Those speaking in favor – None

Those speaking in opposition - None

Bailey made a motion to recommend approval of CUP20-3 by the Board of County Commissioners including the findings of fact as presented by staff. Davis seconded the motion.

ITEM 4

Vice Chairman Brown opened the hearing for **CUP20-4** – A Conditional Use Permit (CUP) by Union Wireless/Hemphill for an 84-foot self-supporting communication tower on an existing site located at 15303 Arminto Rd. Applicant is requesting 100-feet to include all appurtenances.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit and incorporate by reference the findings of fact in the staff report and the public hearing.

Discussion between Planning Commission and Declan Murphy, applicant, via phone.

Those speaking in favor – None

Those speaking in opposition - None

Bailey made a motion to recommend approval of CUP20-4 by the Board of County Commissioners including the findings of fact as presented by staff. Davis seconded the motion.

Motions carried unanimously.

ITEM 5

Vice Chairman Brown opened the hearing for **CUP20-5** – A Conditional Use Permit (CUP) by Union Wireless/Hemphill for an 84-foot self-supporting communication tower on an existing site located at 21755 State Highway 220. Applicant is requesting 100-feet to include all appurtenances. This location is east of Highway 220 and north of Grey Reef Rd.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit and incorporate by reference the findings of fact in the staff report and the public hearing.

Those speaking in favor – None

Those speaking in opposition - None

Bailey made a motion to recommend approval of CUP20-5 by the Board of County Commissioners including the findings of fact as presented by staff. Hutchinson seconded the motion.

Motions carried unanimously.

Planning Commission Minutes

July 14, 2020

Page 3

Public Comment – None

Meeting adjourned at 6:08 p.m.

Jim Brown, Vice Chairman
Natrona County Planning and Zoning Commission

Tracy Good
Natrona County Clerk

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's Name:

Applicant's Address:

Applicant's Phone:

Owner's Name:

Owner's Address:

Owner's Phone:

Explain why you are requesting this conditional use permit and detail the proposed use:

General site grading to level the site and placement of base coarse to provide on-site storage. On-site grading will provide for the control of the stormwaters to a detention pond and released at historical rate. The side slope will be graded to 3:1 or less to help maintain the native grasses from being eroded away.

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.):

Swingle Ranch TRS Lot 3 S1/2 of E1/2

Current zoning of property:

Type of sewage disposal: Public Septic Holding Tank Other

Source of water:

This property was purchased from:

The date this property was purchased:

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 any State or local laws. 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.** By signing the application I am (We are) granting the Development Department access to our property for inspections.

Applicant: Odean Dreyer
(Signature)

Date: 5/14/20

Print Applicant Name: O'Dean Dreyer

Owner: Odean Dreyer
(Signature)

Date: 5/14/20

Print Owner Name: O'Dean Dreyer

Will granting the conditional use permit contribute to an overburdening of County Service?

No granting the conditional use permit will have no impact on county services because county services will be able to be done as needed with no restrictions on the property due to no equipment or any other items being in the way.

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

No. Granting the conditional use permit will not cause undue traffic, parking, population density or environmental problems because, this property will solely be used for personal use as necessary with no public access.

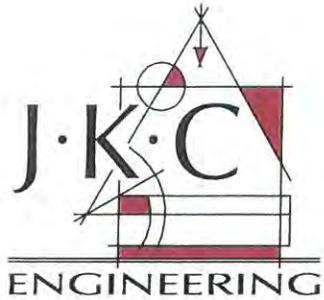
Will granting the conditional use permit impair the use of adjacent property or alter the character of the neighborhood?

No. Granting this conditional use permit will help the drainage of the property to the northwest and will enhance the safety concerns to the north and west of the property.

Will granting the conditional use permit detrimentally affect the public health, safety and welfare?

No. Granting the conditional use permit will help to improve the public health, safety and welfare of the properties to the north and west by being able to correct the drainage and level the land in certain areas if needed in order to better the property in drainage, which will sufficiently improve the health, safety and welfare of the surrounding properties.

New
RECEIVED
4/18/2020



ENGINEERING • SURVEYING • GIS MAPPING
CONSTRUCTION MANAGEMENT

111 W. 2nd St., Ste 420 • Casper, Wyoming 82601
Ph: 307-265-4601 • Fax: 307-265-4672

3946 Douglass Road

Drainage Study

To: Natrona County Planning Department
Natrona County Engineering Department

Prepared By: Lewis James, P.E.

Date: May 22, 2020

Location

The proposed improvements will be located on Swingle Ranch TRS Lot3 S1/2 of E1/2 (SE1/4, Section 24, T33N, R80W) in Natrona County. The lot encompassed approximately 0.83 acres of undeveloped land. The immediate area surrounding the property to the north and east is developed for industrial use and the property to the north and west are currently undeveloped.

Historical Flows from the Lot

The lot generally drains from the southeast to the north and west. The property terrain is generally hilly in nature. The proposed site plan shows the existing contours. The existing area has an estimated drainage coefficient of $C=0.25$. Using the Modified Rational Method and the NOAA Atlas 2, Precipitation Frequency Atlas of the Western United States, Volume II – Wyoming the existing 10 and 100 year flows are shown in Table 1.

Table 1

Historical Flows	Q ₁₀	Data
Swingle Ranch TRS Lot3 S1/2 of E1/2	0..55 cfs	L = 280 feet, C=0.25, A=0.75 Acres, S=10.7% 10 Year Event: $Q_{10} = CiA$, $i = 2.93$ $T_c = 12.2$ Minutes
Historical Flows	Q ₁₀₀	Data
Swingle Ranch TRS Lot3 S1/2 of E1/2	1.12 cfs	L =280 feet, C=0.31, A=0 .75 Acres, S=10.7% 100 Year Event: $Q_{100} = CiA$, $i = 4.8$ $T_c = 11.3$ Min.

Proposed Flows from Lot Improvements

The proposed stormwater flows will continue to flow from the southeast to the northwest and discharge into a detention pond located at north western portion of the lot as shown on the attached Site Plan Submittal (Sheet 2 of 2). The drainage coefficient was based upon 50% gravel surface ($C=0.5$) and 50% native grass ($C=0.25$). Using the Modified Rational Method and the NOAA Atlas 2, Precipitation Frequency Atlas of the Western United States, Volume II – Wyoming the proposed 10 year and 100 year flows are shown in Table 2.

Table 2

Developed Flows	Q ₁₀	Data
Swingle Ranch TRS Lot3 S1/2 of E1/2	0.89 cfs	L = 280 feet, C=0.38, A= 0.75 Acres, S=10.7% 10 Year Event: $Q_{10} = CiA$, $i = 3.14$ $T_c = 10.3$ Minutes
Developed Flows	Q ₁₀₀	Data
Swingle Ranch TRS Lot3 S1/2 of E1/2	3.19 cfs	L =280 feet, C=0.48, A=0 .75 Acres, S=10.7% 100 Year Event: $Q_{100} = CiA$, $i = 5.32$ $T_c = 8.9$ Min.

Required Detention Area

Using the Modified Rational Method the proposed site was modeled using Bentley's PondPack (Version V8i). The area was modeled to compare the pre-developed to develop and what requirements to detain the proposed increase flows during a 10 year storm event and 100 year storm event. Attached is the pertinent report sheet from the model.

The required detention area for the proposed improvement area for a 10 and 100 year storm events was calculated to be about 0.005 and 0.007 acre-feet in size. The proposed detention pond will be in the order of 0.015 acre-feet in size. The storm water from the detention pond will discharge via 6-inch PVC pipe (slope = 0.5%) at 10 year historical rate of 0.55 cfs. The proposed detention basin for the site will help control the quantity and help the quality of the stormwater exiting the property.

During a 100 stormwater event the detention area will be detain in the detention pond. The stormwater from the site will not negatively impact any structures on the downward side of the proposed development.



Scenario Calculation Summary

Scenario Summary			
ID	64		
Label	NOAA Atlas 2 10 year		
Notes			
Active Topology	Base Active Topology		
Hydrology	NOAA Atlas 2 10 Year		
Rainfall Runoff	NOAA Atlas 2 10 Year		
Physical	Base Physical		
Initial Condition	Base Initial Condition		
Boundary Condition	Base Boundary Condition		
Infiltration and Inflow	Base Infiltration and Inflow		
Output	Base Output		
User Data Extensions	Base User Data Extensions		
PondPack Engine Calculation Options	NOAA Atlas 2 10 year		
Output Summary			
Output Increment	0.050 hours	Duration	24.000 hours
Rainfall Summary			
Return Event Tag	10	Rainfall Type	I-D-F Storm
Total Depth	(N/A) in	Storm Event	NOAA Atlas 2, 10 Year - 10 Year

Modified Rational Method Grand Summary

Frequency (years)	Area (acres)	Adjusted C Coefficient	Duration (hours)	Intensity (in/h)	Flow (Peak) (ft ³ /s)	Flow (Allowable) (ft ³ /s)	Volume (inflow) (ac-ft)	Volume (Storage) (ac-ft)
10	0.750	0.380	0.250	2.630	0.76	0.55	0.016	0.005

Executive Summary (Nodes)

Label	Scenario	Return Event (years)	Truncation	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft ³ /s)	Maximum Water Surface Elevation (ft)	Maximum Pond Storage (ac-ft)
CM-1	NOAA Atlas 2 10 year	10	None	0.016	0.200	0.76	(N/A)	(N/A)
O-1	NOAA Atlas 2 10 year	10	None	0.016	0.400	0.15	(N/A)	(N/A)
PO-1 (IN)	NOAA Atlas 2 10 year	10	None	0.016	0.200	0.76	(N/A)	(N/A)
PO-1 (OUT)	NOAA Atlas 2 10 year	10	None	0.016	0.400	0.15	5,320.18	0.013

Executive Summary (Links)

Scenario Calculation Summary

Scenario Summary			
ID	111		
Label	NOAA Atlas 2, 100 year		
Notes			
Active Topology	Base Active Topology		
Hydrology	NOAA Atlas 2, 100 year		
Rainfall Runoff	NOAA Atlas 2, 100 Year		
Physical	Post-Development Physical		
Initial Condition	Pre-Development Initial Condition		
Boundary Condition	Base Boundary Condition		
Infiltration and Inflow	Base Infiltration and Inflow		
Output	Base Output		
User Data Extensions	Base User Data Extensions		
PondPack Engine Calculation Options	Sheridan 10 Year - I-D-F Table, 10 yrs		
Output Summary			
Output Increment	0.050 hours	Duration	35.000 hours
Rainfall Summary			
Return Event Tag	100	Rainfall Type	I-D-F Storm
Total Depth	(N/A) in	Storm Event	NOAA Atlas 2, 100 Year - 100 Year

Modified Rational Method Grand Summary

Frequency (years)	Area (acres)	Adjusted C Coefficient	Duration (hours)	Intensity (in/h)	Flow (Peak) (ft ³ /s)	Flow (Allowable) (ft ³ /s)	Volume (inflow) (ac-ft)	Volume (Storage) (ac-ft)
100	0.750	0.380	0.250	4.170	1.20	0.88	0.025	0.007

Executive Summary (Nodes)

Label	Scenario	Return Event (years)	Truncation	Hydrograph Volume (ac-ft)	Time to Peak (hours)	Peak Flow (ft ³ /s)	Maximum Water Surface Elevation (ft)	Maximum Pond Storage (ac-ft)
CM-1	NOAA Atlas 2, 100 year	100	None	0.025	0.200	1.20	(N/A)	(N/A)
O-1	NOAA Atlas 2, 100 year	100	None	0.024	0.200	1.06	(N/A)	(N/A)
PO-1 (IN)	NOAA Atlas 2, 100 year	100	None	0.025	0.200	1.20	(N/A)	(N/A)
PO-1 (OUT)	NOAA Atlas 2, 100 year	100	None	0.024	0.200	1.06	5,321.00	0.000

Executive Summary (Links)

Worksheet for Circular Pipe - 1

Project Description

Friction Method Manning Formula
Solve For Discharge

Input Data

Roughness Coefficient	0.010	
Channel Slope	0.00500	ft/ft
Normal Depth	0.50	ft
Diameter	0.50	ft

Results

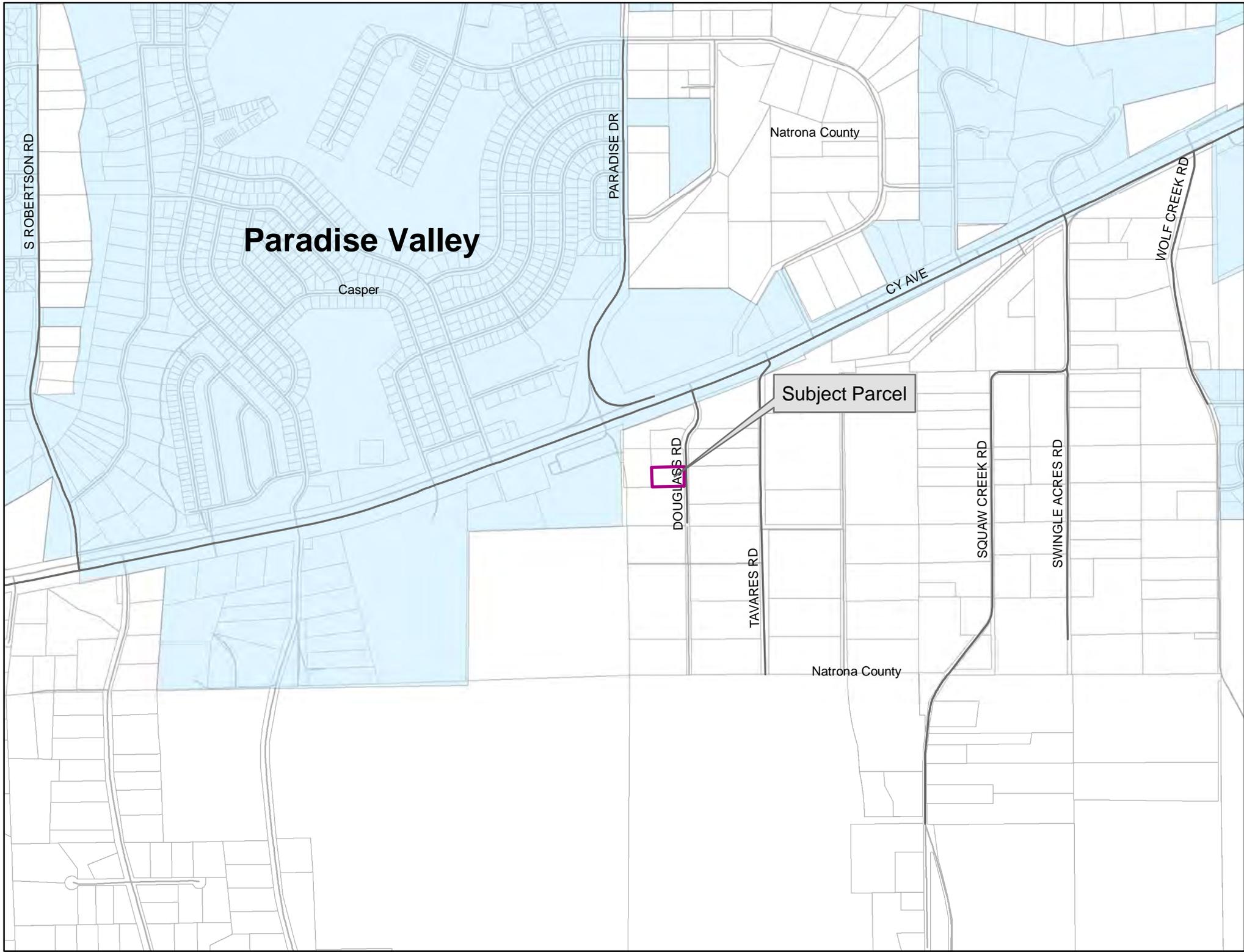
Discharge	0.52	ft ³ /s
Flow Area	0.20	ft ²
Wetted Perimeter	1.57	ft
Hydraulic Radius	0.13	ft
Top Width	0.00	ft
Critical Depth	0.37	ft
Percent Full	100.0	%
Critical Slope	0.00636	ft/ft
Velocity	2.63	ft/s
Velocity Head	0.11	ft
Specific Energy	0.61	ft
Froude Number	0.00	
Maximum Discharge	0.55	ft ³ /s
Discharge Full	0.52	ft ³ /s
Slope Full	0.00500	ft/ft
Flow Type	SubCritical	

GVF Input Data

Downstream Depth	0.00	ft
Length	0.00	ft
Number Of Steps	0	

GVF Output Data

Upstream Depth	0.00	ft
Profile Description		
Profile Headloss	0.00	ft
Average End Depth Over Rise	0.00	%
Normal Depth Over Rise	100.00	%
Downstream Velocity	Infinity	ft/s



S ROBERTSON RD

Paradise Valley

Casper

PARADISE DR

Natrona County

CY AVE

WOLF CREEK RD

Subject Parcel

DOUGLAS RD

TAVARES RD

Natrona County

SQUAW CREEK RD

SWINGLE ACRES RD

VARIANCE 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 Variance, as provided in Chapter 11, 2000 Natrona Zoning Resolution.

Applicant Name:

Applicant Phone:

Applicant Address:

Owner Name:

Owner Phone:

Owner Address:

Explain why you are requesting this variance and detail the proposed use:

This application, which benefits all private parties and the county, is being made to correct the easement and right-of-way for Enberg Road, permit the owner to sell 1.04 acres to an adjoining land owner (resulting in a parcel of approximately 121.04 acres) and permit the owner to hold the resulting parcel of approximately 8.96 acres. The owner's subject real property (consisting of 10 acres) is located at the intersection of Enberg Road and 33 Mile Road. Please see attached for additional information. Enberg Road was not constructed within its original easement boundary. As a result, approximately 1 acre (excluding the travel surface) of the owner's real property was separated from the main parcel. The separation forms a parcel which is not functional and Enberg Road encroaches upon private property. This application seeks to resolve all issues. See Attached.

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).

Current zoning of property:

Type of sewage disposal: Public Septic Holding Tank Other

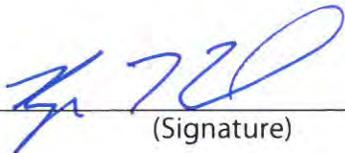
Source of Water:

This property was purchased from:

The date this property was purchased:

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

- * What are the exceptional circumstances and conditions applicable to your property such that a literal application of the zoning regulations would cause you an "unnecessary hardship"?
- * Please explain the unique circumstances of your hardship, and how these difficulties are different from your neighbors.
- * Will the variance authorize a use other than those uses specifically listed as permitted or conditional uses in your zoning district?
- * Will the variance result in a gain in use, service or income to a greater extent than available to other landowners in the vicinity?
- * Please explain how the variance is necessary to alleviate a proven hardship, rather than merely a convenience.
- * Will the variance impair the use of adjacent property or alter the character of the neighborhood?

Applicant:  (Signature) Date: 06-17-2020

Print Applicant Name: Ryan L Ford, WPDN, Counsel

Owner:  (Signature) Date: 06-17-2020

Print Owner Name: David W. McNulty Alison F McNulty



WILLIAMS, PORTER, DAY & NEVILLE P.C.
Wyoming's Law Firm

Ryan L. Ford
rford@wpdn.net
159 N. Wolcott St. Suite 400
Casper, WY 82601

June 18, 2020

To: Natrona County Development Department
Planning and Zoning Commission
200 North Center Street; Room 202
Casper, Wyoming 82601

Re: Variance Application

To Whom It May Concern:

Please accept this application packet, submitted on behalf of David and Alison McNulty, requesting variance for real property located at the corner of Engberg Road and 33 Mile Road.

SUMMARY OF APPLICATION

This Variance Application seeks permission from Natrona County to permit the owner of approximately 10 acres to sell 1.04 acres to a bordering property owner in order to alleviate an unnecessary hardship which was created when Engberg Road (County Road 124) was constructed outside of its originally intended boundary. In exchange for this variance, both property owners have agreed to grant Natrona County a new easement which permits Engberg Road to remain in its present location.

BACKGROUND OF PRESENT ISSUE

Mr. and Mrs. McNulty currently hold title to that certain real property located in Casper, Natrona County, Wyoming, which is more particularly described as:

**NATRONA COUNTY PARCEL NUMBER 34810240003600, S1/2 S1/2
S1/2 SE: 2-34-81; ALSO KNOWN AS:**

**A TRACT OF LAND SITUATED IN THE S1/2SE1/4 OF SECTION 2,
TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH P.M.,
NATRONA COUNTY, WYOMING, BEING DESCRIBED AS
FOLLOWS:**

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTHERLY ALONG THE EAST SECTION LINE OF SAID SECTION, A DISTANCE OF 165 FEET; THENCE WESTERLY A DISTANCE OF 160 RODS AND PARALLEL TO THE SOUTH LINE OF SAID SECTION; THENCE SOUTHERLY A DISTANCE OF 165 FEET TO THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SECTION; THENCE EASTERLY TO THE POINT OF BEGINNING.

(hereinafter referred to as the “Property”). This Property is comprised of ten (10) acres. Upon information and belief, the Property is presently zoned as Urban Agriculture, meaning that it is restricted to a minimum size of ten (10) acres.

Mr. and Mrs. McNulty’s ownership of the Property is evidenced in the public record by that certain Quitclaim Deed which was recorded with the Natrona County Clerk’s Office, on February 12, 2018, as Instrument No. 1043315. See **Exhibit 1**, attached hereto and incorporated herein by reference. Since acquisition of the Property, Mr. and Mrs. McNulty have also received a Warranty Deed. See **Exhibit 2**, attached hereto and incorporated herein by reference.

Generally, the Property is depicted within the outlined box as follows:



As detailed above, and relevant to this matter, Mr. and Mrs. Biggs’ real property borders the McNulty property to the south. The Biggs’ real property is comprised of approximately 120 acres and is also zoned for Urban Agriculture.

As displayed in the above photograph, the parties’ real property is burdened by Engberg Road. At the time of its construction, Engberg Road was intended to split the section line of Sections 2 and 11 for a certain length and then merge north, with Section 2 comprising the southern boundary of the roadway easement until it met the intersection of 33 Mile Road. See **Exhibit 3**, attached hereto and incorporated herein by reference.

Unfortunately, Engberg Road, as constructed, lies farther north than was originally intended. This deviation effectively removed approximately 1.04 acres from the main body of the McNulty’s real property. The original roadway easement is depicted in **Exhibit 4**, attached hereto and incorporated herein by reference, described as the easement “to be abandoned.” A clearer depiction of the as-built roadway and easement are also provided in the last page of Exhibit 4.

As time commenced and development of the surrounding properties continued, it became evident that the segregated acreage was not feasible for use by the owner of the subject real property. Indeed, the ownership and use of the subject real property resulted in litigation between the two parties. It is the belief of the parties that, had Engberg Road been constructed within its original boundaries, the underlying issues and lawsuit would not be an issue.

In an effort to resolve the matter, Mr. and Mrs. McNulty have entered into an agreement to sell 1.04 acres of the segregated acreage to Mr. and Mrs. Biggs. This agreement was reached with counsel, advice and input from Mr. Eric Nelson and Mr. Mike Haigler, representing Natrona County. Both Mr. Nelson and Mr. Haigler have consented to provide their recommendation of approval regarding this matter.

As part of the sale and purchase agreement, both the McNultys and the Biggs have agreed to grant Natrona County a new right of way for Enberg Road in SESE, Sec 2, T34N, R81W, which will

allow Engberg Road to remain in place, where it is presently located, in accordance with the survey and descriptions as provided in Exhibit 4.

RESPONSES TO NATRONA COUNTY APPLICATION QUESTIONS

1. **What are the exceptional circumstances and conditions applicable to your property such that a literal application of the zoning regulations would cause you an “unnecessary hardship”?**

As detailed above, Mr. and Mrs. McNulty’s real property is subject to an unnecessary hardship as it is (i) over-burdened and encroached-upon by Engberg Road and (ii) the awkward segregation of 1.04 acres makes it difficult to maintain and operate their real property as a single, harmonious, unit.

2. **Please explain the unique circumstances of your hardship, and how these difficulties are different from your neighbors.**

As this is the only known location in which Engberg Road was constructed outside of its originally intended boundaries, this presents a circumstance which is unique to only the McNultys and the Biggs.

3. **Will the variance authorize a use other than those uses specifically listed as permitted or conditional uses in your zoning district?**

It is the intention of both the McNultys and the Biggs to continue to utilize their respective properties only for the purposes as now being enjoyed and the authorization for any other uses is not being requested.

4. **Will the variance result in a gain in use, service or income to a greater extent than available to other landowners in the vicinity?**

This requested variance will not result in a gain in use, service or income to the applicable parties.

5. **Please explain how the variance is necessary in order to alleviate a proved hardship, rather than merely a convenience.**

The requested variance is necessary to alleviate a proven hardship and is not a mere convenience for the parties. Natrona County has long recognized that some action needed to be taken to correct the inaccurate records and construction associated with Engberg Road – that opportunity has now presented itself. In addition, the variance is necessary to alleviate the McNulty's hardship with presently being forced to protect, maintain and (potentially) fence two separate parcels, versus one contiguous parcel, as would have been provided had Engberg Road been constructed within its originally intended boundaries.

6. Will the variance impair the use of adjacent property or alter the character of the neighborhood?

Aside from permitting the McNultys to convey 1.04 acres (and retain 8.96 acres for current use and later conveyance), no other character of the neighborhood or surrounding properties will be affected.

Upon approval of Natrona County and closing of the anticipated sale, the McNulty's resulting parcel would be legally described as follows:

NATRONA COUNTY PARCEL NUMBER 34810240003600, S1/2 S1/2 S1/2 SE: 2-34-81; ALSO KNOWN AS:

A TRACT OF LAND SITUATED IN THE S1/2SE1/4 OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH P.M., NATRONA COUNTY, WYOMING, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTHERLY ALONG THE EAST SECTION LINE OF SAID SECTION, A DISTANCE OF 165 FEET; THENCE WESTERLY A DISTANCE OF 160 RODS AND PARALLEL TO THE SOUTH LINE OF SAID SECTION; THENCE SOUTHERLY A DISTANCE OF 165 FEET TO THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SECTION; THENCE EASTERLY TO THE POINT OF BEGINNING.

EXCLUDING THEREFROM A PARCEL LOCATED IN AND BEING A PORTION OF THE SE1/4SE1/4, SECTION 2, TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS

FOLLOWS:

Beginning at the southeasterly corner of the Parcel being described and also the southeasterly corner of said SE1/4SE1/4, Section 2 and a point in the centerline of 33 Mile Road (County Road No. 110); thence from said Point of Beginning and along the southerly line of said Parcel and SE1/4SE1/4, Section 2, N.89°31'53"W., 948.84 feet to the most westerly corner of said Parcel and a point in and intersection with the southerly edge of the travel way (gravel) of Enberg Road (County Road No. 124); thence along the northerly line of said Parcel and said southerly edge of the travel way of Enberg Road and being parallel and perpendicular 12.5 feet southerly of the centerline of said Enberg Road and along the arc of a true curve to the left, having a radius of 787.50 feet and through a central angle of 4°47'22", northeasterly, 65.82 feet and the chord of which bears N.80°12'59"E., 65.81 feet to a point of tangency; thence N.77°49'18"E., 96.16 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 999.50 feet and through a central angle of 12°48'21", northeasterly, 223.39 feet and the chord of which bears N.84°13'28"E., 222.93 feet to a point of tangency; thence S.89°22'21"E., 567.41 feet to the northeasterly corner of said Parcel and a point in and intersection with the easterly line of said SE1/4SE1/4, Section 2 and centerline of said 33 Mile Road; thence along the easterly line of said Parcel and SE1/4SE1/4, Section 2 and centerline of said 33 Mile Road, S.0°48'53"E., 55.45 feet to the Point of Beginning and containing 1.04 acres,

Upon approval of Natrona County and closing of the anticipated sale, the Biggs' resulting parcel would be legally described as follows:

**NE4NE4, SE4NE4 AND SW4NE4, SECTION 11,
 TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH
 P.M., NATRONA COUNTY, WYOMING,**

**AND INCLUDING A PARCEL LOCATED IN AND BEING
 A PORTION OF THE SE1/4SE1/4, SECTION 2,
 TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE SIXTH
 PRINCIPAL MERIDIAN, NATRONA COUNTY,
 WYOMING AND BEING MORE PARTICULARLY
 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

Beginning at the southeasterly corner of the Parcel being described and also the southeasterly corner of said SE1/4SE1/4, Section 2 and a point in the centerline of 33 Mile Road (County Road No. 110); thence from said Point of Beginning and along the southerly line of said Parcel and SE1/4SE1/4, Section 2, N.89°31'53"W., 948.84 feet to the most westerly corner of said Parcel and a point in and intersection with the southerly edge of the travel way (gravel) of Enberg Road (County Road No. 124); thence along the northerly line of said Parcel and said southerly edge of the travel way of Enberg Road and being parallel and perpendicular 12.5 feet southerly of the centerline of said Enberg Road and along the arc of a true curve to the left, having a radius of 787.50 feet and through a central angle of 4°47'22", northeasterly, 65.82 feet and the chord of which bears N.80°12'59"E., 65.81 feet to a point of tangency; thence N.77°49'18"E., 96.16 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 999.50 feet and through a central angle of 12°48'21", northeasterly, 223.39 feet and the chord of which bears N.84°13'28"E., 222.93 feet to a point of tangency; thence S.89°22'21"E., 567.41 feet to the northeasterly corner of said Parcel and a point in and intersection with the easterly line of said SE1/4SE1/4, Section 2 and centerline of said 33 Mile Road; thence along the easterly line of said Parcel and SE1/4SE1/4, Section 2 and centerline of said 33 Mile Road, S.0°48'53"E., 55.45 feet to the Point of Beginning and containing 1.04 acres,

The believed names and addresses of adjacent landowners are as follows:

Todd Shaw, Et. Ux.

6270 Thirty Three Mile Road
Casper, WY 82604

Brody Allen

6255 Thirty Three Mile Road
Casper, WY 82604

Christopher Biggs, Et. Ux.

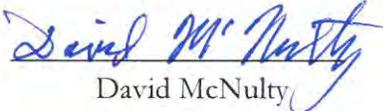
6101 Thirty Three Mile Road
Casper, WY 82604

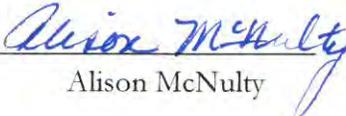
Christopher Heyer, Et. Ux.
11747 W Enberg Road
Thirty Three Mile Road

Kelli Griffith
Box 574
Mills, WY 82644

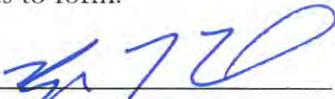
Wherefore, the owner respectfully requests that Natrona County permit this variance and/or exception to the current rules and regulations associated with the minimum conveyance requirements, permit the owner to convey the 1.04 acres to the Biggs, permit the parties to execute the necessary instruments to correct the easement for Engberg Road, and permit the parties to fully close upon the contemplated transaction. The requested variance and/or exception will not be detrimental to the public goals of the County Development Plan. Nor will the request impair the intent and/or purposes of the current rules and regulations. In the event that additional information is required, the parties would be glad to provide any relevant information.

Respectfully submitted this 18th day of June, 2020.

Signed: 
David McNulty

Signed: 
Alison McNulty

Approved as to form:


By: Ryan L. Ford
Williams, Porter, Day & Neville, PC
Counsel for Mr. and Mrs. McNulty

Signed: Danny Biggs
Danny Biggs

Signed: Ann Biggs
Ann Biggs

Approved as to form:

Keith R. Nachbar 10/10/20

By: Keith Nachbar
Keith R. Nachbar, P.C.
Counsel for Mr. and Mrs. Biggs

Exhibit 1

Quitclaim Deeds to Mr. McNulty and Mrs. McNulty

Supporting the Variance Application of:

David and Alison McNulty

Regarding: Parcel No. 4810240003600; S1/2 S1/2 S1/2 SE: 2-34-81

QUIT CLAIM DEED

THIS DEED, made and entered into this 31st day of January, 2018, by and between Andrea B Ventura, Manager, Civil Enforcement Advice and Support Operations (CEASO), on behalf of the Director, CEASO Field Collection Operations of the Internal Revenue Service a duly authorized agent of the United States of America, grantor, and David McNulty, grantee.

WHEREAS, the real estate to be conveyed herein was seized from Bonafide Rig Welders Inc., for nonpayment of taxes which were duly assessed and remained unpaid for more than ten days after notice and demand for payment had been served upon Bonafide rig Welders Inc..

AND WHEREAS, said property was declared purchased for the United States as provided by Sections 6331 – 6335 of the Internal Revenue Code (Title 26 of the United States Code) at a public sale held on June 27, 2017.

Andrea B Ventura, Manager, CEASO, whose Official address is 1999 Broadway, City or Town of Denver, County of Denver and State of Colorado, for consideration of \$5,250.00 dollars, in hand paid, hereby sells and quitclaims to David McNulty whose street address is 3820 Alpine Dr., City or Town of Casper, WY 82601; the following real property in the County of Natrona and State of WY, to wit:

Natrona County Parcel Number 34810240003600, S1/2 S1/2 S1/2 SE: 2-34-81

Also Known as:

A TRACT OF LAND SITUATED IN THE S1/2SE1/4 OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH P.M., NATRONA COUNTY, WYOMING, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTHERLY ALONG THE EAST SECTION LINE OF SAID SECTION, A DISTANCE OF 165 FEET; THENCE WESTERLY A DISTANCE OF 160 RODS AND PARALLEL TO THE SOUTH LINE OF SAID SECTION; THENCE SOUTHERLY A DISTANCE OF 165 FEET TO THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SECTION; THENCE EASTERLY TO THE POINT OF BEGINNING.

Signed this 31st day of January 2018.


Andrea B. Ventura, Manager, CEASO

State of Colorado, County of Denver

On this 31st day of ~~JANUARY~~ 2018, before me, the undersigned officer, Andrea B. Ventura personally appeared, known to me to be the person whose name is subscribed to within the instrument and acknowledged that she executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Satinder P. Arora
Notary

SATINDER P. ARORA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20024027935
MY COMMISSION EXPIRES AUGUST 23, 2018

My Commission Expires _____

Renea Vitto
Recorded: CK
Fee: \$12.00
DAVID MCNULTY

1043315

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That David McNulty

grantor _____, of the County of Natrona, State of Wyoming
for the consideration of 570

DOLLARS

in hand paid, the receipt whereof is hereby acknowledged, hereby CONVEY(S) and QUITCLAIM(S) to

David McNulty & Alison McNulty,
Husband & Wife

all interest in the following described real property, situate in the County of _____
in the State of Wyoming, to-wit:

Natrona County Parcel Number 34810240003600, s1/2 s1/2 s1/2
SE: 2-34-81

Also Known as:

A TRACT OF LAND SITUATED IN THE S1/2SE1/4 OF SECTION 2,
TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH P.M., NATRONA
COUNTY, WYOMING, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHWEST CORNER OF SAID SECTION
2; THENCE NORTHERLY ALONG THE EAST SECTION LINE OF SAID
SECTION, A DISTANCE OF 165 FEET; THENCE WESTERLY A DISTANCE OF
160 RODS AND PARALLEL TO THE SOUTH LINE OF SAID SECTION;
THENCE SOUTHERLY A DISTANCE OF 165 FEET TO THE SOUTHWEST
CORNER OF THE SE1/4 OF SAID SECTION; THENCE EASTERLY TO THE
POINT OF BEGINNING.

Hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming.

Dated this 12 day of February, 2018.

David W. McNulty

in hand paid, the receipt whereof is hereby acknowledged, hereby CONVEY(S) and QUITCLAIM(S) to

David McNulty & Alison McNulty,
Husband & Wife

all interest in the following described real property, situate in the County of

in the State of Wyoming, to-wit:

Natrona County Parcel Number 34810240003600, s1/2 s1/2 s1/2
SE: 2-34-81.

Also known as:

A TRACT OF LAND SITUATED IN THE S1/2SE1/4 OF SECTION 2,
TOWNSHIP 34 NORTH, RANGE 81 WEST OF THE 6TH P.M., NATRONA
COUNTY, WYOMING, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHWEST CORNER OF SAID SECTION
2; THENCE NORTHERLY ALONG THE EAST SECTION LINE OF SAID
SECTION, A DISTANCE OF 165 FEET; THENCE WESTERLY A DISTANCE OF
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THENCE SOUTHERLY A DISTANCE OF 165 FEET TO THE SOUTHWEST
CORNER OF THE SE1/4 OF SAID SECTION; THENCE EASTERLY TO THE
POINT OF BEGINNING.

Hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming.

Dated this 12 day of February, 2018.

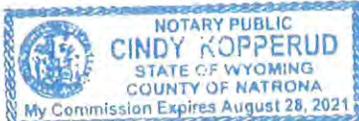
David W. McNulty

State of Wyoming }
County of Natrona } ss.

The foregoing instrument was acknowledged before me by David McNulty

this 12th day of February, 2018

Witness my hand and official seal.



Cindy Kopperud
Notary Public

My commission Expires: 8/28/2021

Exhibit 2

Warranty Deed to Mr. McNulty and Mrs. McNulty

Supporting the Variance Application of:

David and Alison McNulty

Regarding: Parcel No. 4810240003600; S1/2 S1/2 S1/2 SE: 2-34-81

Prepared for Summit Title Services
By or under the supervision of:
P. Olen Snider, Jr., Esq.
Summit Title Services
525 Randall Avenue, Suite 101
Cheyenne, WY 82001

WARRANTY DEED

BONAFIDE RIG WELDERS, INC., A WYOMING CORPORATION (the "Grantor"), having its principal place of business in Natrona County in the State of Wyoming, for and in consideration of the sum of Ten Dollars (\$10) in hand paid and other good and valuable consideration, does hereby GRANT, CONVEY AND WARRANT unto

DAVID MCNULTY AND ALISON MCNULTY, A MARRIED COUPLE (the "Grantee"), residing at _____, all of the following described real estate situate in Natrona County, Wyoming, to wit:

The South half of the South half of the South half of the Southeast quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SE) in Section 2, Township 34 North, Range 81 West of the 6th Principal Meridian, Natrona County, Wyoming.

Also known as: A tract of land situated in the South half of the Southeast quarter (S $\frac{1}{2}$ SE) of Section 2, Township 34 North, Range 81 West of the 6th Principal Meridian, Natrona County, Wyoming, as being described as follows:

Commencing at a point at the Southeast corner of said Section 2; thence Northerly along the East section line of said section, a distance of 165 feet; thence Westerly a distance of 2640 feet and parallel to the South line of said section; thence Southerly a distance of 165 feet to the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$) of said section; thence Easterly 2640 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, rights, privileges, hereditaments, and appurtenances thereunto belonging or in any wise appertaining thereto, and all improvements affixed thereto, TO HAVE AND TO HOLD the herein-described property unto the Grantee, and the Grantee's heirs and assigns, in fee simple, forever, as tenants by the entirety, SUBJECT TO all patents, easements, rights of way, reservations, covenants, conditions, restrictions, and prior recorded leases, assignment, deeds, and other conveyances or transfers of record of all or any part of the mineral estate and all ad valorem property taxes levied upon the subject property from and after the date hereof.

AND the Grantor, for itself and for its successors, assigns, heirs and personal representatives, covenants that at the time of the making and delivery of this Warranty Deed it was lawfully seized of an indefeasible estate in fee simple in and to the premises herein described and had good right and power to convey the same; that the same were then free from all encumbrances; and that it warrants to the Grantee, and the Grantee's heirs and assigns, the quiet and peaceful possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same.

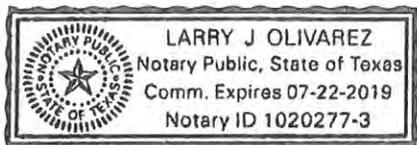
AS WITNESS the hand of the duly authorized agent of the Grantor on this 9 day of May, 2018.

BONAFIDE RIG WELDERS, INC., A WYOMING CORPORATION

By: Roy Charping
Roy Charping, Registered Agent for
Bonafide Rig Welders Inc., a Wyoming Corporation

STATE OF Texas
COUNTY OF Brazoria

This instrument was acknowledged before me on this 9 day of May, 2018, by Roy Charping, the Registered Agent of **BONAFIDE RIG WELDERS, INC., A WYOMING CORPORATION**.



[Signature]
Notary Public
My Commission Expires: 7-22-19

Exhibit 3

Historic Engberg Road Documentation

Supporting the Variance Application of:

David and Alison McNulty

Regarding: Parcel No. 4810240003600; S1/2 S1/2 S1/2 SE: 2-34-81

RECORDED July 11 1985 AT 2:12 O'CLOCK PM
INSTRUMENT NO. **391451**
JOHN J. TOBIN COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS, NATRONA COUNTY, WYOMING

RESOLUTION NO. 771-16-85

WHEREAS, the County has approximately 1,200 miles of County roads, and

WHEREAS, the records of some of the County roads are not recorded in the land records of the County Clerk and Ex-Officio Recorder of Deeds, although they have always been in the roads records maintained by the Natrona County Clerk, the Board of County Commissioners, the County Surveyor and in the County Road and Bridge Superintendent, and

WHEREAS, the Board of County Commissioners heretofore found and determined by Resolution adopted the 17th day of January, 1984, (Book 17, Board of County Commissioners' Minutes, page 22) that it is in the public interest that all these records be consolidated and placed of record in the land records of the County Clerk, and

WHEREAS, a consolidated record of all of the presently known county road records pertaining to County Road #124, Engberg Road have been prepared

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Natrona County, Wyoming as follows:

1. The consolidated road records of County Road #124, Engberg Road are hereby authorized to be placed of record in the land records of the Natrona County Clerk and Ex-Officio Recorder of Deeds.
2. The County Clerk is authorized and requested to cooperate in the recording process.

PASSED, APPROVED AND ADOPTED THIS 18 day of June, 1985.
(Book 18, Board of County Commissioners' Minutes, page 210 / 214)

BOARD OF COUNTY COMMISSIONERS
NATRONA COUNTY, WYOMING

BY: Arthur C. Volk
Arthur C. Volk, Chairman



ATTEST:
John J. Tobin
John J. Tobin, County Clerk

My Term of Office Expires _____ DEPUTY COUNTY CLERK



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

CASPER DISTRICT OFFICE

951 Renohe Road
Casper, Wyoming 82601

Enyo
BY REPLY REFER TO:

2800/W-86233

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

MAY 3, 1984

Gentlemen:

This letter will acknowledge receipt of the Resolution and County Road maps submitted to this office for notation of the land status records. Serial number W-86233 has been assigned to the case and future correspondence on this matter should refer to serial number W-86233.

The subject roads were constructed and the right-of-way granted under authority of R.S. 2477 (repealed October 21, 1976). The right-of-way is for perpetual public use as a roadway. In accordance with 43 CFR 2802.5(b), the existing roads will be noted on the Bureau of Land Management land status records.

Sincerely,

Platte River Resource Area Manager

COUNTY ROAD # 124

ENGBERG ROAD

road name

METHOD OF INITIATION : RESOLUTION Book 9 Page 591 Date 12/10/53

VIEWER APPOINTED Book _____ Page _____ Date _____

VIEWER'S REPORT Book _____ Page _____ Date _____

SURVEY ORDERED Book _____ Page _____ Date _____

APPRAISERS _____
_____ Book 9 Page 598 Date 2/8/54

SURVEY & FIELD NOTES ACCEPTED Book _____ Page _____ Date _____

LEGALLY ADVERTISED Book 9 Page 591 Date 12/16/53

ROAD ESTABLISHED Book 9 Page 606 Date 5/10/54

COMMISSIONERS _____
_____ Book _____ Page _____ Date _____

REMARKS— U.S.B.R. GROUP
SECTIONS 2, 3, 10, 11 T. 34 N., R. 81 W.

LEVOR,

RIGHT-OF-WAY WIDTHS

ROAD NAME	ROAD NUMBER	SECTION	TOWNSHIP	RANGE	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
					NE	NW	SW	SE												
NGBERG ROAD	124	2	T.34N.	R.81W.																
		3																		
		10			33	33														
		11			33	33														

LENGTH -
SURFACING -
SURFACE WIDTH -

KEY:
 ° - O.L.M.
 °° - O.R.
 °°° - STATE
 PLAN - PRIVATE

AFFIDAVIT AFFECTING TITLE

COMES NOW H. L. Worthington and being first duly sworn, deposes and states:

1. That he has been since 1972 and is now the duly appointed County Surveyor for Natrona County, Wyoming.

2. That in such capacity he has become familiar with certain matters affecting the official County roads in Natrona County, Wyoming.

3. That attached hereto and by this reference incorporated herein are the following documents relative to County road number 124, also known as Engburg Road.

- a. Summary sheet showing the width, location by Congressional subdivision and history of establishment of such road;
- b. Engineering drawing or survey plat showing the location of such road within the various Congressional subdivisions;
- c. Resolution of the Board of County Commissioners of Natrona County, Wyoming authorizing the making of this Affidavit and placing it of record in the Office of the County Clerk, an ex-officio recorder of deed for Natrona County, Wyoming.

4. That as of this date, Natrona County, Wyoming is lawfully possessed of the roads described herein.

5. That the facts and matters contained herein and in the attached exhibits are true to the best information and belief of Affiant.

DATED this 6th day of JUNE, 1984.

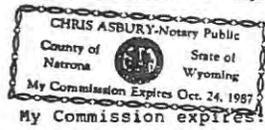

H. L. Worthington

VERIFICATION

H. L. Worthington, being first duly sworn, deposes and says; he is the Affiant in the above-entitled matter; he has read the contents of the same and knows the statements therein are true and correct as he verily believes.

H. L. Worthington
H. L. Worthington

Subscribed and sworn to before me by H. L. Worthington
this 6th day of June, 1984.



Chris Asbury
Notary Public

COUNTY ROAD NUMBER: 124

NAME OF ROAD: Engburg Road

DOCUMENTS AVAILABLE:

Official County Road Plat Book

Resolution Accepting The Kendrick Project Roads - Instrument No. 126789

COMPILED ROAD RECORD FILES

OFFICE OF THE NATRONA COUNTY BOARD OF COMMISSIONERS AND OFFICE OF THE NATRONA COUNTY SURVEYOR AND ENGINEER.

CROSS REFERENCE DATA:

- Official Minutes, Commissioners Proceedings
- County Surveyors' Road Plat Book
- County Clerk's Land Records
- 1983-84 Report on Status of County Roads

COUNTY ROAD NAME ENG BURG
Segment _____
Segment _____

COUNTY ROAD NUMBER C.R. No. 124
RIGHT-OF-WAY WIDTHS 66'

CONTENTS

TRACE DOCUMENT	<u>X</u>
PETITION OF OWNERS	<u>X</u>
AFFIDAVIT OF COUNTY SURVEYOR	<u>X</u>
COMMISSIONERS MINUTES	<u>X</u>
SURVEY PLATS	<u>X</u>
ADVERTISEMENTS	_____
EASEMENTS AND DEEDS	_____
GENERAL CORRESPONDENCE	<u>X</u>
CONTRACTS	_____

MAY 18, 1982

The Commissioners received a petition concerning the extension of Engberg Road, County Road #124. The petitioners, Mr. & Mrs. Carlsen, Mr. & Mrs. Jensen, and Mr. & Mrs. Evans, request that this road be maintained by the County to the Johnson Lateral. They agree to improve the road from the point at which the County does not maintain it to the Johnson Lateral. The County agreed to maintain the road throughout its length to the east side of the Johnson Lateral.

Chairman Schulte opened the public hearing concerning the proposed transfer of funds which had been properly advertised. There being no persons present to speak for or against this transfer of funds, the hearing was closed. The transfer was approved on a motion by Commissioner Fowler, seconded by Commissioner Park, Motion carried.

RESOLUTION
55-2-82

WHEREAS, certain offices and department of Natrona County will have exhausted their appropriations for the budget period and fiscal year ending June 30, 1982 and will require additional funds to cover the operational expenses for the said period, and

WHEREAS, it is deemed necessary to make transfers to those offices and departments requiring additional funds, and

WHEREAS, no protests were received regarding such transfer,

NOW, THEREFORE, in consideration of the premises, be it resolved that the transfer of \$ 400,000.00 from Unallocated Revenue & Cash Reserve be approved and set over to the account of the departments named, as follows:

 To Bond Account \$ 400,000.00

Engberg Road Transfer of Funds

Natrona County Commissioners

We the undersigned hereby petition to dedicate to the County an existing road, which will be improved by Roadowner, which is an extension of The Engberg County Road #124. The dedicated extension to be 33 feet to the North and 33 feet to the South sides of Section 10 (T-34-N R-81-W) line for approximately 1 mile more or less up to Johnson Canal Lateral.

Cappie Colon 4/28/82
SIGNED DATE

Phil Jensen 5/2/82
SIGNED DATE

Carolyn Carlson 4/28/82
SIGNED DATE

Gwendy Jensen 5/2/82
SIGNED DATE

David K. Evans 5/2/82
SIGNED DATE

Margaret A. Evans 5/4/82
SIGNED DATE

DALE and GWENDY JENSEN HOME PHONE 235-3356
6030 RADERVILLE RT GWENDY OFFICE 266-1077
CASPER, WY 82604

Lot 22 Blk 2, Community Park
 Lts 21, 22, 23 Blk 6, Midwest Add.
 Lot 35, Kenwood
 Lts 5, 6, 7, 8 Blk 26, Mills
 Lot 17 Blk 35, Butler
 1/2 of Lots 1 & 2 Blk 1st
 340' of 4 & 5 Blk 15, Butler
 Lot 9 Blk 21, Mills

A. B. Chapman 25.00
 Dover Drilling Co. 35.00
 Arthur C. Krueger 25.00
 C. A. Davis 40.00
 W. Mack Davis 4.15
 Mrs. Hugh Duncan 50.00
 J. E. Scott 30.50
 W. W. Hunt 25.00

The Board adjourned.

Leah H. ... CLERK

E. J. Reid CHAIRMAN

STATE OF MONTANA)
 COUNTY OF MARIETTA) SS

Office of County Clerk
 March 16, 1937

The Board of County Commissioners met, there being present E. J. Reid, D.C. Mc-
 Clellan and Henry C. Posey, commissioners, and Carl Thomason, Clerk.

Engberg

A petition signed by sixteen Tax payers asking for grading and improving of 1 1/2 mile
 road on section line to Engberg ranch, was received and held for further consideration.

The opening of sealed bids for purchase of road equipment was postponed on recommenda-
 tion of Commissioner Henry C. Posey because of the financial condition of the County.

It was mutually agreed that work on the mountain road be discontinued.

Claims were audited, approved, allowed and Certificates of Indebtedness issued:

Mack Haragos Rent (P. Exp.) \$16.00
 Art Miller Services (H. & B.) 58.75

Total amount of Warrants & Certificates of Indebtedness issued this month to date, ---\$25,472.50
 Total amount of Warrants & Certificates of Indebtedness issued this year to date, ---\$130,967.53

Leah H. ... CLERK

E. J. Reid CHAIRMAN

1937 302

Book 4

RESOLUTION

WHEREAS, the U. S. BUREAU OF RECLAMATION, to facilitate construction, maintenance and operation of the KENENICK PROJECT, has accomplished the improvement of the following-described groups of roads in Natrona County, Wyoming,

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF NATRONA COUNTY, WYOMING, in session this 10th day of Dec, 1963, does hereby resolve that these roads shall be established as County Roads, and that the date of January 4th, 1964 be scheduled as date for hearing of any objections to such road establishment, with legal notice of this date to be published in a local newspaper:

All roads to have a right of way width of 66 ft., unless otherwise specified in the following description, the center line of such right of way to run as follows:

Along the south 1/2 of the west boundary of Sec.18; west boundary of Secs.19, 30 and 31; diagonally across SW 1/4 Sec.31, and along the south boundary of Secs. 31, 32 and the west 1/2 of Sec.33, all in T 36 N. R 80 W., to a terminus at the C.& NW.RY tracks near Cadoma and Bishop;

Along the west boundary of, and south boundary of the west 1/2 of, Sec.5; west boundary of Sec.6; south boundary of Sec.7; west boundary of south 1/2, east boundary of south 3/4, and entire south boundary of Sec.28; west boundary of Sec.33; west boundary of Sec.38; south boundary of Secs.31, 32, 33, 34 and that portion of 33 lying west of STATE HIGHWAY US 20 (Platte Pipeline Co. pumping station), all in T 34 N., R 80 W.;

Along the north and west boundaries of Sec.36 (in a right of way width of 100 ft., for stock trail use); south boundary of Sec.36; south, west and north boundaries of Sec.35; south and east boundaries of Sec. 34; north boundary of the east 3/4 of Sec.34; west boundary of the south 1/2 of Sec.37; and south boundary of the east 1/2 of Sec.35, all in T 35 N., R 81 W.;

Along the west boundary of Secs.1, 12, 13, 24, 25 and 36 (in a right of way width of 100 ft., for stock trail use); south boundary of Sec.12; south boundary of Sec. 2 and east 3/4 of Sec.3; south boundary of Secs.14 and 15; south boundary of Sec. 16 south of STATE HIGHWAY US 20; south boundary of east 1/2 of Sec.16;

122
P W

206



south boundary of Sec.38 and east 3/4 of Sec.34 (in a right of way width of 100 ft., for stock trail use, for stock trail use); south boundary of Sec.34 and east 1/4 of Sec.33, all in T 34 N., R 81 W.;

Along east boundary of Sec.8 and north 1/4 of Sec.8; west boundary of Sec.8 and north 3/4 of Sec.8, all in T 33 N., R 80 W.;

Along west boundary of north 1/4 of Sec.1; east boundary of north 1/3 of Sec.34; east boundary of south 2/3 of Sec.27; a route diagonally across NE 1/4 NE 1/4 Sec.27; north boundary of west 3/4 of Sec.27; east boundary of north 3/4 of Sec.33; east boundary of north 3/4 of Sec.28; east boundary of Sec.21, from southeast corner of Sec.21 to irrigation lateral near southeast corner of NE 1/4 NE 1/4 Sec. 21, thence northerly adjacent to west edge of irrigation lateral, through Secs.21, 22, 18 and 15, to a junction with the OREGON TRAIL at north boundary of Sec. 16; north and west boundaries of Sec.33; west boundary of Sec.28; south and west boundaries of Sec.20; that portion of west boundary of Sec.17 lying south of OREGON TRAIL, all in T 33 N., R 81 W.;

Along north boundary of Sec.4; north and west boundaries of Sec.8; west boundary of Sec.8, from the northwest corner of Sec.8 to a junction with Rasmus Lee Road; south boundary of west 1/4 Sec.7, all in T 32 N., R 81 W.;

Along all four boundaries of Sec.12; a route beginning at the center of Sec.14 and running south along center line of Secs.14 & 23 to irrigation lateral (in a right of way width of 100 ft., for stock trail use); thence easterly along north boundary of SE 1/4 SE 1/4 Sec.23, and southeast by east through south edge of Sec.24 and northeast corner of Sec.25, to a point on the east boundary of NE 1/4 NE 1/4 Sec.25, all in T 32 N., R 82 W.

Thence continuing southeast by east through NE 1/4 NW 1/4 Sec.30, along south boundary of NE 1/4 NE 1/4 Sec.30 and NE 1/4 NW 1/4 Sec.29, to a terminus at southeast corner of Sec.29, all in T 32 N., R 81 W.;

A route leaving State Highway US 20 in NE 1/4 Sec.26, running north- to northeast corner of NW 1/4 NW 1/4 Sec.26, thence west along north boundary of Secs.26 & 27; south along west boundary of Sec.27; east along south boundary of SW 1/4 Sec.27, and southeasterly through NE 1/4 Sec.34, to a junction with STATE HIGHWAY US 20 near E 1/4 Cor. Sec.34, all in T 31 N., R 82 W.

A route designated as ALCOVA SHORE LINE DRIVE, situate in Ts 29 & 30 N., R 83 W., having a right of way width of 168 ft., the center line of said right of way being described as follows:

The initial point is the junction of said route with STATE HIGHWAY WYO 220, at approximately the center of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22;

Running thence southeasterly through the east half of Sec.22 to a point on the east boundary of Sec.22 to a point on the east boundary of Sec. 23, which point lies North approximately 700 ft. from the southeast corner thereof;

Thence southeasterly through SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.23, and southeasterly through NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.26, and southwesterly through SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.26, to the west boundary of Sec.26, approximately at the $\frac{1}{2}$ Cor. common to Secs. 26 & 27;

Thence in a route following the northerly and westerly shore line of ALCOVA LAKE, running southwesterly through SE $\frac{1}{4}$ Sec.27; southwesterly through NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.34; northwesterly through NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.34; northwesterly through SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.27; looping through E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec.28, to a point on the south boundary of Sec.28, distant West approximately 800 ft. from the southeast corner thereof;

Thence southerly through the E $\frac{1}{2}$ E $\frac{1}{4}$ Sec.33; southeasterly across the southwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.34, all in T 30 N., R 83 W.;

Thence southerly through NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.3, T 29 N., R 83 W., to a terminus situate approximately South 800 ft. and East approximately 200 ft. from the northwest corner of said Sec. 3, which terminus is on the left-hand or northerly brow of FRENCH CANYON, at the point of outlet of the canyon into ALCOVA LAKE.

In evidence of this action, witness our hand this 10th day of Dec., 1953

Witness:

Carl Thomson
Carl Thomson,
County Clerk

Fremont Nichie
Fremont Nichie, Chairman of the
Board of County Commissioners
of Natrona County, Wyoming

APPROVED

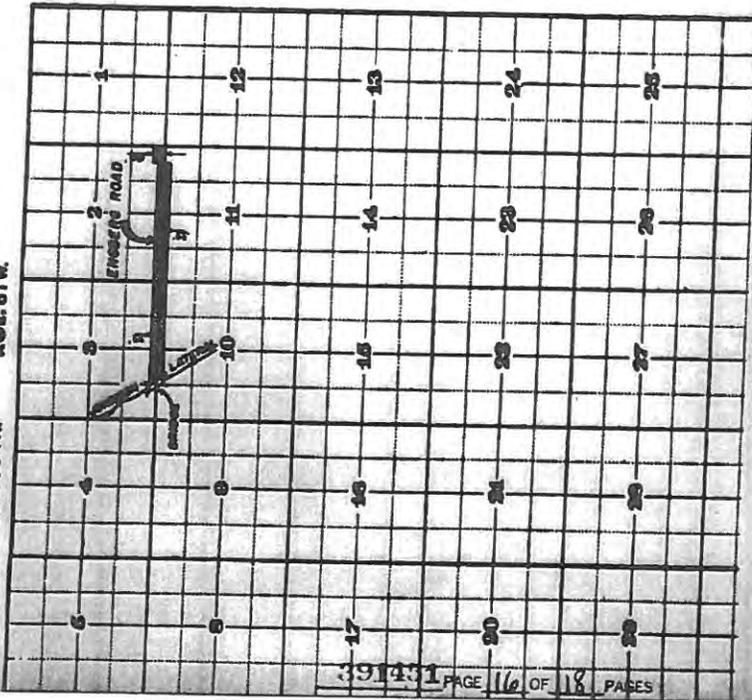
and adopted

Everett C. Fuller
Everett C. Fuller
County Clerk

Madison County Road Record
 SEN R. LINDSEY, COUNTY SURVEYOR
 TWP. 34 N. ROE. 61 W.

Sheet No. 1 of 1

ENGBERG ROAD ^{1/2} 4



Field Notes

Station	Substation	True Bearing	Magnetic Bearing	Distance	Remarks

A 60 foot right-of-way for road starting at corner common to sections 1111, T.34N, R.61W, and running west along the south boundary of said completely within the 36° 54' 34" of Sec. 2 for a distance of 600 feet, thence 60 feet for a right-of-way. Continuing west as a section line for a distance of 53 feet on either end both sides of section line common to 1111, for a distance of 18 miles and terminating at the east end of bridge over Johnson Canal or lateral, said point being near the line sub. cor. common to sections 1111, T.34N, R.61W.

A half of U.S.G.S. Road System and formerly designated as 94.



NATRONA COUNTY ENGINEER

DRAWER 848

MILLS, WYOMING 82644
PHONE: 235-9273

DONALD HORTON
County Engineer

2/8/82

Memo To: Office of the Natrona County Board of Commissioners

From: Donald R. Horton - Natrona County Engineer

Subject: Status of Certain Numbered County Roads

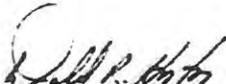
Summary:

It has been brought to my attention that the files of the Board of County Commissioners pertaining to certain numbered County Roads are now void of any documents.

These Roads are in the Official County Road Plat Books with certain documents held by others.

Recommendation:

- 1-That a copy of this memo be placed in each of these files for cross reference purposes.
- 2-That the applicable documents be copied and placed in these certain files.


Donald R. Horton
County Engineer

ENGBERG ROAD

Field Notes

Station	Azimuth	True Bearing	Magnetic Bearing	Distance	Remarks
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A 66 foot Right-of-Way for road starting at corner common to sections $\frac{21}{11}$ T.34N, R.81W, and running west along the south boundary of and completely within the SE^4 of SE^4 of Sec. 2 for a distance of 660 feet, thence a 66 foot right-of-way. Continuing west as a section line road, 33 feet on either and both sides of section Line common to $\frac{21}{11}$, for a distance of $1\frac{1}{2}$ miles and terminating at the east end of a bridge over Johnson Canal or Lateral, said point being near the the $SW\frac{1}{4}$ cor. common to sections $\frac{21}{10}$, T.34N, R.81W.

A unit of U.S.B.R. Road System and formerly designated as 5N.

53-353

10-29- 353

1928

Deed Record---Homestead Patent

208358

No. _____
 PATENT
UNITED STATES
 TO
 CLARENCE P. ENGBERG,
 Filed for Record Oct. 29 19 28
 at 2:15 o'clock P. M.
 IRENE SNYDER,
 County Clerk ~~WYOMING~~

The United States of America

To all to whom these presents shall come. Greeting:

Whereof, a certificate of the Register of the Land Office at
 Douglas 013448 and 017514 4-1007
 has been deposited in the GENERAL LAND OFFICE

whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Set-
 tlers on the Public Domain," and the acts supplemental thereto, the claim of Clarence P. Engberg,
 has been established and duly consummated, in conformity to law, for the

south half of Section two and the lot four, the southwest quarter of the
 northwest quarter and the west half of the southwest quarter of section one
 in township thirty-four north of range eighty-one west of the Sixth principal
 meridian, Wyoming, containing four hundred seventy-nine and fifty-seven hundredths
 acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the
 Surveyor General:

And in Testimony Whereof, That there is, therefore, granted by the United States unto the said claimant, the tract of
 Land above described:

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant, and
 to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for
 mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with
 such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts.
 And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by
 the authority of the United States. Excepting and reserving, however, to the United States all
 the coal and other minerals in the lands so entered and patented, together with
 the right to prospect for, mine, and remove the same pursuant to the provisions
 and limitations of the Act of December 29, 1916 (39 Stat. 862).

In Testimony Whereof, I, Warren G. Harding, President of the United States of America,
 have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington, the eleventh day of
 April, in the year of our Lord One Thousand Nine Hundred and twenty-two
 and of the Independence of the United States the One Hundred and FORTY-SIXTH



By the President: WARREN G. HARDING,
 By VIOLA B. PUGH, Secretary.

Recorded: Patent Number 858289 M. P. LeROY, Recorder of the General Land Office.

STATE OF WYOMING,)
 County of Natrona,) ss. This instrument was filed for record ~~on~~ Oct. 29, 1928 ~~at~~
 at 2:15 o'clock P.M., ~~on~~
~~XXXXXX~~, and duly recorded in Book 58 of Deeds, ~~at~~ page 353

IRENE SNYDER,
 County Clerk.
 Deputy.

By

Exhibit 4

Plat Regarding Engberg Road

Supporting the Variance Application of:

David and Alison McNulty

Regarding: Parcel No. 4810240003600; S1/2 S1/2 S1/2 SE: 2-34-81

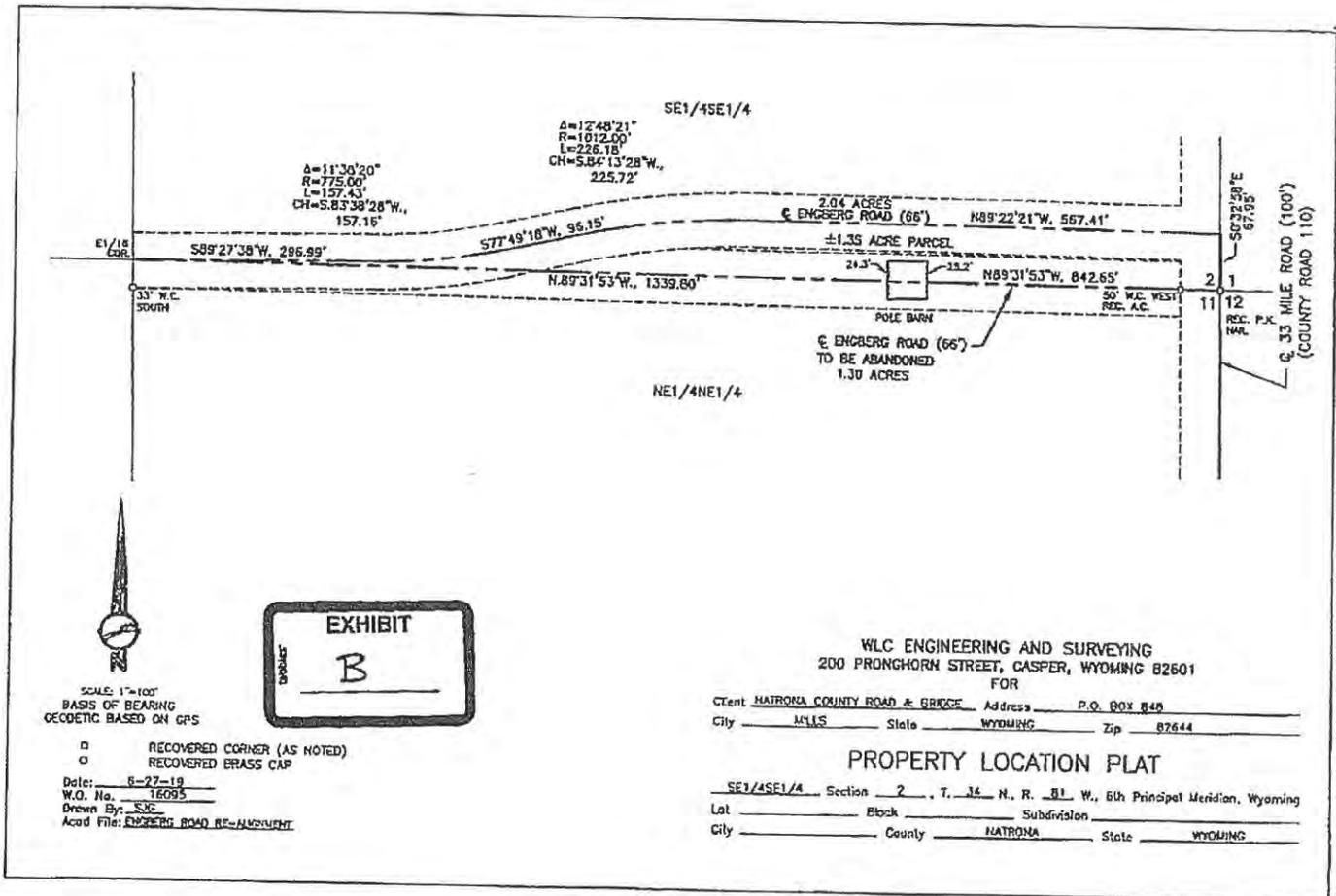


EXHIBIT
B

SCALE: 1"=100'
BASIS OF BEARING
GEODETTIC BASED ON GPS

- RECOVERED CORNER (AS NOTED)
- RECOVERED BRASS CAP

Date: 8-27-19
W.O. No. 16095
Drawn By: SJC
Acad File: ENGBERG ROAD RE-MANAGEMENT

WLC ENGINEERING AND SURVEYING
200 PRONGHORN STREET, CASPER, WYOMING 82601
FOR

Client NATRONA COUNTY ROAD & BRIDGE Address P.O. BOX 848
City MILLS State WYOMING Zip 82644

PROPERTY LOCATION PLAT

SE1/4SE1/4 Section 2, T. 34 N., R. 81 W., 6th Principal Meridian, Wyoming
Lot _____ Block _____ Subdivision _____
City _____ County NATRONA State WYOMING



CASPER
200 PRONGHORN
CASPER, WY 82601
P: 307-266-2524

June 27, 2019

Natrona County Road & Bridge
Attn.: Mike Haigler
P.O. Box 848
Mills, WY 82644

W.O. No.: 16095-05

Description: (Existing Engberg Road Alignment – 2.04 Acres)

A Parcel and Strip being 66 feet in width located in and through a portions of the SE1/4SE1/4, Section 2 and NE1/4NE1/4, Section 11, Township 34 North, Range 81 West of the Sixth Principal Meridian, Natrona County, Wyoming and lying 33 feet parallel and perpendicular to each side of the centerline being more particularly described as follows:

Beginning at the easterly end of the centerline of the Parcel and Strip being described and a point in the centerline of 33 Mile Road and the easterly line of said SE1/4SE1/4, Section 2 and from which point the southeasterly corner of said SE1/4SE1/4, Section 2 bears S.0°32'58"E., 67.95 feet; thence from said Point of Beginning and along the centerline of said Parcel and Strip and into said SE1/4SE1/4, Section 2, and along the centerline of the existing Engberg Road, N.89°22'21"W., 567.41 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 1012.00 feet and through a central angle of 12°48'21", southwesterly, 226.18 feet and the chord of which bears S.84°13'28"W., 225.72 feet to a point of tangency; thence S.77°49'18"W., 96.15 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 775.00 feet and through a central angle of 11°38'20", southwesterly, 157.43 feet and the chord of which bears S.83°38'28"W., 157.16 feet to a point of tangency; thence S.89°27'38"W., 296.99 feet to the westerly end of said centerline and southwesterly corner of said SE1/4SE1/4, Section 2 and the Point of Terminus, said Parcel and Strip containing 2.04 acres, more or less, as set forth by the exhibit attached and made a part hereof.

CHEYENNE

RAWLINS

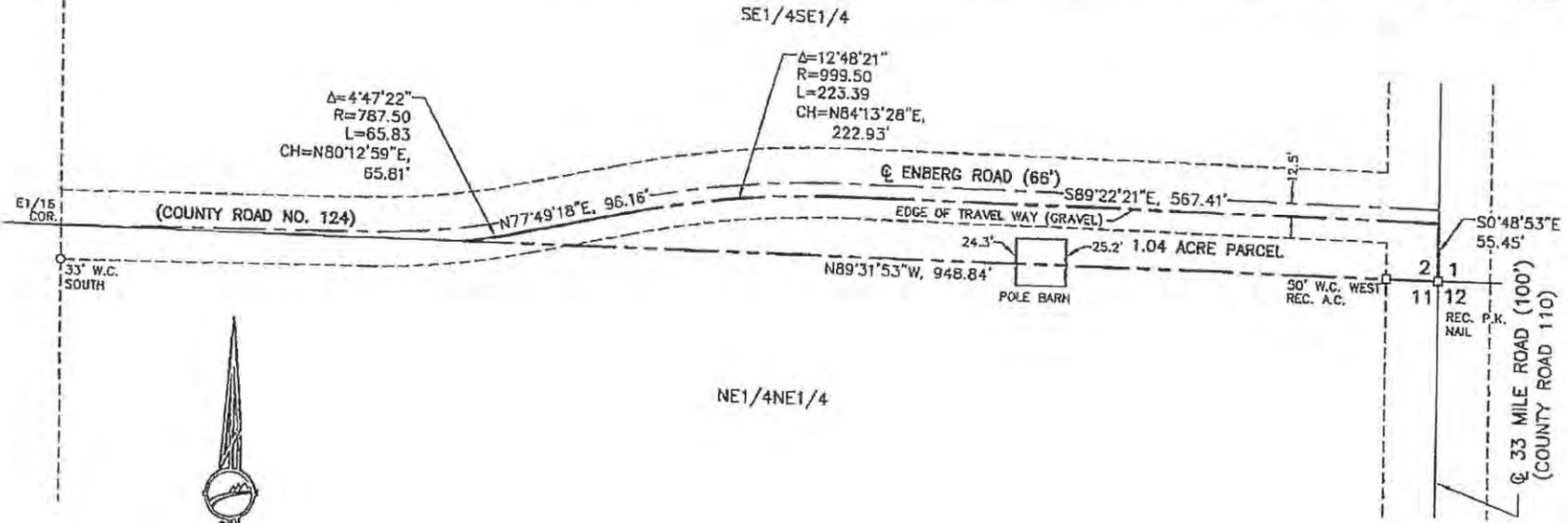
DEDICATED TO CLIENTS. DEFINED BY EXCELLENCE.

WLC ENGINEERING & SURVEYING
 200 PRONGHORN STREET, CASPER, WYOMING 82601
 FOR

Client DAN BIGGS Address 1300 MIRACLE DRIVE
 City CASPER State WYOMING Zip 82609

PROPERTY LOCATION PLAT

PT. SE1/4SE1/4 Section 2, T. 34 N., R. 81 W., 6th Principal Meridian, Wyoming
 Lot _____ Block _____ Subdivision _____
 City CASPER County NATRONA State WYOMING



0' 100'

SCALE: 1"=100'
 BASIS OF BEARING:
 GEODETIC BASED ON GPS
 US SURVEY FOOT GROUND
 DISTANCES

- RECOVERED CORNER (AS NOTED)
- RECOVERED BRASS CAP

Date: 5-6-20
 W.C. No. 17046
 Drawn By: KRM
 Acad File: ENBERG ROAD BIGGS - MCNULTY PARCEL

H:\WCS\17046-DAN BIGGS-CONSIT & DESCRIPTION\SURVEY\DWG\ENBERG ROAD BIGGS - MCNULTY PARCEL.DWG



Subject Property

ENBERG RD



UA

ACCESS RD

THIRTY THREE MILE RD

LOCKNER RD

*SHAW, TODD ET UX

*GRIFFITH, KELLI MARISSA

*SHAW, TODD ET UX

Subject Parcel

*ALLEN, BRODY L ET UX

*MCNULTY, DAVID ET UX

ENBERG RD

*HEYER, CHRISTOPHER ET UX

*VOLLMAR, JERRY JOSEPH ET UX

*HEYER, CHRISTOPHER ET UX

*BIGGS, DAN C ET UX

*BIGGS, CHRISTOPHER D ET UX

THIRTY-THREE MILE RD

Subject Property

ENBERG RD



THIRTY THREE MILE RD

ACCESS RD

LOCKNER RD

W US HIGHWAY 20-26

GREY RD

UNKNOWN



Subject Property

ENBERG RD

THIRTY THREE MILE RD





AMENDMENT TO THE TEXT
OF
THE 2000 ZONING RESOLUTION

TA20-01

Staff Report: Trish Chavis
July 8, 2020

For

August 10, 2020
Planning and Zoning Commission

And

September 1, 2020
Board of County Commissioner Meeting

Applicant: Natrona County Development Department

Request: To add regulations for Utility Scale Solar Energy System to the *2000 Zoning Resolution* as Chapter 7, Section 21.

Background

Currently the zoning resolution does not contain regulations for Utility Scale Solar Energy Systems. With construction and electrical requirements, for safety purposes, the staff of Natrona County Development Department would like to implement these regulations to allow the option to choose a cleaner, renewable, and non-polluting energy source.

In 2018, Sweetwater County was the first county in the State to permit this type of system. On June 2, 2020, Natrona County became the second and this was done using emergency regulations.

On January 7, 2020, the Board of County Commissioners approved Resolution No. 01-20 implementing emergency regulations relating to Utility Scale Solar Energy Systems. These regulations were in effect for one-hundred twenty (120) days and were extended for an additional one-hundred twenty (120) days. The emergency regulations are set to expire September 3, 2020 and cannot be extended again.

During the permitting process for Dinosolar, staff was able to use the emergency regulations and work with the applicant to find out what worked and what didn't. The setbacks became a topic of discussion. Staff did research and found that our regulations were some of the strictest, if not the most strict, in the U.S.

All of the Counties, Cities, and Towns that were researched, varied between 30-feet and the 500-feet.

Additionally, the fees that were associated with the application for the Utility Scale Solar Energy System did not match the amount of time and supplies that were used. A Conditional Use Permit (CUP) application fee is \$300, with a Communication Tower CUP being \$1,000. The \$300 fee associated with processing the Dinosolar application (1,528 letters and postage, legal notices, public meetings, open houses, etc.) were not adequate.

There were also legislative changes that became effective July 1, 2020, those changes have been incorporated into this amendment.

Proposal

Incorporate Utility Scale Solar Energy System as Chapter 7, Section 21 of the zoning resolution. Please see the attachment for full proposal.

Proposed Motion

Staff proposes a motion and vote to recommend approval of the requested Text Amendment by the Board of County Commissioners.

Section 21. Natrona County Utility Scale Solar System Regulations

a. Introduction

A Utility Scale Solar System (Solar Farm) is a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar power (CSP), or other solar conversion technology, for the primary purpose of wholesale sales of generated electricity.

b. Design Standards

1. Utility Scale Solar System shall be enclosed by perimeter fencing to restrict unauthorized access.
2. All Utility Scale Solar Systems shall comply with the National Electrical Code, current edition and applicable ICC Codes. In addition, all solar energy components shall comply with the standards of the Wyoming Department of Fire Prevention and Electrical Safety.
3. All Utility Scale Solar Energy Systems shall not exceed twenty five feet in height.
4. All Utility Scale Solar Energy Systems that are proposed within the Growth Management Area shall be sent to the corresponding municipality for review and comment.
5. On-site power lines shall be placed underground.
6. Greater Sage Grouse Areas. No Utility Scale Solar Energy System shall be located within the Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended, or Sage Grouse Priority Habitat and Focal Areas as defined by the BLM approved Resource Management Plan Amendment for Greater Sage Grouse. When the Governor's Sage Grouse Executive Order and the BLM approved Resource Management Plan amendment for Greater Sage Grouse conflict the more restrictive of documents shall apply.
7. Wildlife. Utility Scale Solar Energy Systems shall incorporate wildlife requirements imposed by Wyoming Game & Fish, United States Fish and Wildlife service and other governing state and federal agency.

7.8. Evidence of compliance with any additional rules and regulations. Any applicable FAA, FCC, Industrial Citing (W.S. 35-12-101 et.seq.), etc.

c. Site Management

1. Drainage from the site shall not adversely affect upstream and downstream properties.
2. Shall avoid soil erosion and controlled runoff. Disturbance and construction on the erodible soils and slope shall be avoided.
3. Dust control within all phases of the project is mandatory by means acceptable to Natrona County and WDEQ.

4. Noxious Weed and Invasive Species control, as defined by Wyoming Statutes, except where rules are superseded by a governing agency, shall be required in all phases of the solar project. Invasive species, as defined by Natrona County Weed and Pest, shall be controlled in all phases of the solar project.
5. Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance with WDEQ regulations and the reclamation plan approved by the Board, except where rules are superseded by a governing agency.

d. Visual Appearance

1. Utility Scale Solar System buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
2. Appropriate landscaping and/or screening material may be required to help screen the project area.
3. No Utility Scale Solar Energy System shall be placed such that concentrated solar glare projects onto adjacent properties or roadways within 1-1/4 mile of the project site.
4. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with the airport flight patterns. Acknowledgement of approval from the Federal Aviation Administration (FAA) will be necessary.
5. Lighting of the Utility Scale Solar Energy System and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g. dark sky compliant) may be required when determined necessary to mitigate visual impacts.

5-6. The facility shall have no advertising or promotional lettering beyond the manufacturer's or the applicant's logo.

e. Setbacks

1. Utility Scale Solar Energy System structures shall be setback from all property lines and public rights-of-way at least fifty feet. Additional setback may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process. ~~Utility Scale Solar Energy System structures shall be setback a minimum of 1.25 miles from any residentially zoned properties or residences not associated with this permit.~~
2. Solar panels will be kept at least five hundred feet from a residential zoning district and one hundred fifty feet from an existing residence not within a residential zoning district, ~~ee that is on the same lot associated with this permit.~~

f. Decommissioning

1. Utility Scale Solar Energy Systems which have not been in active and continuous service for a period of one year shall be removed at the owner's or operator's expense.
2. The site shall be restored in accordance with the approved reclamation plan within six months of the removal.
3. Unless exempt by the Public Service Commission, proof of financial assurance for complete decommissioning and site reclamation shall be provided in accordance with WECS regulations.

g. Application Requirements

To obtain the permit required by W.S. 18-5-502, the owner or developer of a facility shall submit an application to the Board of County Commissioners. The application shall:

1. Have signatures from all surface property owners upon which the Utility Scale Solar Energy System will be located shall be submitted on the application.
2. Provide evidence that reasonable efforts have been made to provide notice in writing to all owners of land within one (1) mile and all cities and towns located within twenty (20) miles of the facility. Notice shall include a general description of the project including its location, projected number and capacity of solar energy facilities, likely routes of ingress and egress and likely location of electric transmission and other facilities.
3. General Scope. Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced and status of power purchase agreement.
4. Public Utility Information. Documentation that the proposed Utility Scale Solar Energy System is owned or operated by the Public Utility and subject to the requirements of the Public Service Commission, if applicable.
5. Summary of the Utility Scale Solar Energy System. Provide a description of the project including its total nameplate generating capacity and a nameplate capacity for each module, the equipment manufacturer, types of solar modules, complete component list of the system, number of solar arrays, the maximum solar energy system height, and the distance between the ground and the top of the solar array.
6. Social and Economic Report. The social and economic reporting requirements shall include the following:
 - a. The estimated amount of property, sales, and other taxes to be generated by the project in Natrona County.
 - b. Estimated local expenditures of construction materials in Natrona County.
 - c. The estimated number of construction jobs and estimated construction payroll. Estimated number of local construction job opportunities.
 - d. Estimate the construction workforce spending in Natrona County.

- e. Estimate the number of permanent jobs and estimated continuing payroll.
7. Drawings, prepared by a qualified professional Licensed in the State of Wyoming, prepared to a suitable scale on 24"X36" sheets.
 - a. Utility Scale Solar Energy Systems boundary lines and property lines shall be shown.
 - b. Legal description of the project boundary.
 - c. All existing and proposed structures, rights-of-ways, utility easements, and above and below ground facilities and utilities within the project scale.
 - d. All proposed and existing public and private access roads and turnout locations including dimensions.
 - e. Topographic line showing the existing topography of the project and surrounding area.
 - f. Fencing detail.
 - g. A complete electrical layout of the entire system including substations, transmission collector, and gathering lines and other ancillary facility components.
8. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan prepared by a Wyoming Licensed Engineer which includes the following:
 - a. Existing and proposed contours.
 - b. Existing wetlands and floodways.
 - c. Water management structures.
 - d. Drainage flow direction.
 - e. Effect on downstream and upstream properties.
 - f. Erosion mitigation and runoff control.
 - g. Dust control plan.
9. Waste Management Plan. A waste management plan that includes the inventory of estimated solid wastes to be generated and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed ~~facility-Utility Scale Solar Energy System~~.
10. Reclamation and Decommissioning Plan. Describe the decommissioning and final land reclamation to be followed after the anticipated useful life, or abandonment or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy system.
11. Environmental Analysis. In the absence of a required state or federal agency environment review for the project (e.g. NEPA), the Commission and Board may require and environmental report in accordance with the WECS regulations prepared by a licensed professional.

12. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, above ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration to vegetation. Those projects that are within sensitive viewshed, utilize reflective components (e.g., exposed mirrors), shall provide a viewshed analysis of the project, including visual simulations of the planned structures. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than ten vantage points that together provide a view from all sides of the project. The County may require analysis from significantly more vantage points, such as different distances and sensitive locations.
13. The applicant shall provide an analysis from solar glare hazard analysis software for PV systems that provide a quantified assessment of when and where glare will occur throughout the year onto nearby properties and public roadways. If glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, antireflective coatings, screening, and angling of solar PV modules in a manner that reduces glare to surrounding land uses.
14. A traffic study if deemed necessary by the Development Department.
15. Provide evidence sufficient for the Board of County Commissioners to determine if the proposed facility has adequate legal access. The application shall describe how private roadways within the facility will be marked as private roadways and shall acknowledge that no county is required to repair, maintain or accept any dedication of the private roadway to the public use.
16. Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surface and condition. Specify any new road and proposed upgrade or improvements needed to the existing road system to serve the project. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction to dismantling of the project.
17. Notice of Mineral Rights. Applicant(s) shall certify that notice has been provided to the record owners and claimants of mineral rights located on or under the lands where the proposed Utility Scale Solar Energy System facility will be constructed. Such notice shall contain the location of the proposed project, underground wiring and may include notice by publication. The certification of notice shall be provided with the application. The notice shall comply with all standards and requirements adopted by the Wyoming Industrial Siting Council.

h. Hearing, public comment, findings necessary:

Any Board of County Commissioners receiving an application to permit a facility shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comment on the application shall be accepted by the Board of County Commissioners for not less than forty-five (45) days after determining that the application is complete.

Within forty-five (45) days from the date of completion of the hearing, the Board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required. The Board shall grant a permit if it determines that the proposed facility complies with all standards properly adopted by the Board of County Commissioners.

i. Fees:

The fee for a Utility Scale Solar Energy System Conditional Use Permit shall be \$2000.00 for the processing, consideration and conducting of public hearings.

J. Revocation or suspension of permit:

A permit may be revoked or suspended for violations pursuant to W.S. 18-5-511.

k. Penalties for violations:

Penalties under this chapter will be subject to W.S. 18-5-512.

I. Definitions:

Array. A group or arrangement of individual modules or panels.

Concentrating solar power (CSP) plants use mirrors to concentrate the sun's energy to drive traditional steam turbines or engines that create electricity. The thermal energy concentrated in a CSP plant can be stored and used to produce electricity when it is needed, day or night.

Nameplate Capacity. The maximum amount of electric energy that a generator can produce under specific conditions, as rated by the manufacturer

Photovoltaic (PV) System. A system composed of one or more solar panels combined with an inverter and other electrical and mechanical hardware that uses energy from the Sun to generate electricity.

Solar Module. Also called solar panels, a solar module is a single photovoltaic panel that is an assembly of connected solar cells. The solar cells absorb sunlight as a source of energy to generate electricity. An array of modules are used to supply power to buildings

Utility Scale Solar System (Solar Farm). A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar power (CSP), or other solar conversion technology, for the primary purpose of wholesale sales of generated electricity.

ZC20-2 Zone Change RAM to UA

For Taylor Cook & Kay Page will be considered at the September 15, 2020 Board of County Commissioner meeting.

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: To:

Applicant Name:

Applicant Address:

Applicant Phone:

Owner Name:

Owner Address:

Owner Phone:

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.)

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

Type of sewage disposal: Public Septic Holding Tank Other

Source of Water:

This property was purchased from:

The date this property was purchased:

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.** By signing this application I am (We are) granting the Development Department access to our property for inspections.

Applicant: 
(Signature)

Date: 6-18-20

Print Applicant Name: Taylor Cook

Owner: 
(Signature)

Date: 6-18-20

Print Owner Name: Taylor Cook

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: To:

Applicant Name:

Applicant Address:

Applicant Phone:

Owner Name:

Owner Address:

Owner Phone:

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.)

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

Type of sewage disposal: Public Septic Holding Tank Other

Source of Water:

This property was purchased from:

The date this property was purchased:

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.** By signing this application I am (We are) granting the Development Department access to our property for inspections.

Applicant: Kay Page
(Signature)

Date: 6/18/20

Print Applicant Name: Kay Page

Owner: Kay Page
(Signature)

Date: 6/18/20

Print Owner Name: Kay Page



Keith R. Nachbar

LAW OFFICES

Paralegal
Debra J. Dean

June 19, 2020

Jason Gutierrez
Development Department Director
Natrona County Development Department
200 North Center St. Suite 205
Casper, WY 82601

RE: Cook/Page Applications for Zoning Amendment
2922 and 2942 Phillips Land, RAM to UA
N1/2NE1/4 Sec. 20, T. 33 N, R. 81 W
Parcels A, B, C and E on the attached drawing

Dear Mr. Gutierrez:

Our firm represents the applicants for the above listed applications for zoning amendment for properties at 2922 and 2942 Phillips Lane. The subject parcels are currently in the RAM zoning district and the applicants seek to have them rezoned to UA. I am writing to provide some additional information in support of approval of the application.

The subject properties comprise 43.65 acres surrounded by several other 10 and 20 acre parcels that lie within the RAM zoning district. There are several 5 acre parcels nearby, along with several 20 acre parcels and a 26 acre parcel right in the area. RAM zoning currently requires a minimum lot size of 35 acres. The requested zoning for the subject parcels, UA, requires a 10 acre minimum lot size.

The subject properties border UA zoning along the eastern boundary.

The proposed amendment directly meets or at least parallels several of Natrona County's required criteria for a zone change.

1) *"The proposed rezoning is necessary to come into compliance with the Natrona County Development Plan"*

The subject properties are surrounded by other 10 and 20 acre parcels within and outside the Phillips Lane Subdivision, all of which lie within RAM zoning. Part of the subject properties, along with several neighboring parcels, are inconsistent with current RAM zoning in the area which requires a minimum 35 acre lot size.

The subjects border UA zoning along their eastern boundary. It appears that for the sake of simplicity, when establishing the zoning boundary, the Natrona County Development Department made a straight line north and south to divide UA from RAM zoning, rather than incorporate these pre-existing smaller parcels that meet the criteria of UA but not RAM zoning. The subject properties (and the nearby parcels) would certainly better meet the criteria of UA zoning than that of RAM.

2) *"The existing zoning of the land was the result of a clerical error."*

3) *"The existing zoning of the land was based on a mistake of fact."*

While we cannot point to or identify a specific clerical error or mistake of fact, it does seem odd that the UA/RAM zoning boundary running north and south along the eastern boundary of the Phillips Lane Subdivision did not address the pre-existing Phillips Lane Subdivision lots and the fact that a number of these lots were sized consistent with UA zoning, not RAM zoning. It certainly would have made sense at the time of implementation of zoning regulations to zone parcels in the Phillips Lane Subdivision as UA, consistent with their smaller lot sizes.

4) *Criteria four is not applicable.*

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) *“The 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.”*

These two criteria are addressed together as they are closely related and the application easily meets both of these criteria.

The area in which the subject properties are located has changed and will continue to change as people of Casper and those moving here buy up west side properties. There is a need for these smaller lots west of Casper, particularly in the area of the subject properties because of municipal water, easy access to Casper, good soil, and in some cases irrigation rights. Many homeowners want smaller rural properties and for these reasons choose the west side of Casper to locate their homes. The demand for small rural properties is strong on the west side of Casper and it does not appear that the zoning adequately accommodates this need.

The recent subdivision on 8 Mile Road is proof of the high demand. There were approximately 9 lots of approximately 12 to 15 acres in size that sold within the first year of being formed. Some of these homes were in the price range of a half million dollars.

The area in which the subject properties are located also has abundant municipal water supply, provided by Poison Spider Water District. In fact, the Phillips Lane area in which the subject parcel is located has a recently installed 8” municipal water main that will provide water to an additional 65 to 114 homes. This water project contemplated and accommodated substantial growth and development in the area. The Natrona County Commissioners have also seen an increase in use of Zero Road which serves as the main access to the subject properties and their neighbors. Natrona County has accommodated this increase in use and expected future use by paving a large portion of Zero Road.

The Poison Spider School provides primary education for the subjects and surrounding properties. It is located less than a mile away

Jason Gutierrez
June 19, 2020
Page 4 of 4

from the subject properties. That school was recently replaced and this replacement allows the school district to accommodate the increasing number of students attending the school from the development surrounding the subjects.

The zone change will not result in spot zoning, as the subjects are contiguous with property that is already zoned UA. It merely conforms the zoning on these parcels to the pre-existing smaller lot sizes of neighboring properties. A parcel located to the north was recently rezoned from RAM to UA.

The subject properties are located in Area F of the 2016 Natrona County Development Plan. The recommended land use for communities in Area F includes "low density residential development." ¶ B.1. at p.6-20. The proposed zone change promotes the goal of low density residential land use on and around the subject property, which is located in an existing subdivision.

The properties within the proposed zone amendment are currently surrounded on all sides by parcels that fit more in UA than they do RAM.

Given all of the above, the proposed zone change will serve the properties in the area, the goals of the Natrona County Development Plan, and help to fulfill the need for these kinds of parcels in west Casper. We respectfully request that the proposed zone change be approved.

I would be happy to address any questions of you or your staff on this proposal or provide any additional information.

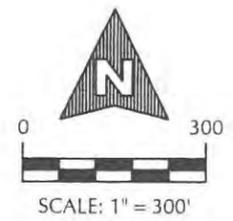
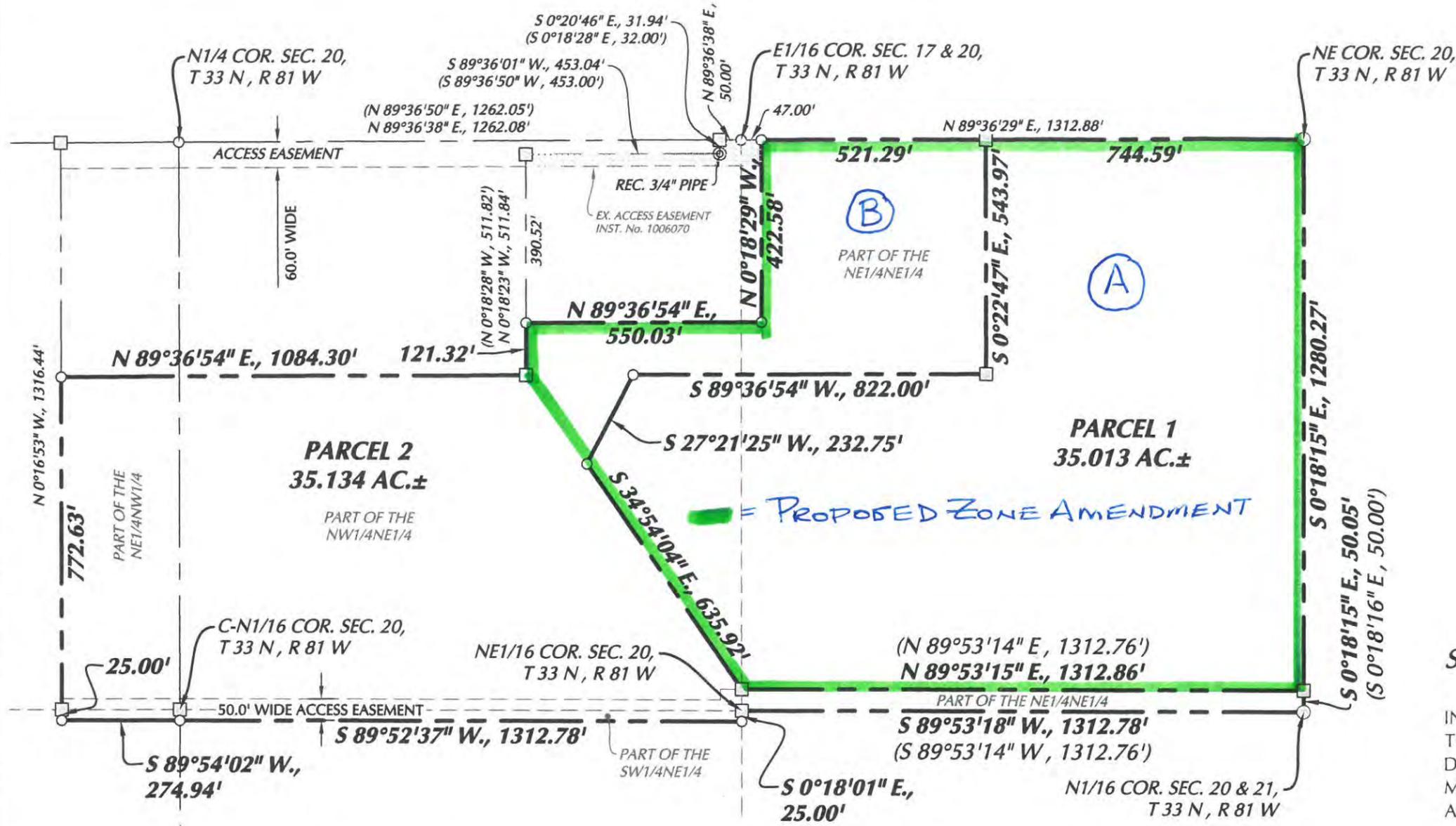
Sincerely,



Keith R. Nachbar

Enclosure

Z:\SHANE-SURVEYING\CIVIL_2020\11-20\DWG\PLAT\11-20_PLAT.dwg SAVED: 6/17/20 PRINTED: 6/17/20 BY: JOE



NOTES:
 1) BASIS OF BEARING IS AN ASSUMED BEARING OF NORTH AS DETERMINED BY GPS (WGS84) NEAR THE EAST SIXTEENTH CORNER ON THE NORTH LINE OF SECTION 20.

LEGEND	
○	RECOVERED BRASS CAP
□	RECOVERED ALUMINUM CAP
⊙	RECOVERED MONUMENT AS NOTED
○	PROJECTION
— — — — —	SITE BOUNDARY
— — — — —	LOT LINES
— — — — —	EASEMENT LINES
— — — — —	MEASURED
— — — — —	RECORD

SURVEYOR'S CERTIFICATE:

I, JOSEPH L. SHANE, A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME IN THE MONTH OF JUNE, 2019 AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF.



PARCEL 1 LEGAL DESCRIPTION (PAGE REMAINING PARCEL):

A PARCEL LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 20 (GLO BRASS CAP), THENCE SOUTH 0°18'15" EAST A DISTANCE OF 1280.27 FEET ALONG THE EAST LINE OF SAID SECTION 20 TO A POINT (REBAR & CAP), THENCE SOUTH 89°53'15" WEST A DISTANCE OF 1312.86 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20 (REBAR & CAP), THENCE NORTH 34°54'04" WEST A DISTANCE OF 635.92 FEET TO A POINT, THENCE NORTH 27°21'25" EAST A DISTANCE OF 232.75 FEET TO A POINT, THENCE NORTH 89°36'54" EAST A DISTANCE OF 822.00 FEET TO A POINT (REBAR AND CAP), THENCE NORTH 0°22'47" WEST A DISTANCE OF 543.97 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 20 (REBAR & CAP), THENCE NORTH 89°36'29" EAST A DISTANCE OF 744.59 FEET TO THE POINT OF BEGINNING, CONTAINING 35.013 ACRES MORE OR LESS.

PARCEL 2 LEGAL DESCRIPTION (TAYLOR COOK PARCEL):

A PARCEL LOCATED IN THE NORTH HALF OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 20 WHICH BEARS SOUTH 89°36'29" WEST A DISTANCE OF 744.59 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 20 (GLO BRASS CAP), THENCE SOUTH 0°22'47" EAST A DISTANCE OF 543.97 FEET TO A POINT (REBAR & CAP), THENCE SOUTH 89°36'54" WEST A DISTANCE OF 822.00 FEET TO A POINT, THENCE SOUTH 27°21'25" WEST A DISTANCE OF 232.75 FEET TO A POINT, THENCE SOUTH 34°54'04" EAST A DISTANCE OF 635.92 FEET TO A POINT (REBAR & CAP), THENCE NORTH 89°53'15" EAST A DISTANCE OF 1312.86 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 20 (REBAR & CAP), THENCE SOUTH 0°18'15" EAST A DISTANCE OF 50.05 FEET TO THE NORTH SIXTEENTH CORNER COMMON TO SECTION 20 & 21 (GLO BRASS CAP), THENCE SOUTH 89°53'18" WEST A DISTANCE OF 1312.78 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 20 (REBAR & CAP), THENCE SOUTH 0°18'01" EAST A DISTANCE OF 25.00 FEET TO A POINT, THENCE SOUTH 89°52'37" WEST A DISTANCE OF 1312.78 FEET TO A POINT, THENCE SOUTH 89°54'02" WEST A DISTANCE OF 274.94 FEET TO A POINT, THENCE NORTH 0°16'53" WEST A DISTANCE OF 772.63 FEET TO A POINT, THENCE NORTH 89°36'54" EAST A DISTANCE OF 1084.30 FEET TO A POINT (REBAR & CAP), THENCE NORTH 0°18'23" WEST A DISTANCE OF 121.32 FEET TO A POINT, THENCE NORTH 89°36'54" EAST A DISTANCE OF 550.03 FEET TO A POINT, THENCE NORTH 0°18'29" WEST A DISTANCE OF 422.58 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 20, THENCE NORTH 89°36'29" EAST A DISTANCE OF 521.29 FEET TO THE POINT OF BEGINNING, CONTAINING 35.134 ACRES MORE OR LESS.



Prepared by Shane Surveying
 P.O. Box 51412 / Casper, WY 82605
 PH: (307)251-7488

PLAT OF SURVEY
 LOCATED IN THE N1/2, SEC. 20, T.33N., R.81W.,
 6th P.M., NATRONA COUNTY, WYOMING
 PREPARED FOR JERRY COOK

Drawn By:	JLS
Checked By:	JLS
Date:	6/16/2020
Rev. Date:	NONE
Job No.:	11-20
SHEET:	PLAT OF SURVEY



CONSULTING, LLC

5830 East 2nd Street
Casper, Wyoming 82609

Phone: 307-473-8184

Fax: 307-265-4672

ENGINEERING,
CONSULTING
& DESIGN

February 27, 2013

Mr. Jerry Cook
P. O. Box 850
Mills, WY 82644

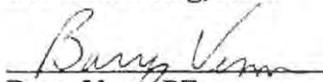
Re: Poison Spider Water System Capacity, Line B

Dear Mr. Cook:

This letter is submitted as a follow up to address the water system capacity in the area you are planning to develop along Phillips Road. Our letter of January 3, 2013 neglected to identify the capacity of the 8-inch line serving the northwest area of the District, which we have designated as Line "B" for the construction project. The new water line planned for serving the northwest area of the District is an 8-inch diameter water line, and has a capacity of 114 equivalent ¾-inch taps, or 65 1-inch taps. The total number of taps planned for the northwest area of the District is currently 30, and includes the 8 ¾-inch taps planned for your property. As far as we know, there are no planned 1-inch taps in the general area. So the excess capacity in your general area is approximately 84 taps.

We hope this letter addresses your questions and any concerns about the District's water system capacity. If you have any questions or need further information, please feel free to contact us.

Sincerely,
609 Consulting, LLC


Barry Venn, PE

Cc: Bill Kossert, Poison Spider I&S District
Dave Drell, District's Attorney
Trish Chavis, Natrona County Planning and Development Dept.

REQUEST FOR A ZONE MAP AMENDMENT

ZC20-2
STAFF REPORT: Trish Chavis
July 8, 2020
For
August 10, 2020
Planning and Zoning Commission
And
September 15, 2020
Board of County Commissioner Meeting

Applicant: Taylor Cook and Kay Page

Request: To change the zoning district classification for approximately 43 acres, from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA).

Location and Zoning

The property is located in a portion of the N/2 NE: 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 2922 & 2942 Phillips Ln.

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

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.

In 2016 a request was made to change the zoning to Suburban Residential One (SR-1). This application was withdrawn prior to the Planning Commission meeting.

In 2019, an additional application for 20 acres was requested to go from RAM to UA. It was approved by both the Planning Commission and 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 #1 & 6. (Applicant statement below)

These two criteria are addressed together as they are closely related and the application easily meets both these criteria.

The area in which the subject property is located has changed and will continue to change as people of Casper and those moving here buy up west side properties. There is a need for these smaller lots west of Casper, particularly in the area of the subject property because of municipal water, easy access to Casper, good soil, and in some cases irrigation rights. Many homeowners want smaller rural properties and for these reasons choose the west side of Casper to locate their homes. The demand for small rural properties is strong on the west side of Casper and it does not appear that the zoning adequately accommodates this need.

The recent subdivision on 8 Mile Road is proof of the high demand. There were approximately 9 lots of approximately 12 to 15 acres in size that sold within the first year of being formed. Some of these homes were in the price range of half million dollars.

The area in which the subject property is located also has abundant municipal water supply, provided by Poison Spider Water District. In fact, the Phillips Lane area in which the subject parcel is located has a recently installed 8" municipal water main that will provide water to an additional 65 to 114 homes. This water project contemplated and accommodated substantial growth and development in the area. The Natrona County Commissioners have also seen an increase in use of Zero Road which serves as the main access to the subject property and its neighbors. Natrona County has accommodated this increase in use and expected future use by paving a large portion of Zero Road.

The Poison Spider School provides primary education for the subject and surrounding properties. It is located less than a mile away from the subject property. The school was recently replaced and this replacement allows the school district to accommodate the increasing number of students attending the school from the development surrounding the subject parcel.

The zone change will not result in spot zoning, as the subject is contiguous with property that is already zoned UA. It merely conforms the zoning on this parcel to the pre-existing smaller lot sizes of it and neighboring properties. A parcel to the north was recently zoned RAM to UA.

The subject property is located in Area F of the 2016 Natrona County Development Plan. The recommended land use for communities in Area F includes “low density residential development.” The proposed zone change promotes the goal of low-density residential land use on and around the subject property, which is located in an existing subdivision.

The properties within the proposed zone amendment are currently surrounded on all sides by parcels that fit more in UA than they do RAM.

Given all of the above, the proposed zone change will serve the properties in the area, the goals of Natrona County Development Plan, and help fulfill the need for these kinds of parcels in west Casper. We respectfully request that the proposed zone change be approved.

Staff finding of fact: The 2016 Development Plan for Natrona County was adopted on July 5th, 2016. The recommendation for this area is to have low-density residential development with the zoning being RAM and Urban Agriculture. Low density shall be based on a maximum of 1 unit per 5 acres.

The subject parcel is adjacent to land already zoned Urban Agriculture and shall not be considered a spot zone.

The addition of a new school and municipal water line support future growth of low density residential uses.

The zone change is supported by the Development Plan and the Zoning Resolution.

Public Comment

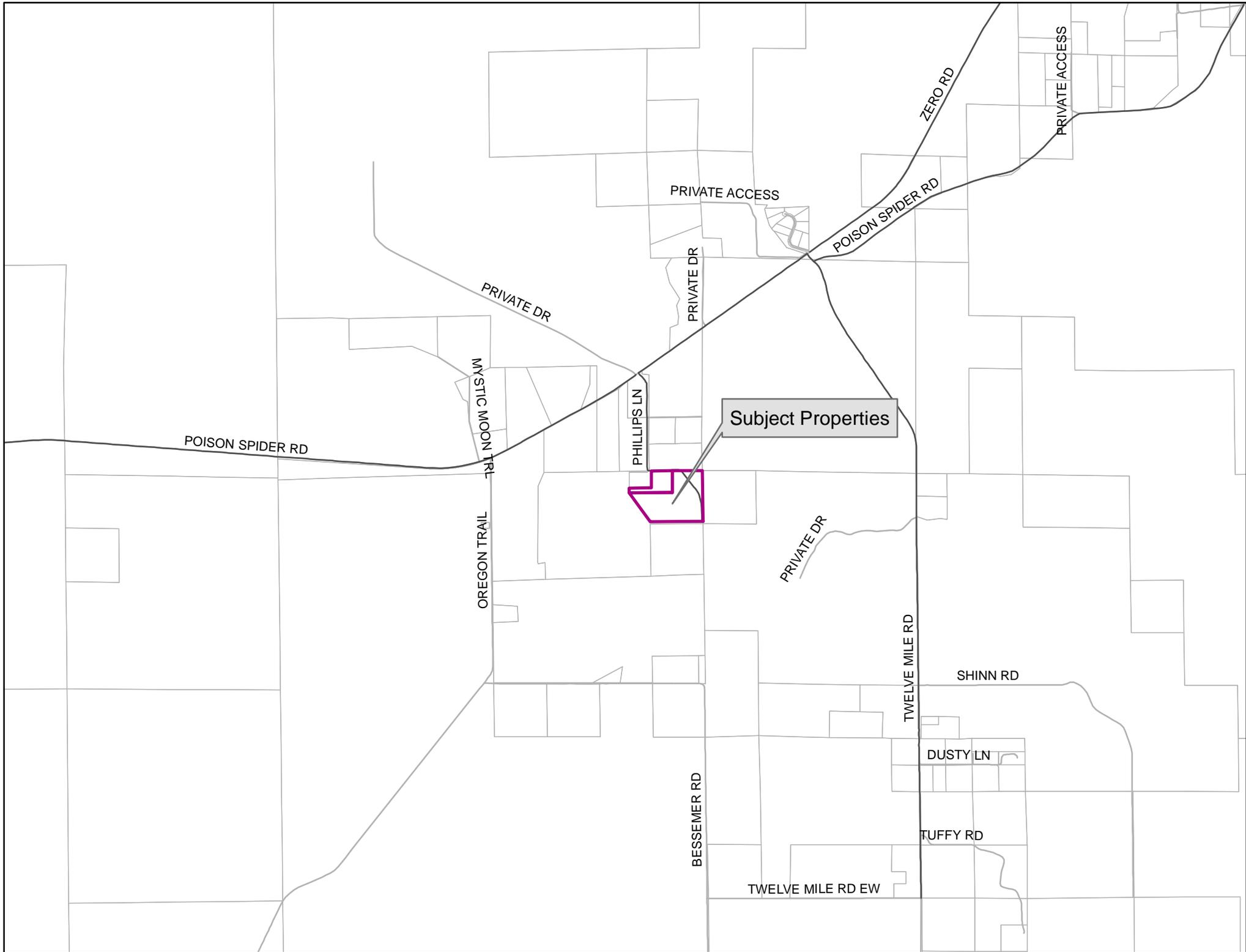
As of the date of this staff report, 1 written comment in opposition has been received.

Staff sent the public notice to 14 neighbors within ½ mile.

Recommendation

Staff proposes a motion and vote by the Planning Commission to recommend approval by the Board of County Commissioners on the proposed zone change from Ranching, Agricultural, and Mining (RAM) to Urban Agriculture (UA).

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



POISON SPIDER RD

PRIVATE DR

MYSTIC MOON TRL

OREGON TRAIL

PHILLIPS LN

PRIVATE ACCESS

PRIVATE DR

Subject Properties

PRIVATE DR

ZERO RD

POISON SPIDER RD

PRIVATE ACCESS

TWELVE MILE RD

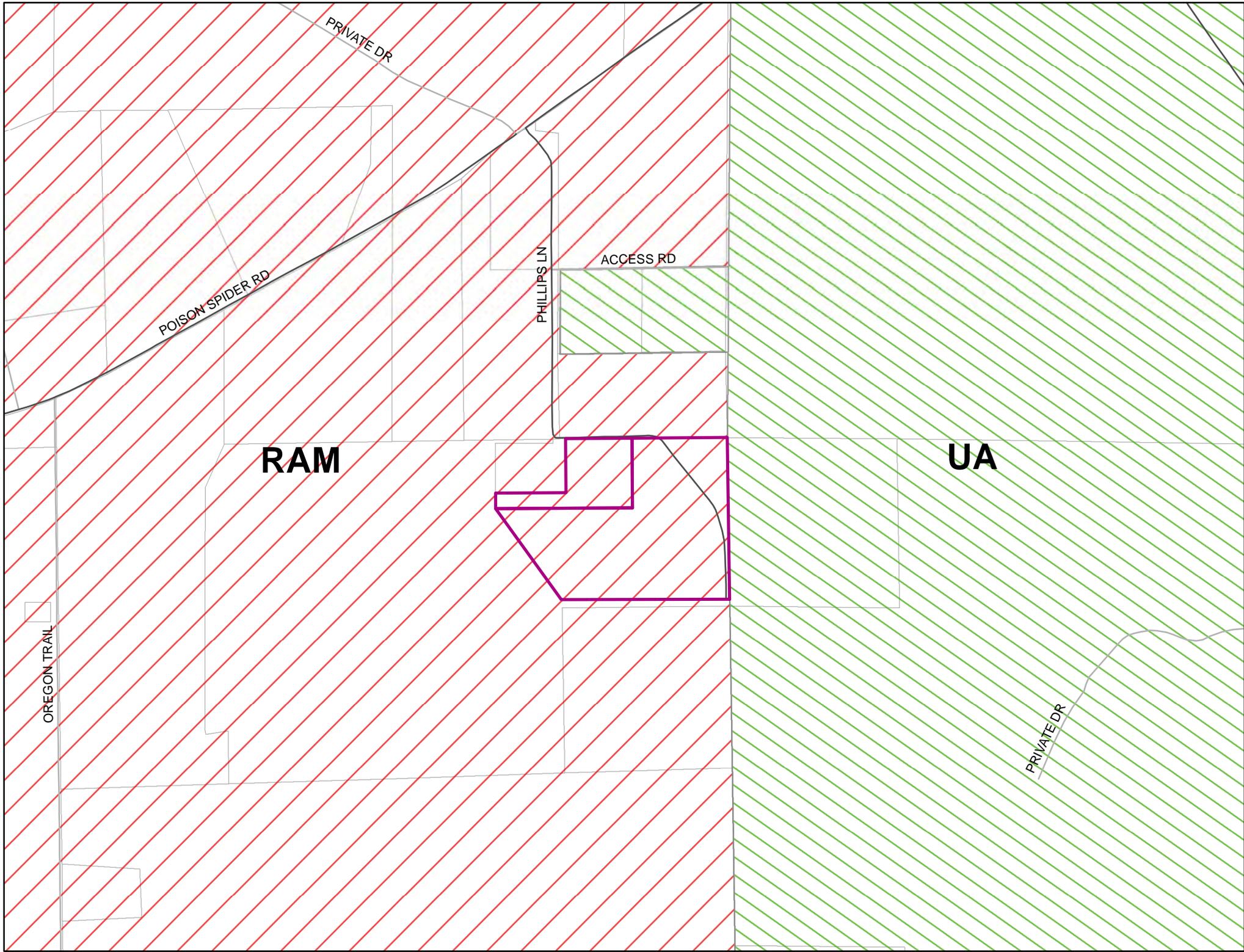
SHINN RD

DUSTY LN

TUFFY RD

TWELVE MILE RD EW

BESSEMER RD



RAM

UA

PRIVATE DR

POISON SPIDER RD

PHILLIPS LN

ACCESS RD

OREGON TRAIL

PRIVATE DR

