



**CITY OF GILLETTE  
PLANNING COMMISSION**

**Tuesday, January 9, 2024**

**5:15 PM**

**Community Conference Room 2nd Floor  
201 E. 5th Street, Gillette, Wyoming 82716  
(307) 686-5281**

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**Call To Order**

**Approval of Minutes**

1. Meeting Minutes of December 12, 2023

**Cases**

Case No. PL2023-0043 New Tower - 801 Larch Street

Case No. PL2023-0028 Annexation Plat – Gillette College Foundation Annexation

**Old Business**

**New Business**

**Adjournment**

Planning Commission Meeting Comment Form

**CHAIRMAN**

Shaun Hottell

**VICE-CHAIRMAN**

Ryan Conklin

**BOARD MEMBERS**

Cristal Pratt

Richard Cone

Matthew Nelson

Ian Scott

Jack Colson

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**CITY OF GILLETTE  
PLANNING COMMISSION  
January 9, 2024 5:15:00 PM  
Community Conference Room 2nd Floor  
201 E. 5th Street, Gillette, Wyoming 82716  
(307)686-5281**

**DATE:** 1/9/2024 5:15:00 PM

**CASE NUMBER AND TITLE:**

Meeting Minutes of December 12, 2023

**APPLICANT/OWNER:**

**AGENT:**

**CASE SUMMARY:**

**CASE BACKGROUND:**

**CASE REQUIREMENTS:**

**STAFF RECOMMENDATION:**

**CASE MANAGER:**

**TENTATIVE CITY COUNCIL DATE:**

**ATTACHMENTS:**

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[Planning Commission Minutes 12/12/23](#)

CITY OF GILLETTE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
Community Room ~ City Hall ~ December 12, 2023 ~5:15 pm

PRESENT

Commission Members Present: Chair Shaun Hottell, Vice-Chair Ryan Conklin, Richard Cone, Matthew Nelson, and Jack Colson.

Commission Members Absent: Cristal Pratt, Ian Scott.

Staff Present: Meredith Duvall, Planning Manager; Jill McCarty, Sr. Admin Assistant

CALL TO ORDER

Chair Shaun Hottell called the meeting to order at 5:15 p.m.

APPROVAL OF THE MINUTES

A motion was made by Vice-Chair Conklin to approve the meeting minutes of November 14, 2023. Matthew Nelson seconded the motion. Motion carried 5/0.

Case No.  
PL2023-0042  
EASEMENT  
VACATION –  
2800 4-J Road

The owner, Mike Pillen, is seeking to vacate a portion of the 30' wide access easement. The access easement is meant to provide public access to 527 & 529 W Lakeway and 2800 & 2900 S 4J Rd. This is the only means of legal access for the mentioned lots. 527 W Lakeway or Lot 10B is owned by the Campbell County School District. 529 W Lakeway or Lot 10A is owned by the City of Gillette. 2900 S 4J Rd or Lot 8 is owned by Hill Country Properties LLC and utilized for a Starbucks. 2800 S 4J or Lot 7, the lot which the proposed easement vacation exists upon, is owned by JAC Investments, and utilized for Mike's Optical.

In 2022, an approximately 15' by 30' portion of the access easement was allowed to be vacated to be utilized for a trash enclosure for the new Starbucks. This easement vacation still allowed for a 15' wide section of access easement to be utilized for future legal access to 527 & 529 W Lakeway. The current proposed access easement vacation would vacate the easement in such a way that legal access would no longer exist for 527 & 529 W Lakeway.

Mr. Pillen said the purpose of the easement vacation would be to have access to where his garbage is located and where he can pile snow. Mr. Pillen said he paid to have the easement area painted so no traffic goes through it. Mr. Pillen said also with the vacate easement he can go back to that area being parking for his employees.

No reason was given on the vacation application as to why the easement vacation is required.

Chair Hottell asked if there were any comments from the public or Commission on the case.

Mike Pillen was present and said he had obtained information from Land Surveying Incorporated about the easements on the properties. Mr. Pillen said the easement was made in 1985 as access for Lot 7 (his lot at 2800 4-J Road), Lot 8 and Lot 10. At the time, Mr. Pillen said, there was a bank that used the easement to get to their property and the easement was not a public easement. Mr. Pillen said in 1995 lots 10A and 10B were subdivided from Lot 10, with lot 10A having a drainage easement. Mr. Pillen said the drainage easement also has an access easement layered on it.

Tyson Waggener, owner of 2900 4-J Rd (Lot 8) where a Starbucks has been developed, was present and said he had presented a letter of opposition to the easement vacate request previously to the Planning Division, which Meredith Duvall read for the Commission. Mr. Waggener said his overall concern is with traffic for the lots. Mr. Waggener said the Starbucks was built to accommodate two lanes of traffic to the building's drive thru, one going into the property and one out, utilizing the easements on both properties. Mr. Waggener said his customers that were backing out of his property would be blocking the drive-thru lane if the easement were vacated. Mr. Waggener said the main reason he built this Starbucks was because of the bad traffic at the Starbucks on Camel Dr. and Hwy 59. Mr. Waggener said vacating the easement would cause traffic to go out into 4-J Road and cause a bad traffic situation at this location as well.

Mr. Cone asked how many customers per hour that Starbucks was getting, and Mr. Waggener said approximately 600 cars per day. Mr. Cone said he has seen many cars on the lot for the drive-thru window location at peak hours, and Mr. Waggener said at peak hours the cars will be lined up into 4-J Road. Mr. Waggener said the easement is access for public use, as he understands it. Mr. Cone asked if Mr. Waggener was the owner/operator or was the building owner only. Mr. Waggener said Starbucks was the operator, and he was the owner of the building, and that the building was for sale.

Mr. Waggener said if the easement were to be vacated, emergency vehicles would have a harder time gaining access to the property, especially during the peak hours of business. Mr. Waggener said Mr. Pillen has put up concrete barriers that blocks Mr. Pillen from using the easement on his own property. Since Mr. Pillen does not currently use the easement he has blocked off, Mr. Waggener said he doesn't know why this easement vacate has been requested if the easement is not being used to access his property.

Mr. Nelson asked if there was another entrance into Lot 7, and Ms. Duvall said there was legally not. Ms. Duvall said the applicant is not asking to vacate the entrance into his lot, only the back portion of the easement.

Mr. Waggener said when the Starbucks was under review by the city, he requested the curb cut to be widened and it was denied with the understanding the easements would not be vacated. Mr. Waggener said when Starbucks was being built, the city would not allow any more than the 10 to 12 feet easement for the trash enclosure.

Mr. Waggener said he has tried to work with Mr. Pillen with the possibility of adding curb cuts and giving Mr. Pillen his own access while alleviating some of his traffic concerns. Mr. Waggener said thus far the city has not granted any of the proposals for another curb cut. Ms. Duvall said the Engineering Division has restrictions on how far apart a curb cut can be from another, and there would not be enough distance for another curb cut to be put in with the existing curb cuts.

Mr. Cone asked if the curb cuts could be widened or if the allowable limit was 30 feet. Ms. Duvall said the maximum would be the 30 feet the current curbs are at.

Mr. Colson asked if customers are backing up in the easements on both lots when utilizing Starbucks. Mr. Waggener said the proposed vacation easement is where cars entering Starbucks lot use, and the 15-foot easement on Starbucks lot is what cars leaving the lot use.

Mr. Pillen said while Mr. Waggener stated the proposed vacated easement is a public access easement, Mr. Pillen had a description for the easement that stated “access easement” only and the word public was not in the description. Mr. Cone asked city staff what the difference was between an access easement and a public access easement. Ms. Duvall said an access easement was to grant surrounding property owners’ access to their property. The access easement for this case was designed for the lot owners to access the rear lots at 527 and 529 W Lakeway.

Cevin Imus, Land Surveying Incorporated, was present and said with his research of the area there is an access easement for lots 10A and 10B that runs north and south; however, it does not go through Lot 6 (currently the Lakeway Learning Center at 525 W Lakeway).

Mr. Nelson asked whether the drainage easement located to the south of the lots was also a public access easement. Ms. Duvall said an easement is not inherently an access easement and must be a dedicated public access easement for the public to have access to it, and a drainage easement is not an access easement.

Cevin Imus said if, for example, 527 W Lakeway (Lot 10B) were sold, the only legal access to the property would be through the easement that is proposed to be vacated. Ms. Duvall said the lots would not be legal lots if the access easement were to be vacated since that is the only way to access Lot 10A and 10B.

There being no further comments or questions Chair Hottell made a motion to deny the case, and Matthew Nelson seconded. The Motion to deny carried 3/2.

Case No.  
PL2023-0035  
NEW TOWER –  
24 Union Chapel  
Rd

The owners seek to install a 125’ self-supporting 3-legged lattice communication tower at 24 Union Chapel Rd.

24 Union Chapel Rd is located near the intersection of Union Chapel and Hwy 59. The property is 14.1 acres in size and zoned I-1 Light Industrial District. The applicant, Basin Electric, owns the property and utilizes it as part of their normal operations.

This tower seeks a variance on height, type of structure, and additional provider accommodation. The proposed height of the tower is 5’ taller than allowed by the Zoning Ordinance. This additional height is required to establish the point-to-point microwave paths to adjacent towers in Basin Electric’s secure communication system. The structure height will ensure the microwave paths are clear of existing and future obstacles while also allowing reflections to be blocked.

The requirement of additional providers being allowed to collocate on the tower poses a security risk for Basin Electric’s generation and transmission assets. Basin Electric has specific physical security requirements, cyber security requirements, and communication protocols to ensure the safe and reliable operation of its facilities. The facility that the tower will be in is also a secure facility. For these reasons, it is Basin Electric’s policy is to only allow its member owner cooperatives to collocate on its towers.

Chair Hottell asked if there were any comments from the public or Commission on the case.

Mr. Cone asked if there were any comments from carriers that would potentially utilize the tower. Ms. Duvall said there were not any comments regarding the case from carriers, however one property owner did call with general questions and had no opposition to the new tower.

Ms. Duvall said for the proposal for the collocation requirement to be dismissed, staff is recommending waiving the requirement as the owners will use this tower to only communicate within their company as opposed to other cell towers where the public utilizes them for public use and those types are required to collocate.

Ms. Duvall said the Electrical Engineering Division did agree with the additional height requirement as well as the purpose of the tower. Mr. Cone asked if the additional height was for line of site from other towers, and Ms. Duvall said the extra 5 feet was for any clearances and so no other buildings or objects would cut off the transmission path between the towers, so they work properly.

There being no further comments or questions Richard Cone made a motion to approve the case, and Vice-Chair Conklin seconded. The Motion carried 4/0/1.

Case No.  
PL2023-0041  
TEXT  
AMENDMENT –  
Group Care  
Facility

The applicant, William Davis, is requesting a zoning text amendment to amend Section 6-District Regulations of the City of Gillette Zoning Ordinance, to amend the definition of Group Care Facility as defined in Section 16-Definitions of the City of Gillette Zoning Ordinance as well as to include Group Care Facilities as Permitted Uses in Sections 6.h.(2)(j) – Mobile Home District; 6.i.(2)(m) – Enhanced Manufactured Home District.

Applicant William Davis came to the Development Services Department of the City of Gillette seeking a permit for a handicap ramp. During the permitting process, it was discovered that the two properties that Mr. Davis has purchased did not allow for a Group Care Facility in the zoning districts that the properties are in. Mr. Davis informed Planning Staff that he had just recently purchased a business that had been in operation in Gillette for 26 years (1997). Once the business purchase had closed, the State of Wyoming Medicaid Development Disability Waiver Program informed Mr. Davis that the program had changed from allowing eight (8) residents per dwelling to four (4) residents, and that the existing properties being used were not in compliance but had been “grandfathered in”. Since the business had changed owners, the grandfather status was no longer applicable, and he had to move two residents out immediately. Mr. Davis quickly purchased a home in a zoning district that he believed to allow Group Care Facilities and began modifications required by the Medicaid Development Disability Waiver Program.

After speaking with Planning Staff, Mr. Davis determined that he would submit a text amendment to modify the existing Group Care Facility definition as well as include Group Care Facility as a Permitted Use in two additional zoning districts.

The Planning Commission is considering two proposals for this case:

- The Definition of Group Care Facility
- Zoning Districts to include Group Care Facility as a Permitted Use

The City Council will consider the proposed Zoning Text Amendment as a Public Hearing and First Reading at their meeting which is scheduled for December 19, 2023.

Chair Hottell asked if there were any comments from the public or Commission on the case.

Mr. Cone asked if the facilities utilizing this text amendment would be licensed by the state and inspected by the state as well. The applicant, William Davis, was present and said the facilities are certified by the state and periodically inspected by them as well. Mr. Davis said he bought Sol Domus, Inc., with four properties. Mr. Davis said per state requirements they are now not allowed any more than four occupants for each of those properties.

Chair Hottell asked Mr. Davis which of the proposed text amendments he was in favor of, and Mr. Davis said he was in favor of the staff recommendation as it included the additional zoning districts and could allow for more affordable options for homes. Ms. Duvall said the staff recommended text amendment would stay within the parameters of the Wyoming Medicaid program as well as existing non-profit organizations.

Ms. Duvall presented her brief analysis on group care facilities and their allowance in all residential zoning districts, which included the following table for disability types for the U.S. population:

Table 1. Disability Types for the U.S. Population

Disability Type	Percentage of U.S. Population with the Given Disability	Estimated Population Numbers
Ambulatory Difficulty	6.60%	20,435,576
Independent Living Difficulty	5.80%	14,739,809
Cognitive Difficulty	5.40%	16,529,501
Hearing Difficulty	3.60%	11,642,464
Vision Difficulty	2.50%	8,054,084
Self-Care Difficulty	2.50%	7,852,976

Source: U.S. Census Bureau 2021

Mr. Davis said that Sol Domus provides residential and day habilitation services for the developmentally disabled, and the two properties that initiated the proposed zoning text amendment are used for their residence.

Mr. Cone asked where the property was located that was not in the correct zoning. Mr. Davis said it was at 1006 Larkspur Lane. Mr. Cone asked if letters were sent out to the surrounding residents notifying them of the use of this house. Ms. Duvall said with a zoning text amendment that affects code city-wide, letters are not sent out. Ms. Duvall said with the legal notice published in the newspaper for this case the city did not receive any public comments. Mr. Davis said he had talked to a neighbor of that property and explained to him what the purpose of the housing was for, and the resident approved of the use.

Mr. Davis said his residents are not allowed drugs, alcohol or pets and felt there would be very minimal nuisances from the individuals that live in the home. Mr. Davis said the residents are not able to get out of the house without assistance and do not drive and do not have their own vehicles causing more traffic on the street or more cars parked on the street.

Ms. Duvall said while Mr. Davis is proposing his text amendment it is not for his property alone, it will be city-wide to modify the definition of group care facilities. Mr. Davis is also proposing allowing group care facilities to E-MH and M-H, and staff is recommending including all residential zoning districts into the proposed changes.

Vice-Chair Conklin asked if there was a reason the staff recommended text amendment does not remove the wording “no-for-profit” and Ms. Duvall said keeping the wording would still include agencies such as GARF, for example, that provides housing for abuse victims and is a non-profit organization. Ms. Duvall said with the inclusion of the wording for State of Wyoming Medicaid Development Disability Waiver Program, it would still include Mr. Davis’s organization as well. Mr. Cone asked how the finances of the disabled individuals that Mr. Davis cares for are paid, and Mr. Davis said he is reimbursed through Medicaid.

Chair Hottell said he was for the staff recommendation of the text change except for the inclusion of R-1 and R-S zoning districts. Ms. Duvall said there are many districts with single family homes within districts that are not entirely zoned for those types of homes, and this type of group care facility wouldn’t cause additional traffic on the street and therefore wouldn’t be as impactful as a multi-family residence would be.

There being no further comments or questions Jack Colson made a motion to approve the staff recommendation for the case, and Matthew Nelson seconded. The Motion carried 5/0.

OLD BUSINESS None.

NEW BUSINESS Meredith Duvall said there will not be a meeting for December 26, 2023, and there will be a meeting for January 9, 2024.

Meredith Duvall said Planning case PL2023-0034 2804 Ridgecrest that had passed Planning Commission was not approved by City Council and will be reviewed further by planning staff before moving forward.

ADJOURNMENT The meeting was adjourned at 7:01 p.m.

Minutes taken and prepared by Jill McCarty, Sr. Admin Assistant.



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PLANNING COMMISSION  
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201 E. 5th Street, Gillette, Wyoming 82716  
(307)686-5281**

**DATE:** 1/9/2024 5:15:00 PM

**CASE NUMBER AND TITLE:**

PL2023-0043

New Tower - 801 Larch Street

**APPLICANT/OWNER:**

Lance Walker, Powder River Construction, Property Owner

Verizon Wireless, Tower Owner

**AGENT:**

Daniel Thurgood, Technology Associates EC Inc.

**CASE SUMMARY:**

The owners seek to install a 86' stealth monopole and associated equipment cabinets used for wireless communications.

**CASE BACKGROUND:**

801 Larch Street is located at the intersection of Larch Street and Pumphouse Lane off Warlow Drive. The southernmost property line borders the railroad. The property is 5.72 acres in size. Verizon would like to utilize the South East corner of the property to install a stealth monopole wireless communications tower. The communication tower will be made to look like a water tower. A water tower was chosen because it is in keeping with the industrial area where the tower is being situated.

801 Larch Street is zoned I-2, Heavy Industrial. The lot to the west is zoned I-2 and utilized for metal recycling. The lot to the east is zoned I-1, Light Industrial, and is utilized as a training center for the Campbell County Fire Department. To the south is zoned I-1 and I-2. To the north is M-H, Mobile Home, and I-1, Light industrial.

This tower will assist in providing service to the area of downtown Gillette and outlying areas. It is required that applicants attempt to collocate wireless communications with neighboring towers before applying to build a new tower. The only tower available within a .5-mile radius is owned by BNSF, who were not amenable to collocation. The proposed tower will be built to accommodate a minimum of (1) additional provider to allow for collocation of future wireless communications.

**CASE REQUIREMENTS:**

1. All comments from the staff review process shall be addressed prior to a building permit being issued.

2. A \$500 initial registration fee for the Cell Tower is required, payable to the City of Gillette prior to obtaining a Certificate of Occupancy.

3. An annual registration fee of \$250 is required, payable to the City of Gillette.

**STAFF RECOMMENDATION:**

Staff recommend approval of the 86' stealth monopole wireless communications tower.

**CASE MANAGER:**

Shannon Stefanick, City Planner

**TENTATIVE CITY COUNCIL DATE:**

N/A

**ATTACHMENTS:**

Click to download

[Vicinity Map](#)

[Photosimulations of Tower](#)

# New Tower - 801 Larch - Vicinity Map



**CITY OF GILLETTE**

Information Technology GIS  
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Gillette, Wyoming 82717-3003  
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www.gillettewy.gov

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1 inch equals 167 feet

1 inch equals 0.03 miles

December 07, 2023

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City of Gillette, GIS Division, Campbell County, City of Gillette, Camp



EXISTING

VIEW LOOKING SOUTHWEST



SITE LOCATION



NEW VZ 86' TALL STEALTH WATER TANK WITH NEW ANTENNAS LOCATED WITHIN STEALTH WATER TANK AND EQUIPMENT & COMPOUND LOCATED AT THE BASE.

PROPOSED

VIEW LOOKING SOUTHWEST

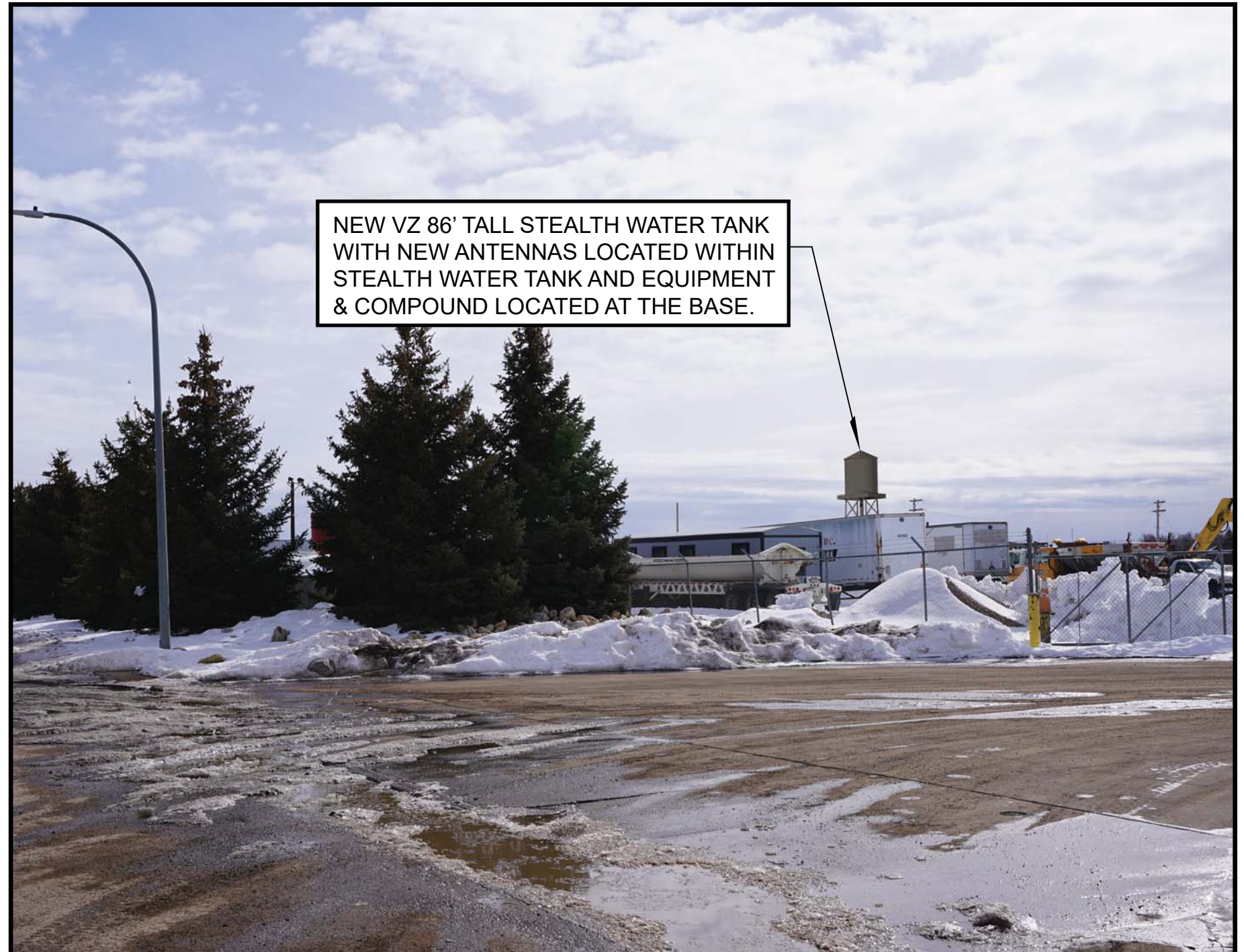


**EXISTING**

VIEW LOOKING SOUTHEAST



**SITE LOCATION**



**PROPOSED**

VIEW LOOKING SOUTHEAST



EXISTING

VIEW LOOKING NORTH



SITE LOCATION



PROPOSED

VIEW LOOKING NORTH



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PLANNING COMMISSION  
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Community Conference Room 2nd Floor  
201 E. 5th Street, Gillette, Wyoming 82716  
(307)686-5281**

**DATE:** 1/9/2024 5:15:00 PM

**CASE NUMBER AND TITLE:**

PL2023-0028

Annexation Plat – Gillette College Foundation Annexation

**APPLICANT/OWNER:**

Gillette College Foundation

**AGENT:**

Cevin Imus, Land Surveying Incorporated

**CASE SUMMARY:**

The owner has initiated the annexation of a tract of land adjacent and contiguous to the City of Gillette, Wyoming, pursuant to Wyoming Statute 15-1-403, known as the Gillette College Foundation Annexation.

**CASE BACKGROUND:**

During their regular scheduled meeting on December 19, 2023, the Governing Body of the City of Gillette approved Resolution No. 2859, initiating the annexation of 37.85 acres adjacent and contiguous to the City of Gillette, Wyoming, pursuant to Wyoming Statute 15-1-403, known as the Gillette College Foundation Annexation; a copy of Resolution No. 2859 and a copy of the proposed Gillette College Foundation Annexation plat is attached.

This area is a logical extension of the City limits and will be serviceable. The land is located generally south of Lakeway Road, between 4-J Road and South Douglas Highway, and north of Sinclair Street, and is surrounded by the existing City of Gillette corporate limits on three sides. The site currently has no building located on it. The owners desire to have the tract annexed and zoned for C-O, Office and Institution District uses with access to City services. There are no statutes or ordinances that regulate the shape or size of an area to be annexed.

There is no significant City investment required in support of this annexation for water, sewer, streets, drainage or parks. The area is a logical extension of the City limits and will be serviceable.

The proposed zoning of the area is C-O, Office and Institution District. The Comprehensive Plan envisions the future land use to be Neighborhood/Residential, which it is not currently operating as such and at this time is not recommended, as Donkey Creek and its floodplain is incumbering a significant portion of the parcel. The existing development pattern is compatible with the proposed

zoning of Office and Institution. The City Council will make the final zoning determination at the time of annexation.

Water and Sewer services are available for the annexation area with services within an acceptable distance to the proposed annexation area and public access off of Destination Drive. Gas and electric are available for extension as well. There are no known water wells, or septic systems on the property. Required upgrades to utilities is the responsibility of the property owners within the annexation area. Road and utility extensions and connections will be determined at the time of development of the property.

Any future development or construction will be reviewed by the City and shall meet City standards.

The only additional tax upon landowners resulting from annexation is an additional 8 mills (\$8.00 per \$1,000 of assessed value) collected by the City for General Operation of the City. The County Tax Assessor's Office is responsible for establishing the classification of property, assessed value, and the assessment rate.

As per the State of Wyoming Statute 15-1-402, each landowner was provided a letter by certified mail including the Public Hearing Notice outlining specific items such as water and sewer services, electrical services as well as a more comprehensive outline of the items previously mentioned.

**CASE REQUIREMENTS:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval.

**CASE MANAGER:**

Meredith Duvall, City Planning Manager

**TENTATIVE CITY COUNCIL DATE:**

January 16, 2024

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**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Vicinity Map</a>
<input type="checkbox"/> <a href="#">1/2 Mile Boundary</a>
<input type="checkbox"/> <a href="#">Resolution 2859</a>
<input type="checkbox"/> <a href="#">Legal Description and Boundary</a>
<input type="checkbox"/> <a href="#">Ordinance</a>
<input type="checkbox"/> <a href="#">Annexation Report</a>

# Proposed Area of Annexation - Gillette College Foundation Annexation



**CITY OF GILLETTE**

Information Technology GIS  
P.O. Box 3003  
Gillette, Wyoming 82717-3003  
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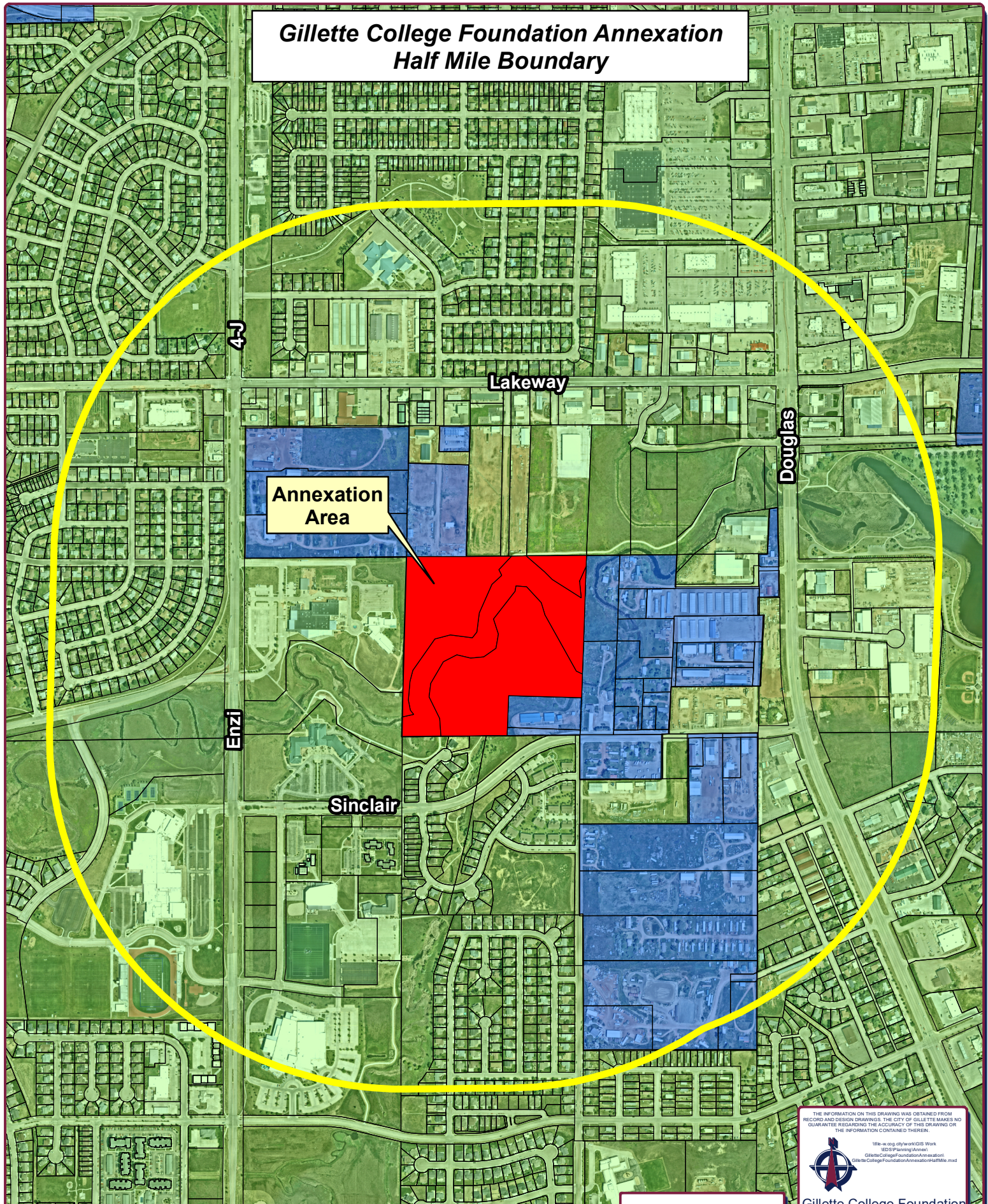
1 inch equals 0.06 miles

October 20, 2023

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City of Gillette, GIS Division, Campbell County, City of Gillette, Camp

# Gillette College Foundation Annexation Half Mile Boundary



**Annexation Area**

4-J

Lakeway

Douglas

Enzi

Sinclair

**Legend**

- Annexation Area
- Half Mile Boundary
- County Tax Parcels
- City Limits
- County

**CITY OF GILLETTE**  
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188-w-003-city-w-IGIS Work  
 EDS Planning Annex  
 Gillette College Foundation Annexation  
 Gillette College Foundation Annexation Half Mile.mxd

**Gillette College Foundation  
 Annexation  
 Half Mile Boundary**  
 September 20, 2023

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 Productivity Responsibility Integrity Dedication

RESOLUTION NO. 2859

A RESOLUTION INITIATING ANNEXATION OF A TRACT OF LAND CONTIGUOUS TO THE CITY OF GILLETTE, WYOMING, PURSUANT TO W.S. 15-1-402, 15-1-403 AND 15-1-405 GENERALLY KNOWN AS THE GILLETTE COLLEGE FOUNDATION ANNEXATION, AND ESTABLISHING A PUBLIC HEARING DATE OF JANUARY 16, 2024, FOR THE ANNEXATION PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH W.S. 15-1-402.

WHEREAS, a written petition for annexation has been filed with the Gillette City Clerk by the majority of the owners owning a majority of the area sought to be annexed, and;

WHEREAS, the City Council finds that it is in the best interest of the City that this tract of land, which is adjacent and contiguous to the boundaries of the City, should be annexed to the City, and that a Public Hearing shall be established pursuant to W.S. 15-1-405.

IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

1. The area sought to be annexed known as the Gillette College Foundation Annexation is more particularly described as follows:

**Legal Description for Annexation of Land  
Into the City of Gillette, Wyoming**

**GILLETTE COLLEGE FOUNDATION ANNEXATION  
SECTION 34, TOWNSHIP 50 NORTH, RANGE 72 WEST**

**A parcel of land situated in a portion of Hitt Estates survey (TRACT "D") as officially recorded in Book 155 of Photos, Pages 524-549 at the Campbell County Clerk and Records Office, also known as the SE1/4 SW1/4 of Section 34, Township 50 North, Range 72 West, of the Sixth Principal Meridian, Campbell County, Wyoming; and being more particularly described as follows:**

**Commencing at the Southeast corner of said TRACT "D", also known as the South quarter corner of said Section 34, said corner being monumented with a 1989 B.L.M. Brass cap Reference Monument bearing N 46°11'37" W for a distance of 46.40 feet and a Bare Rebar Reference Monument bearing S 35°11'23" W for a distance of 83.70 feet from the true corner position which falls on an existing man hole lid; Thence S 89°29'50" W for a distance of 547.81 feet along the South boundary of said TRACT "D" and Section 34 to a point monumented with a 2023 Aluminum Cap, PLS 9328 and being the POINT OF BEGINNING:**

**Thence continuing along said South boundary S 89°29'50" W for a distance of 785.11 feet to the Southwest corner of said TRACT "D" and the West sixteenth corner of said Section 34, said corner being monumented with a 2" Iron Pipe; Thence N 1°26'56" E for a distance of 1,344.56 feet along the West boundary to the Northwest corner of said TRACT "D", said corner being monumented with a 2"**

**Iron Pipe; Thence N 89°33'49" E for a distance of 1,351.60 feet along the North boundary to the Northeast corner of said TRACT "D", said corner being monumented with a 2" Iron Pipe; Thence S 2°14'49" W for a distance of 1,073.99 along the East boundary of said TRACT "D" to a point monumented with an Aluminum Cap, LS 2218 and being the Northeast corner of a parcel described in the Warranty Deed found in Book 3018 of Photos, Page 49 of the official records at the Campbell County Clerk and Recorders Office, from which the southeast corner of said TRACT "D" bears S 2°14'49" W for a distance of 269.77 feet; Thence N 88°05'51" W for a distance of 547.19 feet continuing along said parcel to a point monumented with a 2023 Aluminum Cap, PLS 9328; Thence S 2°14'49" W for a distance of 292.76 feet to the POINT OF BEGINNING:**

**Said parcel of land containing 37.85 acres, more or less.**

**Subject to all covenants, reservations, easements, conditions and rights appearing of record.**

The Gillette College Foundation Annexation is shown on the following Map, marked Vicinity Map.

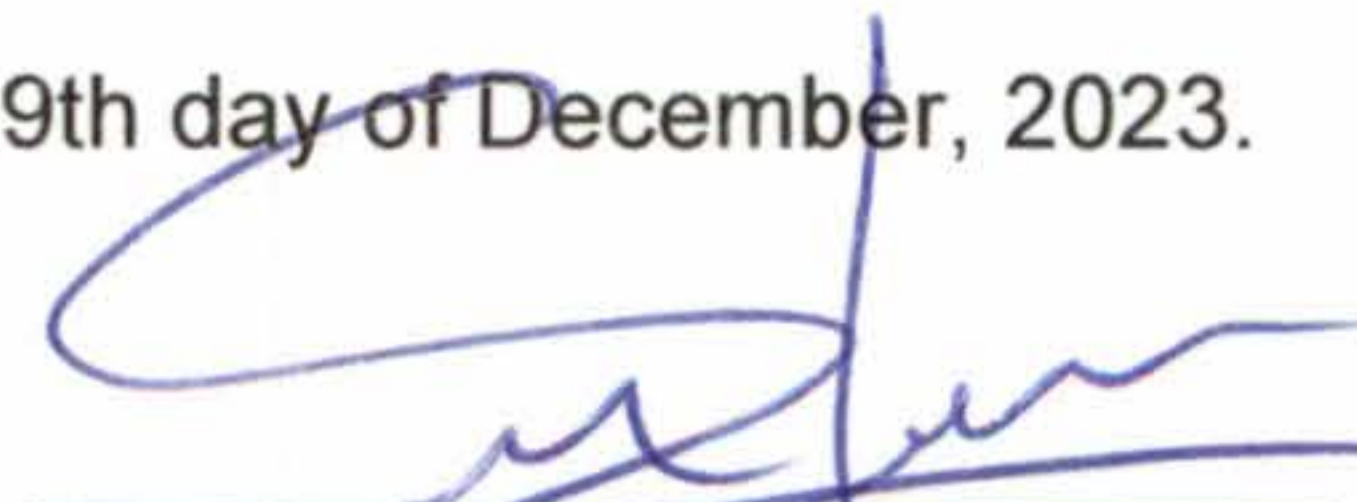
A map of the Gillette College Foundation Annexation showing the land area is attached to this Resolution as Exhibit. An annexation report explaining the terms and conditions of the annexation will be prepared and will be distributed to the landowners in accordance with State Statutes.

2. The City Clerk has certified that the Petitions comply with the requirements of W.S. 15-1-403 and shall follow the procedures outlined in W.S. 15-1-401 through 15-1-422. The Certificate of Determination is attached as an Exhibit.

3. A public hearing in this matter shall be held on January 16, 2024, at 6:00 o'clock p.m. or as soon thereafter as the Council agenda allows, in the Council Chambers, City Hall, Gillette, Wyoming, to determine whether the proposed annexation complies with W.S. 15-1-402.

4. The City Clerk is directed to give notice of the public hearing by publishing a notice at least twice in the Gillette News Record, with the first notice published at least fifteen (15) business days prior to the date of the public hearing and by mailing a certified copy of the published notice to the owners of the tract sought to be annexed and those listed in the Adjacent Landowner List at the addresses used to mail County tax notices. Such notices shall contain the legal description and a map of the area to be annexed.

PASSED, APPROVED, AND ADOPTED this 19th day of December, 2023.

  
Shay Lundvall, Mayor

(SEAL)

ATTEST:

  
~~Alicia Allen, City Clerk~~

Seanna Clymer, Deputy City Clerk

## Annexation Certificate

This Annexation Plat, as it described and as it appears on this plat, is true and correct map of the area to be annexed and is made with the desire of the governing body of the City of Gillette pursuant to W.S. 15-1404.

### Annexation dedication legal description: Gillette College Foundation Annexation Plat, Section 34, T 50 N, R 72 W.

A parcel of land situated in a portion of Hitt Estates survey (TRACT "D") as officially recorded in Book 155 of Photos, Pages 524-549 at the Campbell County Clerk and Recorders Office, also known as the SE1/4 SW1/4 of Section 34, Township 50 North, Range 72 West, of the Sixth Principal Meridian, Campbell County, Wyoming; and being more particularly described as follows:

Commencing at the Southeast corner of said TRACT "D", also known as the South quarter corner of said Section 34, said corner being monumented with a 1989 B.L.M. Brass cap Reference Monument bearing N 46°11'37" W for a distance of 46.40 feet and a Bare Rebar Reference Monument bearing S 35°11'23" W for a distance of 83.70 feet from the true corner position which falls on an existing man hole lid; Thence S 89°29'50" W for a distance of 547.81 feet along the South boundary of said TRACT "D" and Section 34 to a point monumented with a 2023 Aluminum Cap, PLS 9328 and being the POINT OF BEGINNING:

Thence continuing along said South boundary S 89°29'50" W for a distance of 785.11 feet to the Southwest corner of said TRACT "D" and the West sixteenth corner of said Section 34, said corner being monumented with a 2" Iron Pipe; Thence N 1°26'56" E for a distance of 1,344.56 feet along the West boundary to the Northwest corner of said TRACT "D", said corner being monumented with a 2" Iron Pipe; Thence N 89°33'49" E for a distance of 1,351.60 feet along the North boundary to the Northeast corner of said TRACT "D", said corner being monumented with a 2" Iron Pipe; Thence S 2°14'49" W for a distance of 1,073.99 along the East boundary of said TRACT "D" to a point monumented with an Aluminum Cap, LS 2218 and being the Northeast corner of a parcel described in the Warranty Deed found in Book 3018 of Photos, Page 49 of the official records at the Campbell County Clerk and Recorders Office, from which the southeast corner of said TRACT "D" bears S 2°14'49" W for a distance of 269.77 feet; Thence N 88°05'51" W for a distance of 547.19 feet continuing along said parcel to a point monumented with a 2023 Aluminum Cap, PLS 9328; Thence S 2°14'49" W for a distance of 292.76 feet to the POINT OF BEGINNING:

Said parcel of land containing 37.85 acres, more or less.

Subject to all covenants, reservations, easements, conditions and rights appearing of record.

ORDINANCE NO.

AN ORDINANCE APPROVING AND AUTHORIZING THE EXTENSION OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, AND ANNEXATION OF A TRACT OF LAND KNOWN AS THE GILLETTE COLLEGE FOUNDATION ANNEXATION, ENTIRELY ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, PURSUANT TO W.S. 15-1-403,  
AND ESTABLISHING A C-O, OFFICE AND INSTITUTION ZONING DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ANNEXATION PLAT PARCEL LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 50 NORTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CAMPBELL COUNTY, WYOMING

WHEREAS, The Landowner has initiated the annexation of a tract of land entirely adjacent and contiguous to the City of Gillette, Wyoming pursuant to Wyoming Statute 15-1-403, known as the Gillette College Foundation Annexation;

WHEREAS, The Governing Body of the City of Gillette passed and approved Resolution No. 2859 at its regular meeting on December 19, 2023; directing the preparation and distribution of an Annexation Report in accordance with Wyoming Statutes; directing the publication of a public hearing notice, establishing a date for a public hearing at the hour of 6:00 o'clock p.m., on January 16, 2024 in the City Council Chambers, City Hall, Gillette, Wyoming and ordering that Notice be sent to the owners of the tracts described therein;

WHEREAS, a Notice of Hearing in compliance with Wyoming Statutes 15-1-405, was published in the Gillette News Record on December 16, 2023 and January 13, 2024; and the public hearing notice were mailed to the owners of the tracts of land as required by law, by certified mail at least 15 business days prior to the public hearing along with a copy of the Annexation Report pursuant to Wyoming Statutes 15-1-402; the public hearing was held as advertised, on January 16, 2024, in the City Council Chambers, City Hall, Gillette, Wyoming, at which time the City Council did unanimously find that the requirements of Wyoming Statutes 15-1-402, were satisfied and that the area to be annexed is adjacent and contiguous to the corporate limits of the City of Gillette and that said areas should be annexed to the City;

WHEREAS, the City Council did find by Resolution dated December 19, 2023 the necessary tests enunciated by Wyoming Statutes 15-1-402 were satisfied; and that the said Governing Body has determined that the area should be included within the corporate limits of said City of Gillette, Wyoming;

WHEREAS, a Public Hearing for the January 9, 2024, City of Gillette Planning Commission Meeting was duly advertised; and

WHEREAS, the City of Gillette Planning Commission by a majority vote of its members on January 9, 2024 reviewed the request and recommended that the request for Annexation be approved by the Gillette Governing Body and further recommended that the tract to be annexed be zoned C-O, Office and Institution Zoning District.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

Section 1. That pursuant to the petition filed with the City Council of the City of Gillette, Wyoming, there is hereby annexed to and included in the boundaries of the City of Gillette, Wyoming, the tract of land more fully described within the Annexation Plat attached hereto and incorporated herein by this reference.

Section 2. That all previous Ordinances defining the boundaries of the said City of Gillette, Wyoming, shall be and the same are hereby amended to include the area as herein described; and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of any inconsistency.

Section 3. That an area of land known as the Gillette College Foundation Annexation, as shown on the Annexation Plat, Campbell County, Wyoming is composed of one tract of land. The parcel of land for the Annexation is to be zoned C-O, Office and Institution Zoning District. The property to be zoned is legally described as follows:

**The following property is to be zoned C-O, Office and Institution Zoning District:**

**Legal Description**

Following is a parcel of land situated in a portion of Hitt Estates Survey (Tract "D") as officially recorded in Book 155 of Photos, Pages 524-549 at the Campbell County Clerk and Recorder's Office, also known as the SE1/4 SW1/4 of Section 34, Township 50 North, Range 72 West, of the Sixth Principal Meridian, Campbell County, Wyoming; and being more particularly described as follows:

Commencing at the southeast corner of said Tract "D", also known as the South Quarter Corner of said Section 34, said corner being monumented with a 1989 B.L.M. brass cap reference monument bearing N 46°11'37" W for a distance of 46.40 feet and a bare rebar reference monument bearing S 35°11'23" W for a distance of 83.70 feet from the true corner position which falls on an existing man hole lid; thence S 89°29'50" W for a distance of 547.81 feet along the south boundary of said Tract "D" and Section 34 to a point monumented with a 2023 aluminum cap, PLS 9328 and being the point of beginning:

Thence continuing along said south boundary S 89°29'50" W for a distance of 785.11 feet to the southwest corner of said Tract "D" and the west sixteenth corner of said Section 34, said corner being monumented with a 2" iron pipe; thence N 1°26'56" E for a distance of 1,344.56 feet along the west boundary of said Tract D to the northwest corner of said Tract D, said corner being monumented with a 2" iron pipe; thence N 89°33'49" E for a distance of 1,351.60 feet along the north boundary to the northeast corner of said Tract "D", said corner being monumented with a 2" iron pipe; thence S 2°14'49" W for a distance of 1,073.99 along the east boundary of said Tract D to a point monumented with an aluminum cap, LS 2218 and being the northeast corner of a parcel described in the warranty deed found in Book 3018 of Photos, Page 49 of the official records at the Campbell County Clerk and Recorder's Office, from which the southeast corner of said Tract "D" bears S 2°14'49" W for a distance of 269.77 feet; thence N 88°05'51" W for a distance of 547.19 feet continuing along said parcel to a point monumented with a 2023 aluminum cap, PLS 9328; thence S 2°14'49" W for a distance of 292.76 feet to the point of beginning:

Said parcel of land containing 37.85 acres, more or less.

Subject to all covenants, reservations, easements, conditions and rights appearing of record.

The Gillette College Foundation Annexation is shown on the following Map, marked Vicinity Map.

Section 4. That the Annexation Plat of the Gillette College Foundation Annexation, Campbell County, Wyoming as prepared by Land Surveying Incorporated, Signed by Cevin C. Imus, Registered Land Surveyor, Wyoming Registration No. 9328, is made a part hereof and incorporated herein by this reference and is hereby approved for filing with the Campbell County Clerk and Ex-officio Recorder of Deeds.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF GILLETTE, WYOMING

\_\_\_\_\_  
Shay Lundvall, Mayor

(S E A L)

ATTEST:

\_\_\_\_\_  
City Clerk

Publication Date:

State of Wyoming            )  
                                          ) ss.  
County of Campbell         )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me personally appeared Shay Lundvall, to me personally known, who being by me duly sworn, did say that he is the Mayor of the City of Gillette, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and said Shay Lundvall acknowledged said instrument to be a free act and deed of said corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_



# CITY OF GILLETTE

Development Services  
Planning Division  
201 E. 5th Street • Gillette, Wyoming 82716  
Phone 307.686.5281  
www.gillettewy.gov

## ANNEXATION REPORT

### STREET OWNERSHIP AND MAINTENANCE

Currently there are no streets within the proposed annexation area. Any proposed public streets must be constructed with a public dedicated right-of-way, and be constructed to the City of Gillette Design Standards. Any work or access within a Public Right-of-Way will require a permit from the City Engineer's Office.

### WATER SERVICE

Water is available for this property. Extension of water mains or services are the sole responsibility of the property owners within the annexation area. A permit from City Engineering is necessary to obtain for water main or service extensions. New water service connections are subject to a City Water Plant Investment Fee. Water pressure in the annexation area may require additional booster pumps for individual lots.

### SANITARY SEWER SERVICE

Sewer is available for this property. Extension of sewer utilities is the sole responsibility of the property owners within the annexation area. A permit from City Engineering is necessary to obtain for sewer main or service extensions. New sewer service connections are subject to a City Sewer Plant Investment Fee.

### ELECTRICAL SERVICE

City electrical service is available to the property. The installation of any electrical infrastructure required in support of new development will be the responsibility of the landowner or developer. The installation is to be completed according to the electrical extension and development policies of the City. Electrical Capital Contribution Fees are required at the time of development of each lot.

### SOLID WASTE COLLECTION

Upon annexation, City ordinances require that all residential customers use City service, while commercial and industrial customers have the choice to use either City service or that of a private provider. The City's Public Works Department will provide collection service for residential solid waste on a weekly basis and will be charged the current rollout rate. Residents will also have the opportunity to participate in other City recycling and yard waste collection programs.

### SERVICE COSTS AND BILLING

Upon annexation, you will be billed for City services at the same rate and classification as other comparable in-city customers. Rates are set by the City Council and are subject to change. Any future increases to current costs will be the same for you as it will be for any other comparable City customer.

### POLICE PROTECTION

All standard Police services will be provided. These include regular patrol, traffic enforcement, accident assistance and investigation, and animal control activities. These services will begin on the effective date of the annexation. The City Police Department will provide a similar level of service to the Gillette College Foundation Annexation area that is provided to all existing neighborhoods in Gillette.



# CITY OF GILLETTE

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## CODE ENFORCEMENT

Upon annexation, you are covered by the various City Codes and requirements adopted by the City. All construction activities will be subject to the Building Codes and Ordinances in effect at the time of application for a building permit. Other Ordinances concerning junk, weeds, and general nuisances will be enforced, where and if necessary.

## ZONING CLASSIFICATION

The land area of your property is proposed to be zoned C-O, Office and Institution District. The Gillette City Council will make the final determination of the zoning districts at the time of annexation.

## SUBDIVISION REGULATIONS

Any future platting of this land shall be in compliance with the current adopted Subdivision Regulations of the City of Gillette. Any new development will also need to comply with all City standards.

## PROPERTY TAXES

The only additional tax resulting from your annexation is an additional 8 mills (\$8.00 per \$1,000 of assessed value) collected by the City for General Operation of the City. The County Tax Assessor's Office is responsible for establishing the classification of property, assessed value and the assessment rate. For more information or a tax estimate, please contact the Campbell County Assessor's Office.

## CITY REPRESENTATION AND VOTING

Upon annexation, Ward 2 City Council members will represent the land area. Currently, Mr. Billy Montgomery and Mr. Tim Carsrud represent Ward 2 on the City Council.

## PARK LAND

All parkland dedication is governed by the City of Gillette Subdivision Regulations. The parkland fee and dedication are exempt in industrial zoning districts. There is no parkland fee or dedication associated with the subject property.

## CITY INVESTMENT IN SUPPORT OF ANNEXATION

There is no significant City of Gillette investment for this annexation.

## IMPROVEMENT AND SERVICE DISTRICT DEBT/FINANCIAL OBLIGATIONS

All current debt/assessments for existing Service and Improvement Districts will continue to be serviced by each District for its respective project until the debt is retired. The Landowner will continue to be responsible for any assessment until it is paid in full. The City of Gillette has no obligation or liability with respect to Improvement and Service District debt.



# CITY OF GILLETTE

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## SUMMARY OF ANNEXATION

A majority of the landowners owning a majority of the area sought to be annexed have petitioned the city to annex 37.85 acres into the city limits. The land is located generally south of Lakeway Road, between 4J Road and South Douglas Highway, and north of Sinclair Street, and is surrounded by the existing City of Gillette corporate limits on three sides. The site currently has no building located. The owners desire to have the Tract annexed and zoned for C-O, Office and Institution District uses with access to City services. There are no statutes or ordinances that regulate the shape or size of an area to be annexed.

There is no significant City investment required in support of this annexation for water, sewer, streets, drainage, or parks. The area is a logical extension of the city limits and will be serviceable.

The proposed zoning of the area is C-O, Office and Institution District. The Comprehensive Plan envisions the future land use to be Neighborhood/Residential, which it is not currently operating as such and at this time is not recommended, as Donkey Creek and its floodplain is incumbering a significant portion of the parcel. The existing development pattern is compatible with the proposed zoning of Office and Institution. The City Council will make the final zoning determination at the time of annexation.

Water and Sewer services are available for the annexation area with services within an acceptable distance to the proposed annexation area and public access off of Destination Drive. Gas and electric are available for extension as well. There are no known water wells, or septic systems on the property. Required upgrades to utilities is the responsibility of the property owners within the annexation area. Road and utility extensions and connections will be determined at the time of development of the property.

All City infrastructure will be available for the private landowner's use as the terms of the annexation report state. The benefits to the landowner include having access to City services which provide long-term security. Any future development or construction will be reviewed by the City and shall meet City standards.

The third reading of the annexation ordinance is planned to be read on February 20, 2024, with the annexation becoming effective after publication of the passed ordinance in the local newspaper.