



**CITY OF GILLETTE
PLANNING COMMISSION**

Tuesday, May 9, 2017
7:00 PM

**Council Chambers
201 E. 5th Street, Gillette, Wyoming
(307)686-5281**

CALL TO ORDER

APPROVAL OF MINUTES

1. Pre-Meeting Workshop Minutes April 25, 2017
Meeting Minutes April 25, 2017

CASE NO. 17.016CSP

County Subdivision Plat - Tonn Subdivision

OLD BUSINESS

NEW BUSINESS

DIRECTOR'S REPORT

ADJOURNMENT

CHAIRMAN

Clark Sanders

VICE-CHAIRMAN

Jennifer Thomas

BOARD MEMBERS

Todd Mattson

Jim Nielsen

Cindy Reardon

Brenda Green

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**CITY OF GILLETTE
PLANNING COMMISSION
May 9, 2017 7:00:00 PM
Council Chambers
201 E. 5th Street, Gillette, Wyoming
(307)686-5281**

DATE: 5/9/2017 7:00:00 PM

CASE NUMBER AND TITLE:

Pre-Meeting Workshop Minutes April 25, 2017

Meeting Minutes April 25, 2017

APPLICANT/OWNER:

AGENT:

CASE SUMMARY:

CASE BACKGROUND:

CASE REQUIREMENTS:

STAFF RECOMMENDATION:

CASE MANAGER:

TENTATIVE CITY COUNCIL DATE:

ATTACHMENTS:

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☐ [Meeting Minutes](#)

CITY PLANNING COMMISSION
MINUTES OF THE PRE-MEETING WORKSHOP
ENGINEERING CONFERENCE ROOM – CITY HALL
April 25, 2017 – 6:00 p.m.

The April 25, 2017, Pre-Meeting Workshop of the City of Gillette Planning Commission convened at 6:00 p.m. in the Engineering Conference Room, located on the second floor of City Hall. Planning Commission Members present were Chairman Clark Sanders, Vice-Chair Jennifer Thomas, Jim Nielsen, Todd Mattson and Cindy Reardon. Those present from the City of Gillette were Mike Cole, Planning Manager; Natalie Buchwald, and Jill McCarty, Administrative Assistant.

Discussion was held on the cases to be presented at the regular meeting to follow.

The Pre-Meeting Workshop adjourned at 6:59 p.m.

Minutes taken and prepared by:

Jill McCarty
Administrative Assistant

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
City Council Chambers ~ City Hall
April 25, 2017 ~ 7:00 p.m.

PRESENT

Commission Members Present: Chairman Clark Sanders, Vice-Chair Jennifer Thomas, Todd Mattson, Cindy Reardon, and Jim Nielsen.

Commission Members Absent: Brenda Green

Staff Present: Mike Cole, Planning Manager, Natalie Buchwald, Planner, and Jill McCarty, Administrative Assistant.

CALL TO ORDER

Chairman Sanders called the meeting to order at 7:02 p.m.

APPROVAL OF THE MINUTES

A motion was made by Jim Nielsen and seconded by Jennifer Thomas to approve the Pre-Meeting Workshop and Regular Meeting Minutes of the City Planning Commission Meeting of April 11, 2017. Motion carried 5/0.

17.013DP
DEVELOPMENT
PLAN-Hampton Inn &
Suites

Natalie Buchwald presented Case No. 17.013DP

The owner is requesting the construction of a new eighty-two (82) unit, four (4) story Hampton Inn & Suites to be located on Lots 2A and 2B, Block 1, of Westover Hills Subdivision Phase 1, more simply known as 2300 & 2312 Westover Road.

The vacant 3.69-acre property was originally platted as Lot 2 of the Westover Hills Subdivision Phase 1 in 1980. In 1988 the original Lot 2 was split into Lot 2A and Lot 2B. No development has ever taken place on either of the two lots. Both lots are currently zoned C-1, General Commercial. This proposal is compatible with the Land Use Plan as the Land Use Plan envisions this area to develop as General Commercial.

The four (4) story hotel is proposed to be constructed entirely on Lot 2A while Lot 2B will be utilized for access to the hotel, parking, and landscaping. However, there will be parking and landscaping on Lot 2A as well. Regarding parking and access, eighty-two (82) spaces are required and eighty-two (82) spaces have been provided including adequate handicap parking. A Cross Parking and Access Agreement is required for this project because parking for the hotel exists on both Lot 2A and Lot 2B. Due to the height of the building and architectural features, the Fire Department is requiring that the outer-east driving lane be a required fire lane and therefore marked as such. Landscaping is adequate for the site. The Parks and Beautification Board approved the landscape plan during their meeting on April 13, 2017.

Chairman Sanders asked if there were any calls received by the City regarding this case, and Natalie said the City did not receive any calls.

Jim Nielsen wanted it to be noted for the landscaping portion of the site to be paid attention to for site distance and obstructions for vehicles coming out of the approach.

There were no further questions from the commission or the public on this

case.

Todd Mattson made a motion to approve said case. Jim Nielsen seconded the motion. Motion carried 5/0.

17.011Z- ZONING
MAP AMENDMENT-
Portion of Tract D, Ash
Meadows Phase I

Natalie Buchwald presented Case No. 17.0011Z

The agent, on behalf of the owner, is proposing to rezone a 9.79-acre portion of Tract D, Ash Meadows Subdivision Phase 1 from M-H, Mobile Home District to I-1, Light Industrial District.

Tract D was created as part of the Ash Meadows Subdivision Phase I. Ash Meadows Subdivision Phase I and Phase II were preceded by the approval of a Preliminary Plat. The Preliminary Plat proposed mobile home lots on the entire area including Tract D; Tract D is currently vacant. Northern Drive was shown bordering the land on the north on all plats. The portion of Tract D that is being proposed to be rezoned is 9.79 acres of the existing 23.4-acre lot. The minimum zoning district size for an I-1, Light Industrial District is 5 acres. In 2015, a similar rezoning request was proposed for this location. At that time the agent proposed that a 15.40-acre portion of Tract D be rezoned from M-H, Mobile Home District to I-1, Light Industrial District. That request was not approved by the Planning Commission and, at the time, the applicant decided not to move forward with the rezone request for consideration by the City Council.

The City of Gillette's adopted Land Use Plan designates this area as residential with Manufactured and Mobile Homes. Outside of City limits, in Campbell County, to the north and to the east all land is zoned as A-L, Agricultural. The City-County Joint Land Use Plan designates the areas in the County to the north as Mining (active coal lease area) and to the east as Residential. This proposed rezone is not compatible with the adopted Land Use Plan as the area south of Northern Drive in both the City of Gillette and Campbell County is all envisioned to be residential.

Staff recommends denial of this proposed Zoning Map Amendment for a portion of Tract D, Ash Meadows Subdivision Phase I from M-H to I-1 because it conflicts with the future Land Use Plan for this area. However, Staff recommends the agent consider three other options for this area to accommodate the intended use of providing parking to support the adjacent residential uses. These three options include:

1. A Zoning Text Amendment to allow for "parking of vehicles" as a permitted use in the M-H, Mobile Home District; provided the proposed "off-street parking" complies with the surfacing, design, use and maintenance within Section 9 of the City's Zoning Ordinance.
2. Rezone the area from M-H, Mobile Home District to R-2, Single & Two Family Residential District. This would allow the area to retain the residential zoning, but also allows for "parking of vehicles" as a permitted use in the R-2 district.
3. Rezone the area from M-H, Mobile Home District to R-4, Multi Family Residential District. This would allow the area to retain

the residential zoning, but also allows for "parking of vehicles" as a permitted use in the R-4 district.

Staff will support any one of the three aforementioned options.

Chairman Sanders asked if there were any questions from the commission or the public on this case.

Bret Wolz, Agent for the applicant, was in attendance and said he had not been informed beforehand that the case was going to be recommended for denial by City staff. Bret said the area is being contemplated as an RV storage area, with an access off of Northern Drive, and said the area would never be accessed off of the Ash Meadows Subdivision. Bret stated it was being petitioned to change the zoning not only because of market changes, but also because of land use changes happening in the area.

Chairman Sanders asked Bret if the owner would be agreeable to changing the zoning to an R-2. Bret said he was given no chance to ask the owner of that possibility.

Cindy Reardon asked if the zoning was approved for outdoor storage and parking, could it be changed in the future to some other form of light industrial. Mike Cole said that could be a possibility in the future, as it is undeveloped land currently. The residential character could be preserved however, while still allowing for RV parking with a different residential rezoning that allows for parking or storage of vehicles.

Jim Nielsen asked if the zoning were to be denied by the Planning Commission, would the case still be able to move forward for consideration by the City Council with one of the three options offered by City staff. Mike Cole said it could move forward, but if it were to be denied by Council then it could not be reconsidered for a period of one year afterwards. A rezone application to fit the area that would have the endorsement of the Commission that is also compatible with the land use plan could potentially be approved by City Council.

Terri Triebs, a homeowner in Ash Meadows, was present and inquired what was being considered at the meeting, and whether or not the rezoning had already taken place. Chairman Sanders said currently the Commission still needed to vote on the rezoning. Terri said when she purchased her home it was with the understanding the subdivision was for mobile homes, with zoning for other types of homes possible. Terri said light industrial was not expected in the area, and was curious what other options were being proposed. Chairman Sanders said other types of zoning that would allow parking were proposed by staff. Terri asked who the individual(s) were requesting the rezoning. Bret said it was a group who were not willing to be named until the rezoning was approved.

Wendy Dornan who lives on the outskirts of Ash Meadows was also present, and said when she purchased her home it was with the understanding she would just be looking out to her neighbors. She said right now the neighborhood is quiet and peaceful, it is a family development. Whatever could be built in an industrial zoning, she was concerned a lot of noise would be a part of it. She also felt changing the

zoning could also potentially change the value of the homes.

Nadine Fralick, who lives to the east of the development, was also present and said she did not think the zoning should be changed for the area. Bret Wolz stated he wanted to comment Nadine owned the property with a conditional use permit from the County that was next to the area being requested for rezoning.

Todd Mattson asked what the best action for the Commission would be, whether to table the case or take a vote. Mike said if additional information or time was felt was needed, tabling the item would be an option. If it was felt the Commission had enough information, then a vote could be taken. Bret Wolz requested the case be tabled, and asked for staff to meet with him about the case.

Chairman Sanders asked if the item were tabled, would it come back with the same conditions, or should it be denied and come back with a new application. Mike Cole said if the item were to be tabled, staff could work with the applicant to revise the application. With direction from the Planning Commission staff and the applicant could revise the application into something to their liking for future consideration.

Wendy Dornan asked if the client was a citizen of Gillette, as she was concerned Gillette would not profit from the rezoning change if they were not. Mike Cole said the agent was representing the interest of the land owner for the development and/or the interests of a future owner if a purchase agreement were to be negotiated among the parties.

Jim Nielsen said he did not want to see a residential feeling area change to an industrial type area. If no interest were to be there for storage, he would like to keep the area where future development of homes could still happen.

Cindy Reardon asked if there was an indication to the homeowners there was potential for industrial to be considered for the area. Bret said there was no intention for industrial, it was the intention to build mobile homes. He said the economy is different now than it was in 2006 when the development first started. The current owner, Albert Howell, is currently in his 80s and would like to simplify his estate. Wendy Dornan said she was under the understanding the owners were Mr. Howell and his son-in-law. Nadine Fralick also stated there was a realtor sign on the property currently that stated the proposed rezoning area was commercial land.

Jennifer Thomas made a motion to table the item. Todd Mattson seconded the motion. An oral vote was taken for the tabling with a recommendation of staff to meet with the agent for alternatives to the rezoning, for discussion to be a residential zoning to allow the storage of motorhomes, boats, etc. Amended to be heard at the May 23, 2017, Planning Commission meeting. Motion carried 5/0.

17.014Z-ZONING MAP
AMENDMENT-Lot 12,
Block 4, Northside
Addition

Natalie Buchwald presented Case No. 17.014Z

The owner is seeking approval to rezone Lot 12, Block 4, of the Northside Addition from R-2, Single & Two Family Residential District to A, Agricultural District.

David Bundy, the owner, wishes to rezone the lot so the zoning is contiguous with the other property he owns to the east, which are also zoned A, Agricultural. The lot was originally established in 1920, and has never been developed. The Land Use Plan envisions this area as a mixture of Multifamily Residential and Industrial. This proposed rezone conflicts with the future Land Use Plan for this area.

Staff recommends denial of this Zoning Map Amendment to rezone Lot 12, Block 4, of the Northside Addition from R-2, Single & Two Family Residential District to A, Agricultural District because the proposed rezone conflicts with the future Land Use Plan for this area, and because the proposed rezone does not meet the minimum zoning district size for the Agricultural zoning district. However, there is another option staff recommends the owner consider. The applicant can prepare and submit a Minor Subdivision Final Plat to consolidate the property being proposed for a rezone along with other, adjacent property in common ownership into a single lot. To coincide with the subdivision plat, request a Zoning Map Amendment to adjust the zoning for the entire consolidated lot to either R-2, Single & Two Family Residential District, or R-4, Multi Family Residential District. Both districts allow for residences as permitted uses as well as accessory uses that support the permitted use like a shop, pole barn or detached garage. Natalie said no phone calls or emails were received by City staff regarding the case.

Chairman Sanders asked if there were any questions from the commission or the public on this case. Richard Doyle, agent for the case, was present and said he was not informed beforehand by staff of the recommendation for denial of the rezoning. He said the owner had started to build a separate building, when he was told by the City he needed a different zoning for the building. He felt this was the direction they were given by staff.

Mike Cole said the issues with the rezoning are both the size of the lots, as well as the comprehensive land use plan does not call for continued agricultural use in the area. Richard Doyle said the size of the lots would be close to what was necessary, and the homestead existed a long time before the comprehensive plan. Chairman Sanders asked if the goal could be reached with a minor subdivision. Richard Doyle said more time would be needed to complete a different application for review by the Planning Commission and City Council.

David Bundy, owner of the property, was present and stated he was surprised by the recommendation for denial, and was told the rezoning would be the easiest way to complete the building being built on his property. David Bundy said he was concerned if the property with the residence was changed from being zoned Agricultural, then he would no longer be able to keep horses on the property, which he does for 5 to 6 months throughout the year.

Mike Cole said if the zoning were approved as Agricultural District, it was not known if a building permit could be issued without consolidating the lots. Mike said considering horses were being kept on the property it might work to zone the proposed lot as agricultural, and also have a minor subdivision plat applied for to consolidate Lot 12 and Tract A3. However,

Mike did indicate that a building permit for an accessory structure that did not support the permitted use for either the existing R-2 zoning district or proposed Ag zoning district will be difficult to approve. For an accessory structure in the R-2 zoning district, a residential use on the existing lot first needs to be established. Likewise, for an accessory structure in the Ag zoning district, an agriculture use needs to be first established as well. Consolidation of the vacant lot with the existing lot with the house through a minor final subdivision plat would support a permit for an accessory structure with the residential use already established.

Jim Nielsen made a motion to approve said case. Cindy Reardon seconded the motion. Motion carried 5/0.

NEW BUSINESS

Planning Manager Mike Cole said there would be one new case at the next Planning Commission on May 9, 2017.

ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Minutes taken and prepared by Jill McCarty, Administrative Assistant.



**CITY OF GILLETTE
PLANNING COMMISSION
May 9, 2017 7:00:00 PM
Council Chambers
201 E. 5th Street, Gillette, Wyoming
(307)686-5281**

DATE: 5/9/2017 7:00:00 PM

CASE NUMBER AND TITLE:

17.016CSPCounty Subdivision Plat - Tonn Subdivision

APPLICANT/OWNER:

Kelly Tonn Childrens Family Trust

AGENT:

Doyle Surveying Inc. (thru Campbell County Planning & Zoning Division)

CASE SUMMARY:

The owner is proposing a County Simple Subdivision to subdivide and split one (1) parcel into two (2) parcels.

CASE BACKGROUND:

The owner is proposing to subdivide a 40.59 acre parcel into two (2) parcels, one 10 acres in size and one 30.59 acres in size.

The parcel is zoned in the County as R-S, Residential Suburban. There is one residence on the parcel.

The property is within one (1) mile of the existing City limits, prompting a joint City/County subdivision review per W.S. 34-12-103. The County Planning Commission approved this subdivision during their April 20, 2017, meeting.

The Property is located within the Spring Hill Ranch Improvement & Service District (ISD). The City of Gillette has executed a Water Service Agreement (WSA) with the Spring Hill Ranch I&SD to provide regional water service. Attached is a copy of the executed WSA.

The proposed alignment for Western Drive is planned through this parcel. Western Drive is a proposed Major Arterial Transportation Corridor that will connect Southern Drive to I-90. The proposed Western Drive right-of-way width is 150 ft through this parcel. The Western Drive Corridor alignment is identified and has been formally adopted by the Governing Body of the City of Gillette per the following plans and studies:

- City of Gillette 2009 Transportation Plan Update, Final Report, July 2009
- City of Gillette 2013 Comprehensive Plan Update, adopted November 19, 2013

- WYDOT Urban Roadway Functional Classification Map approved, November 2015

The Western Drive Corridor alignment is also identified in both the Gillette Long Range Transportation Plan Update, 2017 (draft report) and the Western Drive Corridor Study (2011). As of April 13, 2017, neither of these studies has been formally adopted by the Governing Body of the City of Gillette.

FEMA has identified Special Flood Hazard Areas within the southern portion of this property.

CASE REQUIREMENTS:

1. The applicant shall incorporate all Planning Considerations identified by Campbell County and as approved by the Campbell County Planning Commission during their April 20, 2017 meeting.
2. The City's standard "Certificate of the Planning Commission" statement and signature approval(s) and the City's standard "Certificate of the City Council" statement and signature approval(s) shall be added to the final Record of Survey documents.
3. Signatures shall be obtained by the Planning Commission Chairman and Planning Commission Secretary and by the the Mayor and City Clerk prior to recordation with the County Clerk.

STAFF RECOMMENDATION:

Staff recommends approval, subject to all Planning Requirements.

CASE MANAGER:

Natalie Buchwald, Planner

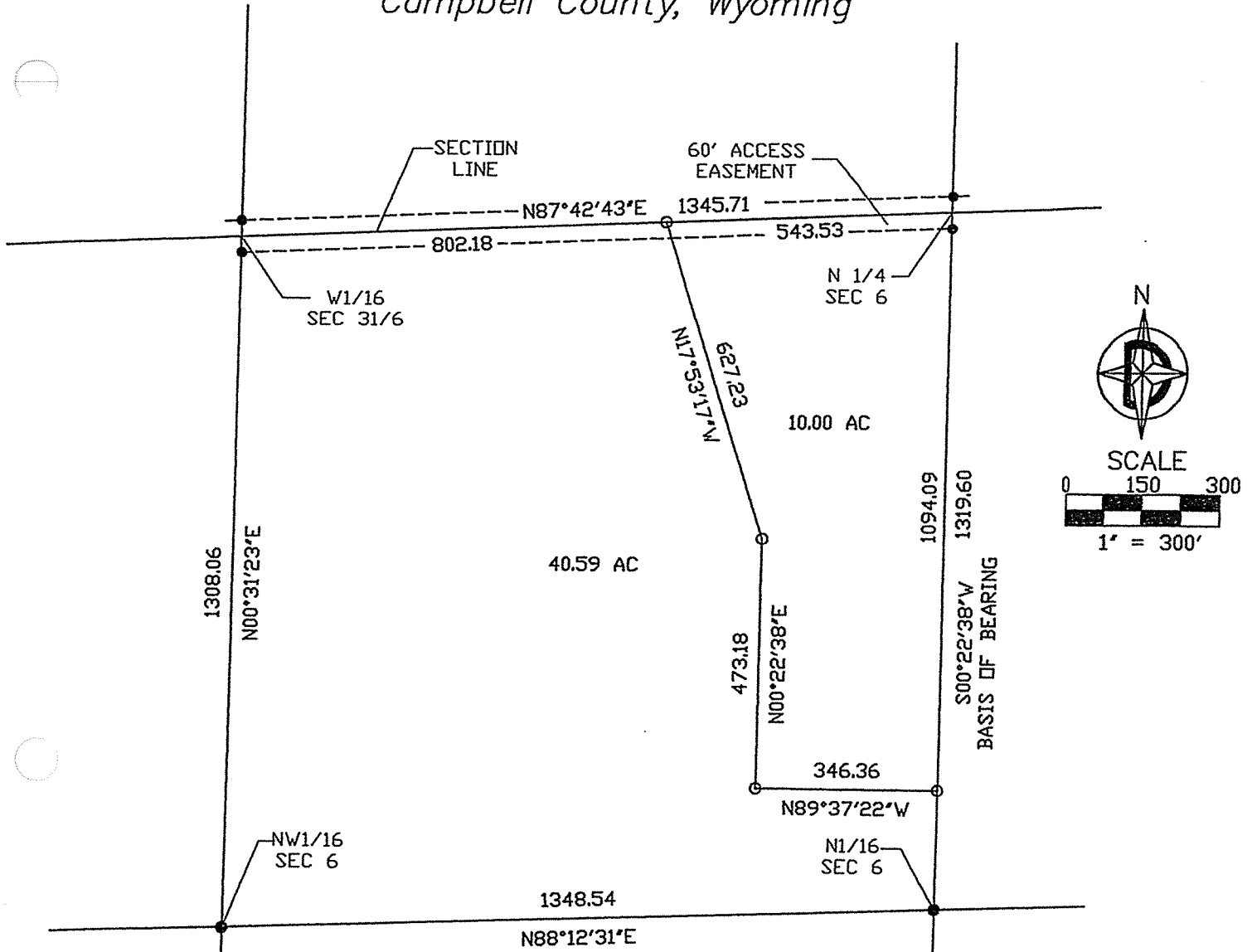
TENTATIVE CITY COUNCIL DATE:

May 16, 2017

ATTACHMENTS:

Click to download
<input type="checkbox"/> Record of Survey
<input type="checkbox"/> Spring Hill Ranch ISD WSA
<input type="checkbox"/> Excerpts from County Planning Commission Packet

NE1/4 NW1/4, SECTION 6
T49N, R72W of the 6TH P.M.
Campbell County, Wyoming

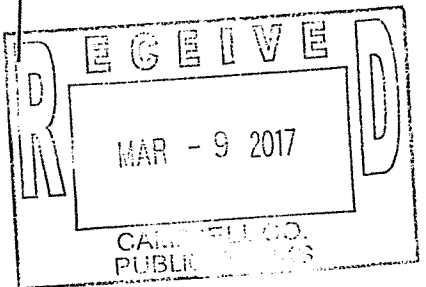


SURVEYOR'S CERTIFICATE

I, Richard T. Doyle, of Gillette, Wyoming, hereby certify that this plat was made from notes taken during and actual survey performed under my direct supervision during the months of March and April, 2017, and that said survey is accurately represented on this plat and is set out on the ground as shown hereon.

LEGEND

- FOUND CORNER MONUMENT
- SET 5/8" REBAR
W/ALCAP 2333'



PREPARED FOR:
Kelly Tonn Childrens
Living Trust
PO Box 393
Sidney, MT 59270

DATE OF PREPARATION:
3/9/2017

PREPARED BY:
DOYLE SURVEYING, INC.
801 E. Fourth St.
Suite 15
Gillette, WY 82716
PH: (307) 686-2410

City of Gillette and Spring Hill Ranch Improvement and Service District

Water Service Agreement

Agreement made and entered into by and between the City of Gillette, Wyoming, a municipal corporation and City of the First Class, hereinafter CITY, of 201 East Fifth Street, Gillette, Wyoming, and Spring Hill Ranch Improvement and Service District 9 Hilltop Circle, Gillette, Wyoming, 82716, hereinafter WHOLESale CUSTOMER. The WHOLESale CUSTOMER and CITY may be referred to collectively herein as the PARTIES.

WHEREAS, the CITY and Campbell County, Wyoming have entered into a Joint Powers Agreement, hereinafter JPA, to develop a regional system for water supply.

WHEREAS, the CITY owns and operates the Gillette Water Supply System, hereinafter referred to as the PROJECT. The City will have responsibility for compliance with all federal and state regulations pertaining to the USEPA Safe Drinking Water Act (SDWA) and other qualitative or quantitative rules, the costs of which will be included in the Project.

WHEREAS, the JPA identifies a Designated Service Area, hereinafter DSA, identifying a geographic region within which service from the PROJECT shall be available to wholesale customers.

WHEREAS, the WHOLESale CUSTOMER operates a domestic water system that serves the residents of the Spring Hill Ranch Improvement and Service District Special district, containing 11 lots as of this date, as shown on Exhibit A..

WHEREAS, the WHOLESale CUSTOMER'S domestic water system lies within the DSA and is voluntarily seeking connection to the PROJECT.

WHEREAS, the JPA identifies two (2) Types of Service available from the PROJECT: Type 1: Service connections to the Madison pipelines, and Type 2: Service connections to the Gillette water distribution system.

WHEREAS, the WHOLESale CUSTOMER requests to connect to the PROJECT system using Type [1] or [2] Service.

WHEREAS, the WHOLESale CUSTOMER may choose between two (2) Levels of Service, hereinafter referred to as LOS, and the WHOLESale CUSTOMER desires the LOS identified below:

☒ LOS A: Level of Service A is for continuous, year round wholesale water service.

☐ LOS B: Level of Service B is for standby intermittent service (seasonal peak or off-peak, or emergency and/or fire flow service).

WHEREAS, the PARTIES acknowledge that the WHOLESale CUSTOMER owns a domestic water system and is responsible for operations and maintenance, repairs, upgrades, regulatory compliance, and adequate funding for all related activities on the customer side of the master meter.

WHEREAS, the PARTIES intend this agreement to formalize and fully set forth their complete understanding and agreement concerning their respective duties and obligations.

THEREFORE, the PARTIES agree to enter into this Water Service Agreement, hereinafter WSA, under the following terms and conditions:

1. Pursuant to the Type and Level of water service requested above by the WHOLESale CUSTOMER, the City agrees to provide such service subject to the terms and policies established in the current JPA. The WHOLESale CUSTOMER shall be billed in accordance with the financial policies and rates established pursuant to the JPA. A WHOLESale CUSTOMER may change their level of service by notifying the CITY, in writing of the change sought. Unless additional facilities need to be constructed, the change will be made no later than 30 days after receipt of the written notification. Only two changes in LOS may be made in any one calendar year.

2. The PARTIES agree that the WHOLESale CUSTOMER shall utilize a single master metered water service connection to provide City water. A system development charge, hereinafter SDC, shall be assessed and collected, by the City from each metered customer prior to service. The level of SDC charged will be calculated as prescribed in the JPA policy and procedures, and as shown by the current City ordinance. The SDC shall be paid by the WHOLESale

CUSTOMER for new connections to the PROJECT at the rate in effect on the date of hookup. Provided, however that the special districts, subdivisions and other regional users listed in Exhibit C to the Gillette Regional Water Supply System Joint Powers Agreement, hereinafter the Regional Participants, shall have their SDC waived. Should a larger meter be required in the future, the WHOLESale CUSTOMER shall receive a credit for the SDC it originally paid, against the amount of the SDC for the larger meter in effect at that time. Should the WHOLESale CUSTOMER request to reduce the size of the meter, no credit shall be granted.

3. The WHOLESale CUSTOMER will pay the City monthly for all the water measured through the master metered water connection with the CITY, including water used by WHOLESale CUSTOMER for maintenance purposes such as to flush their internal system. The level and structure of rates collected from all WHOLESale CUSTOMER user groups will be implemented through the City's current ordinances and will be calculated in accordance with the financial policies and rates established through the procedures specified in the JPA.

4. A meter building and master meter will be installed at the designated point of connection in compliance with all City regulations by the CITY for the Regional Participants. The CITY will own and maintain the system up to the designated point of connection. The designated point of connection shall be defined in the construction documents for the specific WHOLESale CUSTOMER.

5. The WHOLESale CUSTOMER shall submit the plans for the facilities from the PROJECT to the designated point of connection to the City for review and approval before the start of construction. Any facilities on the WHOLESale CUSTOMER side of the master meter will be reviewed and permitted by the Wyoming Department of Environmental Quality. The WHOLESale CUSTOMER shall submit a copy of the DEQ permit to construct for any project to extend or enlarge its water system in order to serve any land outside of the WHOLESale CUSTOMER's service area or to accommodate resubdivisions of existing lots, so that changes in demand can be known in advance. There shall be no lease, sale, assignment or transfer of ownership of water from the PROJECT for purposes other than municipal and rural domestic use such as through a bulk fill station for industrial use.

6. The CITY shall use the \$20,000,000 from the Special Excise Tax approved on May 3, 2011, for infrastructure required to extend and connect special districts, subdivisions and other regional users located outside the Gillette city limits to the Gillette Regional Water Supply Project as set out in the Gillette Regional Water Supply System Joint Powers Agreement dated December 21, 2010, and, to the extent necessary and allowed by law, the pledge or use to the payment of debt service and/or lease payments in connection therewith. To the extent that funds are available for this purpose the CITY shall design and cause the construction of the infrastructure to connect the Regional Participants to the PROJECT. Facilities of the WHOLESale CUSTOMER that are downstream of the master meter are “non-Project” components according to the JPA and are not eligible for State funding.

7. The WHOLESale CUSTOMER shall be responsible for water quality through their system to their customers. The WHOLESale CUSTOMER shall comply with all State, Federal and local requirements for the operation and maintenance of their private community water system. The WHOLESale CUSTOMER shall hold the City harmless from any claims for injury or damage from anyone related to the WHOLESale CUSTOMER’s operation of its water system including water quality.

8. The WHOLESale CUSTOMER shall establish and maintain adequate financial reserves for the operation and maintenance of their water system. The WHOLESale CUSTOMER shall collect charges for water in an amount which is sufficient to pay for the water delivered by the CITY and pledges the revenues therefrom for the payment of City water charges which constitute a WHOLESale CUSTOMER indebtedness. In the event the WHOLESale CUSTOMER is in default under this agreement or has become insolvent, and fails to pay for water delivered by the CITY, and after 30 days written notice if the default in payment is not then corrected in full, then the PARTIES agree that the CITY may discontinue service under the provisions contained in City ordinances.

9. It is recognized by the PARTIES that emergency conservation measures may have to be implemented on a regional basis in order to meet an emergency condition or a regional water shortage. For purposes of illustration, but not limitation, the procedures to be used in the event of a weather-related regional

water shortage are described in §17-32. of the Gillette City Code, entitled *Proclamation limiting use of water*.

10. The City shall provide oral notice to the wholesale customer, and may temporarily interrupt or reduce deliveries of water to the customer, if the City determines that such interruption or reduction is necessary or reasonable in case of system emergencies or in order to install equipment, make repairs, replacements, investigation and inspections or perform other maintenance work on the Regional Water Supply System or those parts of the system supplying the wholesale customer. Except in cases of emergency, and in order that the wholesale customer operations will not be unreasonably interfered with, the City shall give the customer reasonable written notice of any such interruption or reduction, the reasons for and the probably duration of those actions. The City is committed to manage, administer, finance, and operate the Project in a business-like manner making decisions that are equitable and representative of all customers. The WHOLESale CUSTOMER shall hold the City harmless from any claims for injury or damage including but not limited to claims related to interrupted or reduces deliveries of water, from anyone related to the City's operation of the PROJECT during maintenance or emergency conditions.

11. This agreement contains the complete agreement of the parties hereto and shall supersede all other discussions, offers and agreements between the City and the WHOLESale CUSTOMER, its predecessors in interest, and the landowners within the WHOLESale CUSTOMER'S service area.

12. This agreement shall take effect upon the approval and final execution of the agreement by all the parties hereto. The terms of this agreement shall bind the parties hereto and their successors and assigns. This agreement shall not be assigned in whole or in part without the prior written approval of the CITY. Any assignment without the prior written approval of the CITY is void.

13. This agreement shall be subject to the terms of the CITY ordinances concerning the payment of utility bills, as set by City ordinances which may be changed from time to time according to the procedures specified in the most current JPA, but which change will only be effective as to WHOLESale CUSTOMER, after notice is mailed to its President or Designated Representative, listed below. This agreement shall continue for so long as WHOLESale

CUSTOMER is a customer in good standing, provided however that a WHOLESale CUSTOMER may terminate this agreement upon 75 days written notice.

14. Any notice, which either party may or is required to give, shall be given in writing personally delivered to the other party or by mailing the same, postage prepaid, to the addresses shown below, or at such other places as may be designated by the parties from time to time in writing. Notice is effective upon mailing or receipt if hand delivered, as follows:

a. To the WHOLESale CUSTOMER at the address first above set forth in this Agreement,

b. To the CITY, hand delivered at the address first above set forth in this Agreement, and if mailed:

The City of Gillette, Wyoming
201 East Fifth Street
PO Box 3003
Gillette, Wyoming 82717
Attention: Mayor and City Administrator

15. It is agreed that disputes between the WHOLESale CUSTOMER and the CITY over matters related to implementing this agreement will be handled through JPA Section 5.4 (g) (g.1) as the following process:

a. General Disputes: The dispute resolution process for general disputes shall follow a three-step process.

Step 1: The first step in any dispute involves a good faith effort on the part of the WHOLESale CUSTOMER and the CITY to resolve any disagreement by informal discussions.

Step 2: If at any time the WHOLESale CUSTOMER or the CITY determines that such informal discussions in Step 1 will not result in a resolution, that party may request a review be initiated by the Regional Water Panel established in the JPA. The Regional Water Panel's decision will be made in writing to the Parties within 45 days.

Step 3: Either party may appeal the decision of the Regional Water Panel within 30 days from the date of the Regional Water Panel's written decision through the Wyoming legal system in a forum using a judge without a jury.

The costs incurred by each PARTY for the general dispute resolution process shall be paid individually by each respective PARTY.

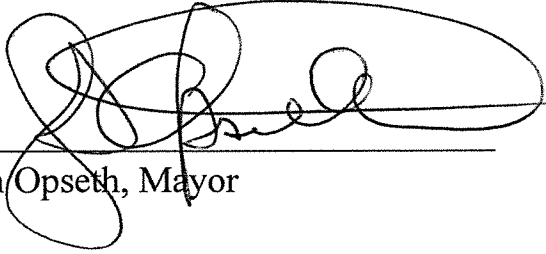
b. Rate-related Disputes: The establishment of the level and structure of Rates and SDC charges for the PROJECT are set by the JPA process through actions by the City of Gillette and Campbell County and are not subject to dispute by WHOLESALE CUSTOMERS. Disputes over implementation of these rates and SDCs can be resolved through 15 (a) above, as a matter of WSA interpretation.

16. If any legal action is instituted to enforce any of the terms of this agreement, all costs of the action including court costs, expert witness fees and all other actual expenses incurred in the prosecution of the action shall be borne by each respective Party as they are incurred.

17. Notwithstanding the above, nothing in this Agreement shall be read to constitute or to require a waiver of any rights of the City under the doctrine of sovereign immunity, or a waiver of its immunity under the Wyoming Governmental Claims Act, W.S. 1-39-101 *et sec.*

City of Gillette


Dated this 18 day of Nov, 2014



John Opseth, Mayor

(S E A L)

ATTEST:



Karlene Abelseth, City Clerk

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The above and foregoing instrument was acknowledged before me by John Opseth, Mayor of City of Gillette, Wyoming, and Karlene Abelseth, City Clerk of City of Gillette Wyoming, on this 18th day of November, 2014.

Witness my hand and official seal.



My Commission Expires: 8/18/2018 Cindy Staskiewicz
Notary Public

WHOLESALE CUSTOMER

Spring Hill Ranch Improvement and Service District,

BY Gary L. Carter,
Gary L. Carter
Board Chairman

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The above and foregoing instrument was acknowledged before me by Gary L. Carter, who is the Chairman of the Board of the Spring Hill Ranch Improvement and Service District, on this 29 day of October, 2014.

Witness my hand and official seal.

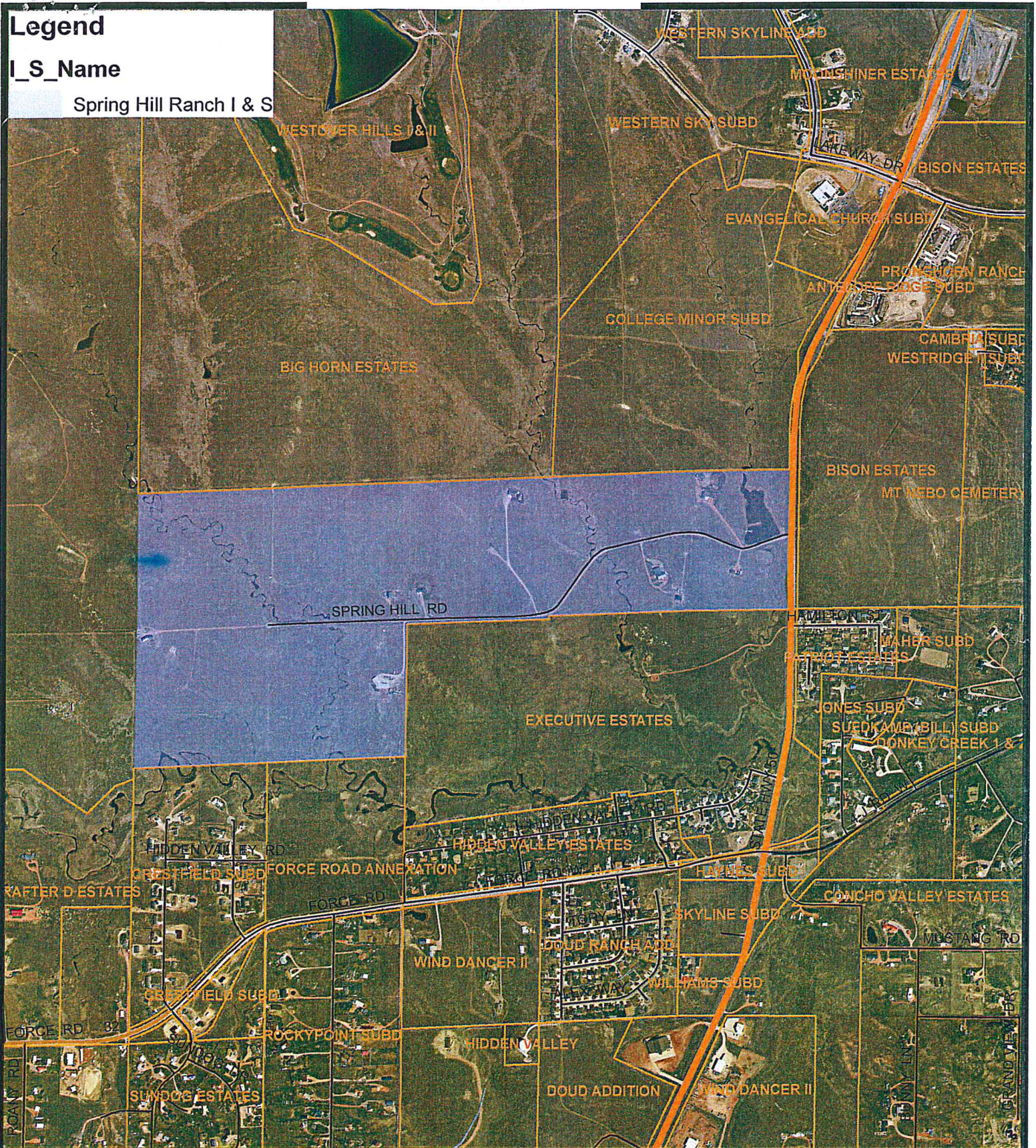


My Commission Expires: 6/6/2018 Maggie Stufflebeam
Notary Public

Legend

I_S_Name

Spring Hill Ranch I & S



CAMPBELL COUNTY
DEPARTMENT OF PUBLIC WORKS
500 S. Gillette Ave. Gillette, Wyoming 82716
Phone # 307 685-8061
Fax # 307 687-6349

Name: Spring Hill Ranch
User: wbb08
Date: 11/5/2014

500 South Gillette Avenue
Suite 1400
Gillette, Wyoming 82716



Public Works Department
(307) 685-8061
(307) 687-6349 Fax

**Tonn
Simple Subdivision**

April 14, 2017

Planning Commissioners Meeting
April 20, 2017

Board of Commissioners Meeting

Applicant: Kelly Tonn Childers Living Trust

Case Number: 17.02 CRSD

Agent: Doyle Surveying

Summary: The applicant proposes to divide 40.59 acres into two parcels; 10 acres and 30.26 acres in size, respectively.

Legal Description: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T49N, R72W

Location: The proposed subdivision is located on the south side of Spring Hill Rd., approximately .75 miles from Highway 50.

Zoning: R-S (Residential Suburban) *No change requested or required

Existing Land Use: Existing single family home

Adjacent Land Use: North: Spring Hill Ranch Survey (R-S)
South: Unplatted vacant lands (City)
East: Unplatted vacant lands (City)
West: Spring Hill Ranch Survey (R-S)

Water Source: Shared Well

Wastewater: Private Septics

Planning Considerations:

1. Provide the original Record of Survey, sealed by a Wyoming Licensed Surveyor.
2. Submit the original, revised Simple Subdivision Application for recordation.
 - a. Correct the owner name
3. Provide the book and page, and a copy of the 60' access easement.
 - a. Verify that the easement goes all the way east to Highway 50
4. Correctly label the acreage of each parcel on the Record of Survey. On the Record of Survey, it says the parcel is 30.26 and the legal description says 30.59
5. Provide the following statements on the Record of Survey:
 - a. "FEMA has identified Special Flood Hazard Areas within the southern portion of this property. Potential property owners should be aware that placement of fill material or structures of any kind will be highly regulated within the Flood Zone AE and will not be permitted in the Floodway. Please contact Campbell County Public Works – Engineering for more information regarding these flood zones."
 - b. The adopted Gillette Area Urban Systems Functional Classification Map and Comprehensive Plan identify a future arterial roadway in/adjacent to this property. Potential property owners should be aware that a future public roadway may be constructed through this property. For more information regarding the Gillette Area Urban Systems Functional Classification Map and Comprehensive Plans, please contact the City of Gillette or Campbell County Public Works.
6. Surveying Verifications:
 - a. Provide information on the sixteenth and quarter corners.
 - b. No corner recordations are on file, provide filed recordations to verify the positions of the corners.
 - c. Describe the N1/4 corner
 - d. There is grammatical error in the Surveyor's Certificate "during an actual survey"
7. Standard Planning Considerations:
 - a. Owners & Encumbrance Report (not less than three months old)
 - b. Consent to Subdivide
 - c. Publisher's Affidavit.

Staff Recommendation: Staff recommends APPROVAL of the proposed simple subdivision, pending completion of all planning considerations.

Planning Commission Recommendation:

Board of Commissioners' Decision:

SIMPLE SUBDIVISION APPLICATION
ISOLATED PARCEL (35+ ACRES) RECORD OF SURVEY DIVISION
SUBDIVISION PERMIT

Applicant Information

Name of Applicant: <u>Kelly Tonn Childrens Family Trust</u>	
Applicant Phone Number: <u>307-660-2268</u>	Applicant Fax Number:
Applicant Mailing Address: <u>PO Box 393 Sidney, MT 59270</u>	
Applicant Email Address: <u>Kellyctonn@gmail.com</u>	
Relationship of Applicant to Property:	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Lessee <input type="checkbox"/> Other

Agent Information

Name of Authorized Agent (if applicable): <u>Doyle Surveying Inc.</u>	
Agent Phone Number: <u>307-686-2410</u>	Agent Fax Number: <u>685-2054</u>
Agent Mailing Address: <u>800 E 4TH ST, STE 15 Gillette, WY 82716</u>	
Agent Email: <u>dls@vcn.com</u>	

The applicant requests to receive correspondence from the Planning Department regarding any submittals received or changes made regarding this application.

Kelly C. Tonn
 Applicant

3/9/17
 Date

INFORMATION REQUIRED FOR REVIEW:

- Legal Description of Area: NE 1/4 NW 1/4 Sec. 6, T49N, R72W
- Parcel to be divided is a quarter of a quarter section, or, if larger than a quarter of a quarter section, is less than seventy acres.
 Total Proposed Area for this Subdivision: 40.59 Acres
- Parcel is surrounded by land owned by others than the applicant.
- Parcel is being divided into two (2) tracts
- Parcel sizes both exceed ten (10) acres in size:

Parcel 1: 18.00 Acres

Parcel 2: 30.59 Acres

Landowner's Certification:

The above or foregoing subdivision of NE 1/4 NW 1/4 Sec 6, T49N, R22W as appears on the attached Record of Survey, is made with the free consent, and in accordance with the desires of the undersigned owners and proprietors, and that this is a correct survey of the area as it is divided into two parcels;

That ingress and egress and utility easements have been provided to each parcel by binding and recordable easements of not less than forty (40).

There will be no proposed domestic water source, public sewage disposal system or public maintenance of streets or roads. Maintenance of streets or roads will be the responsibility of the lot owners.

Landowner acknowledges that parcels created under this section shall not be eligible for further subdivision under the reduced minimum requirements provided by this section.

Executed this _____ day of _____ A.D., _____ by

Owner

Owner

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The foregoing Subdivision Application was acknowledged before me by _____
this _____ day of _____, 20 ____.

Notary Public

My Commission Expires:

SEAL

CERTIFICATE OF APPROVAL – CAMPBELL COUNTY PLANNING COMMISSION:

The foregoing Subdivision Application dated _____, 20 ____, by _____
and the attached Record of Survey dated _____, 20 ____, is approved by the Campbell County
Planning Commission this _____ day of _____, 20 ____, A.D.

Chairman of the Planning Commission

test:

Clerk of the Planning Commission

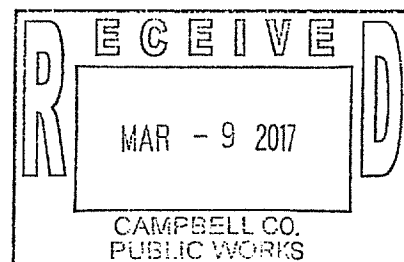
SUBDIVISION PERMIT APPROVAL – CAMPBELL COUNTY BOARD OF COMMISSIONERS

The foregoing Subdivision Application dated _____, 20__ by _____ and the attached Record of Survey dated _____, 20__ is approved by the Board of Commissioners in and for the County of Campbell, State of Wyoming, this ____ day of _____, 20__, A.D.

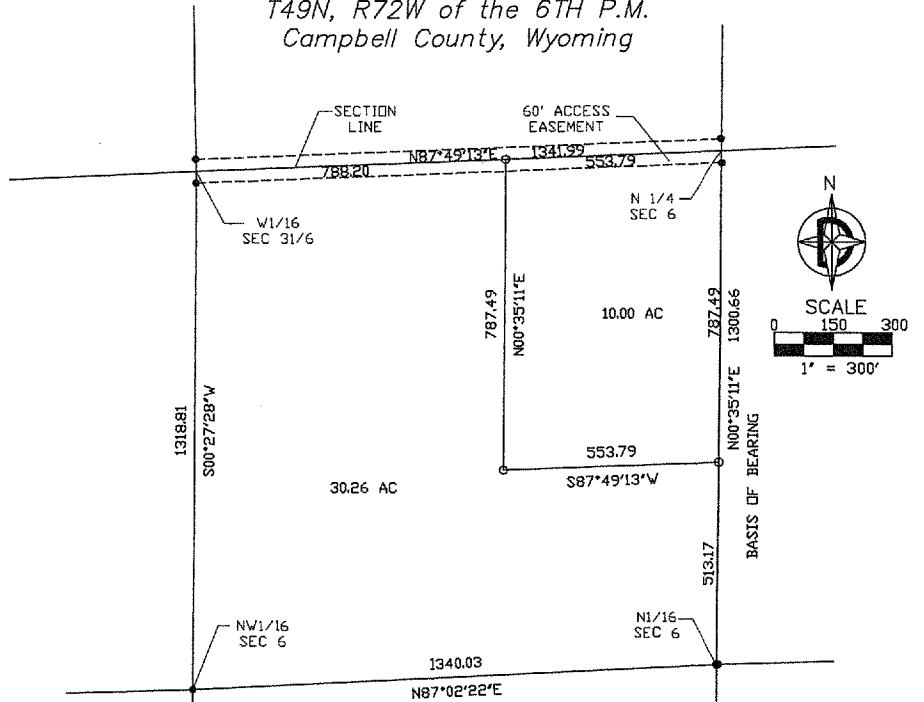
Chairman of the Board

Attest:

Clerk of the Board



Record of Survey
NE1/4 NW1/4, SECTION 6
T49N, R72W of the 6TH P.M.
Campbell County, Wyoming



SURVEYOR'S CERTIFICATE

I, Richard T. Doyle, of Gillette, Wyoming, hereby certify that this plat was made from notes taken during and actual survey performed under my direct supervision during the months of March and April, 2017, and that said survey is accurately represented on this plat and is set out on the ground as shown hereon.

LEGEND

- FOUND CORNER MONUMENT
- SET 5/8" REBAR
W/ALCAP 2333'



PREPARED FOR:
Kelly Childers Tonn
Living Trust
PO Box 393
Sidney, MT 59270

DATE OF PREPARATION:
3/9/2017

PREPARED BY:
DOYLE SURVEYING, INC.
801 E. Fourth St.
Suite 15
Gillette, WY 82716
PH: (307) 686-2410

LAND DESCRIPTION

A tract of land situated in the NE1/4 NW1/4 of Section 6, T 49 N, R 72 W of the Sixth Principal Meridian, Crook County, Wyoming being more particularly described as follows:

Beginning at the North one quarter section corner of said Section 6;
thence S00°22'38"W along the East line of the said NE1/4 NW1/4 of said Section 6 a distance of 1094.09 feet;
thence N89°37'22"W a distance of 346.36 feet;
thence N00°22'38"E a distance of 473.18 feet;
thence N17°53'17"W a distance of 627.23 feet to the North line of said Section 6;
thence N87°42'43"E along the said North line of Section 6 a distance of 543.53 feet to the POINT OF BEGINNING.

Said tract of land contains 10.00 acres, more or less, subject to all right, restrictions, reservations and/or easements of sight and record.

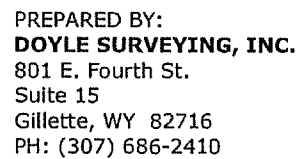
LAND DESCRIPTION

ALL of the NE1/4 NW1/4 of Section 6, T 49 N, R 72 W of the Sixth Principal Meridian, Crook County, Wyoming EXCEPTING THEREFROM a tract of land being more particularly described as follows:

Beginning at the North one quarter section corner of said Section 6;
thence S00°22'38"W along the East line of the said NE1/4 NW1/4 of said Section 6 a distance of 1094.09 feet;
thence N89°37'22"W a distance of 346.36 feet;
thence N00°22'38"E a distance of 473.18 feet;
thence N17°53'17"W a distance of 627.23 feet to the North line of said Section 6;
thence N87°42'43"E along the said North line of Section 6 a distance of 543.53 feet to the POINT OF BEGINNING.

Said tract of land contains 30.59 acres, more or less, subject to all right, restrictions, reservations and/or easements of sight and record.

NE1/4 NW1/4, SECTION 6
T49N, R72W of the 6TH P.M.
Campbell County, Wyoming



VICINITY MAP

SPRING HILL ROAD

NE1/4 NW1/4
SECTION 6
T49N, R72W

EXECUTIVE
EXECUTIVE ESTATES
ESTATES

CRESTFIELD

CRESTFIELD SUBDIVISION

HIDDEN VALLEY

HIDDEN VALLEY ESTATES

FORCE ROAD

WIND DANCER II SUBDIVISION

DOOD RANCH ADDITION PHASE I

DOOD RANCH ADDITION PHASE II

DOOD RANCH ADDITION PHASE III

DOOD RANCH ADDITION PHASE IV

DOOD RANCH ADDITION PHASE V

DOOD RANCH ADDITION PHASE VI

DOOD RANCH ADDITION PHASE VII

DOOD RANCH ADDITION PHASE VIII

DOOD RANCH ADDITION PHASE IX

DOOD RANCH ADDITION PHASE X

DOOD RANCH ADDITION PHASE XI

DOOD RANCH ADDITION PHASE XII

DOOD RANCH ADDITION PHASE XIII

DOOD RANCH ADDITION PHASE XIV

DOOD RANCH ADDITION PHASE XV

DOOD RANCH ADDITION PHASE XVI

DOOD RANCH ADDITION PHASE XVII

DOOD RANCH ADDITION PHASE XVIII

DOOD RANCH ADDITION PHASE XIX

DOOD RANCH ADDITION PHASE XX

SKYLINE SUBDIVISION

WIND DANCER SUBDIVISION

WIND DANCER SUBDIVISION

WIND DANCER SUBDIVISION

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ROCKY

HIDDEN