

**Minutes of the Proceedings**  
**Laramie County Planning Commission**  
**Prepared by the Laramie County Planning & Development Office**

**Laramie County Wyoming**  
Thursday, November 08, 2018

**181108 00** The Laramie County Planning Commission met in regular session on Thursday, November 8, 2018, at 3:30 p.m.

Attending: Brad Emmons, Planning Director; Nancy Trimble, Associate Planner; Seth Frentheway, Associate Planner; Antony Pomerleau, Chief Building Official; Gary Hickman, Environmental Health Director; Chairwoman Jody Clark, Planning Commissioner; Joe Patterson, Planning Commissioner; Jason Caughey, Planning Commissioner; Pat Moffett, Planning Commissioner

The meeting registrar was signed by: Linda White & Virgil White, 3112 Cochise Rd, vwhite3112@gmail.com, 307.638.6007; Donna Dunn, 2606 Sitting Bull Rd, djdunn396@gmail.com, 307.421.0135; Jill Nolan, 2607 Sitting Bull Rd, jill.nolan@laramie1.org, 802.393.5253; Wesley Taylor, Golden, CO, wtaylor@samsonco.com, 936.239.9721; Bill Edwards, 506 Shoshoni St, wjedwardsco@yahoo.com, 307.634.8800; Kim Floyd, Sheri Floyd, 2903 Crazy Horse Rd, sheriafl@cs.com, 307.214.7846; Ed Ernste, 140 Walterscheid Blvd, ernst@mgbwy.com, 307.630.5895; John Sayers, 506 Shoshoni, Johns@edwards\_development.com, 307.634.8800; Bobby Allbaugh, 506 Shoshoni, bobbyallbaugh@gmail.com, 308.631.6461; John Wetstein, P.O. Box 2202, Laramie, WY 82073, John Wetstein@eaengineers.com, 307.742.9220; Kathie Lake, 12202 Belmont, Cheyenne, WY, aklake3@msn.com, 307.638-7842; Dean Anderson, 2416 Sitting Bull Rd; Dillon Ohrt, 1715 Fleischli Wy, dohrt@suncor.com, 303.549.8002; Darrick Mittlestadt, 207 E Allison Rd; Sherry Gaer, 11100 Geronimo Rd, lgaer10@gmail.com, 307.634.3276; Lynn Gaer, 11100 Geronimo Rd, lgaer10@gmail.com, 307.634.3276; Greg Hastings, 2495 Road 142, 307.421.1529; Bob Hastings, 2495 Rd 142, 307.421.5587; Britney Reddy, 11593 White Eagle, breddy24@gmail.com, 307.287.2255; Mike Basom, 3029 Sitting Bull Rd, michaeld257@msn.com, 307.421.1553; Helens Roylance, 11324 Belmont Ave, Calamityjean69@msn.com, 307.214.7850; Kenny W Roylance, 11324 Belmont Ave, kenroylance@msn.com, 307.631.3722; Pat Nealon, 10617 Beartooth 82009, pnealon@tribcsp.com, 307.514.2334; Jack Cook, 10906 Grove Dr 82009, crownj@wyoming.com, 307.635.4544; Mary Cook, 10906 Grove Dr 82009, cooksusanne@wyoming.com, 307.635.4544; Julia Burke, 3034 Sitting Bull, winddragonjb@juno.com, 307.632.0209; Charles Burke, 3034 Sitting Bull, 307.632.0209; JA Mawley, 1354 Dorothy 82009, 307.214.7706; Jeannie Narvals, 2610 Iron Mnt Rd, 307.920.1530; Christofer Lovas, AVI, 1103 Old Town Lane St 101, lovas@avipc.com, 307.637.6017; Steve McGlothlin, 13180 E Four Mile, Cheyenne, WY, mcglothlinsteve@gmail.com, 307.365.3224; Dan Oleary, 12311 Empire Dr, Cheyenne, do23010@gmail.com, 307.631.5741; Cindy Braden, 11119 Empire Dr, bradjim97@msn.com, 307.630.2487; Brian Casey, 9354 McKenna Trl, brian@misterbhvac.com, 307.634.4822; John Bailey, 1735 Dodge Rd,

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- 01** Review and recommendations on the Preliminary Development Plan for “Jordan Pasture”, A portion of Section 27 and the E1/2 E1/2 of Section 28, T.15 N., R.66 W., of the 6th P.M., Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, John Sayers of Edwards Development Co. was introduced to provide testimony,

Mr. Sayers introduced himself and gave a brief overview of the Jordan Pasture project to highlight the history of the property and the expectation of the applicant to develop it over time. The project is going to apply covenants that establish a HOA and Architectural Review Committee. Mr. Sayers said he agreed with the recommendations on the Staff Report noting that issues regarding recommendations 2 and 7 of the staff report required further discussion going forward with reviewing agencies.

Chairwoman Clark asked if anyone on the committee had questions for Mr. Sayers at that time and there were none. Staff gave a brief staff report on the project. Commissioner Moffett then asked Mr. Sayers what his concerns were with recommendations 2 and 7 of the staff report. Mr. Sayers explained that it was the applicants desire to keep their roads private since the homeowners would be paying for the maintenance and that they would be able to maintain control of who has access to the road to include how it was used. Mr. Sayers also explained that it was his view that there is already sufficient water supply for fire suppression in the area.

Commissioner Patterson asked if the roads in Blue Ribbon were paved or dirt roads. Mr Sayers replied that they were dirt roads.

Commissioner Caughey asked Mr. Sayers if the applicant was confident that they would find buildable area in lots 4 thru 8. Mr. Sayers explained that the intent and plan is to define those flood designation areas such that any concern about flooding would be addressed so building could take place on those lots.

Chairwoman Clark opened the hearing up to public comment.

Mike Basom, 3029 Sitting Bull Road, expressed several concerns ranging from increased dust caused from traffic to water. Mr. Basom cited language from the control study that he interpreted to mean that there was not sufficient ground water for a rural residential subdivision. Mr. Basom made several suggestions to include that the roads leading into the subdivision be paved, that the size of the lots be increased to reduce the number of lots and wells, that city water to be brought out to service rural subdivisions and that the developer be required to put up a bond against the failure of neighboring wells.

As a reminder, Chairwoman Clark noted that recommendation five of the staff report states that a Chapter 23 review and a non-adverse letter from DEQ is required for approval of the subdivision.

Mr. Sayers explained that the applicant had their geologist at the meeting to add some clarity regarding water concerns but also spoke to some of the traffic study concerns as well. From the results of the traffic studies conducted so far, the applicant does not believe that the traffic counts are such that they should be required to pave roads.

Commissioner Caughey inquired about the accuracy of the traffic projections in the traffic study regarding the projected traffic routes. Mr. Sayers said that he thought that Grove would be the main traffic route, but that the amount of traffic would still not exceed an amount that would constitute paving.

Commissioner Clark reminded the audience of the public hearing and invited members of the public to share testimony. Harley Downs, Home owner in WY Ranchettes, 1st Filing, shared his story about his well. He said that his well has been working for a long time and that the aquifer was no longer high enough to supply his home with water. So, he needed to drill another well that he explains appears to be losing water levels too. Mr. Downs attributes his well issues to the other surrounding wells.

Chairwoman Clark limited the comment time to five minutes each.

Bill Edwards shared some comments regarding his fondness of the area and his desire to never do anything that would hurt the area. Bill explained that the aquifer systems that water is accessed from are not as simple as it may seem and that the part of the study referenced by Mr. Sayers was referencing perspectives added that included irrigation wells in the eastern part of the county. Bill introduced Mr. John Wetstein who is a professional Engineer and Geologist with Engineer Associates from Laramie. Mr. Wetstein explained that each well is its own unique case study and is not necessarily reflective of the area as a whole. As an example he referred to a test well that is approximately 1 mile from the proposed subdivision site. Mr. Wetstein also explained that there are many factors that can affect the flow of a well and the recharge rates of each case study. The draw that is coming from the domestic wells is fairly insignificant compared to the

water that is recharging the area.

Commissioner Moffett asked how a well that would draw water from the White River Aquifer would affect the water from the Ogallala aquifer. Mr. Wetstein reiterated that each well is its own case study and would not likely affect surrounding wells or the Ogallala aquifer.

Mike Bosar commented again stating that he believed that water being used from the white river aquifer would affect the Ogallala aquifer water levels and he restated his interpretation of the April 1st 2015 Control Area Order.

Donna Dunn, 2606 Sitting Bull Rd, reiterated that she had the same concerns as the previous members of the public regarding the availability of water. Mrs. Dunn stressed that the observations of homeowners in the area are more reliable than the research presented thus far. Mrs. Dunn explained that she believes the trip numbers reflected in the traffic study were incorrect. Commissioner Clark mentioned that there are still recommendations needing to be addressed regarding traffic concerns.

Ken Floyd, resident and co-chair of WY Ranchettes, 1st Filing, ACC. Mr. Floyd expressed that his concerns are similar to those who have spoke in opposition to the project thus far. Mr. Floyd would like to see access to the subdivision from further east.

Commissioner Clark asked if Bill Edwards would be willing to consider pursuing an access easement through the state land to the east. Bill said that he didn't think it was possible to get access through the state land section but even if it was he didn't think it would be right to require residents of Jordan Pasture to seek an alternate entrance to their homes when there are designated public right of ways that are already available.

Commissioner Caughey clarified that there were three major concerns from the public; Water, Roads and flooding. All of these concerns have been highlighted in the recommendations for the Preliminary Development Plan and will need to be sufficiently addressed prior to the project being awarded an approved permit and plat.

Commissioner Patterson asked Bill if he would consider open space in the subdivision. Bill said he did not consider open space to be useful because the buildable area of the lots is only approximately 1.5acres, the lot sizes are larger than required and there are hundreds of pasture acres surrounding the project.

Cindy Braden, 11119 Empire Dr, expressed her concerns about the amount of

**02** Review and action on a Subdivision Permit and Plat for Northern Heights, 2nd Filing, located in a portion of the N1/2 Section 18, T.15N., R.66W., of the 6th PM, Laramie County, WY.

County Planner introduced the project and purpose, provided background, and

stated the pertinent regulations. The agent for the applicant, Chris Lovas of AVI, PC was introduced to provide testimony.

Mr. Lovas reiterated what the county planner had presented and offered to answer any questions the Planning Commission had on the project. No questions were asked.

County Planner provided a staff report for the Subdivision Permit and Plat application. The County Planner recommended approval of the Subdivision Permit and Plat to the Laramie County Board of Commissioners with two conditions.

Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked.

Commissioner Clark asked if there was any additional public comment, no public comment was received, and public comment was closed. Commissioner Clark opened the item up for discussion among the Planning Commissioners and asked for a motion.

Commissioner Moffett asked the agent for the applicant if GB Builders would still consider offsetting the driveways that would serve the new lots with the existing driveways of neighbors. Mr. Lovas responded that the owner had expressed that as long as county public works had no issue with the placement of the new driveways being staggered relative to the existing driveways then they would do that. Commissioner Moffett motioned to recommend approval of the subdivision permit and plat to the Laramie County Board of Commissioners with conditions one and two. Commissioner Caughey seconded, and the application was approved (4-0).

**03** Review and action of a Subdivision Permit and Plat for Saddleback Acres, located in a portion of the NE1/4 SW1/4 of Section 10, T14N, R65W of the 6th P.M., Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Gary Grigsby of Western Research and Development, was introduced to provide testimony.

Mr. Grigsby reiterated what the county planner had presented and offered to answer any questions the Planning Commission had on the project. No questions were asked.

County Planner provided a staff report for the Subdivision Permit and Plat application. The County Planner recommended approval of the Subdivision Permit and Plat to the Laramie County Board of Commissioners with no conditions.

Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked.

Commissioner Clark asked if there was any additional public comment. Tracy Ferguson, 13186 E Four Mile Rd, expressed concerns about flooding regarding a pond on the proposed Lot 3 should the surrounding topography be altered during the building process. She also expressed concerns regarding road maintenance and how that issue would be handled on the private drive that is the access for the site. Gary Grigsby explained that a 2000sqft house would not create a significant change in the drainage, but have moved the build site for the house further to the back (East) of Lot 3 to avoid disturbing the pond resulting in little to no change. No other questions were received and Public comment was closed.

Commissioner Clark opened the item up for discussion among the Planning Commissioners and asked for a motion. Commissioner Caughey motioned to recommend approval of the subdivision permit and plat to the Laramie County Board of Commissioners with no conditions. Commissioner Caughey seconded, and the application was approved (4-0).

**04** Review and Action on an Amendment to the 2002 Fireworks Regulations.

County Planning Director introduced the amendment and purpose, provided background, stated the pertinent regulations and offered to answer any questions that the Planning Commission had.

Commissioner Moffett asked if there needed to be a delay on the motion because of timing concerns. Mr. Emmons said that there was no reason to delay because there was ample time to address any issues and take public comment before and during the Laramie County Board of Commissioners adopting the amendment.

Commissioner Caughey asked if the setback applies to both temporary stands as well as permanent ones. Mr. Emmons responded that the setback would apply to both temporary and permanent structures and added that the current amendment is effectively serving as a temporary amendment and that more comprehensive fireworks regulations are expected in the next few months. Mr. Emmons also explained that all the codes for the IBC would still need to be followed.

Commissioner Clark asked if there was any additional public comment. No public comment was offered and public comment was closed.

Commissioner Clark opened the item up for discussion among the Planning Commissioners and asked for a motion. Commissioner Moffett motioned to recommend approval of the 2002 Fireworks Regulation to the Laramie County Board of Commissioners with no conditions. Commissioner Patterson seconded, and the application was approved (4-0).

**05** Review and Action on the Adoption of the 2019 Laramie County Land Use Regulations.

County Planning Director introduced the amendment and purpose, provided background, stated the pertinent regulations and offered to answer any questions that the Planning Commission had.

Commissioner Patterson asked what or who determines some projects to be allowed to submit preliminary development plans concurrently with subdivision permit and plat applications regarding staff request item 7. Mr. Emmons explained that the planning director would decide if projects could run concurrently and then provided scenarios that would warrant such an allowance.

Commissioner Caughey expressed his gratitude for the work staff has done on the regulations. He also expressed concern that small projects are being allowed to be approved under fewer regulations because of their size and impact, but are also being done in such quantity that, in effect, the stricter regulations that apply to larger projects are avoided. Mr. Emmons explained that the language regarding smaller subdivisions is not proposed to be changed at this time and that there is some disconnect in understanding how the current language was rationalized in its creation and therefore more work would need to be done to understand how to best address this issue.

Commissioner Caughey asked if the setback applies to both temporary stands as well as permanent ones. Mr. Emmons responded that the setback would apply to both temporary and permanent structures and added that the current amendment is effectively serving as a temporary amendment and that more comprehensive fireworks regulations are expected in the next few months. Mr. Emmons also explained that all the codes for the IBC would still need to be followed.

Commissioner Clark opened the hearing up to public comment. Ed Ernst, 140 Walterscheid, commented that he thought the city and the county should still continue to work together with a 'smart growth' approach in mind. Mr. Emmons added that the county is still working with the city and that the City will still have some oversight in that regard. Mr. Manly commented about the NRA standards for shooting ranges in that within the NRA standards book itself it reads that, "this sourcebook may not be utilized to establish design standards or criteria for ranges." Commissioner Clark reminded Mr. Manly that the planning director had addressed that issue in his opening statements. Mr. Manly suggested that the shooting range regulations should be tabled in order to provide enough time to write an efficient regulation. Mr. Emmons read into the record a letter from Julie Reed regarding her perspective on the need to have experts design shooting ranges. Mrs. Joan Sandberg, Albin, shared testimony regarding her experience with shooting ranges that have operated near her farm. Mrs Sandberg detailed several design flaws in how those ranges were operating to stress the need for professional design standards for shooting ranges to operate safely in Laramie County. Mr Terry Sandberg commented that he thought that regulations should be such that bullets could not leave the property from which the bullets were fired. Mr Bob Hastings, 2494 rd 142, commented that he felt that any shooting ranges should be required to have "Blue Sky". No additional public comment was

offered and public comment was closed.

Commissioner Clark opened the item up for discussion among the Planning Commissioners and asked for a motion.

Commissioner Moffett motioned to recommend approval to repeal the 2011 Laramie County Land Use Regulations and Adopt the 2019 Laramie County Land Use Regulations as amended to the Laramie County Board of Commissioners. Commissioner Caughey seconded, and the application was approved (4-0)

**06** Review and Action on the Adoptions of the 2018 International Building Codes.

Laramie County Chief Building Official introduced the item, provided background, stated the pertinent regulations and offered to answer any questions that the Planning Commission had.

Commissioner Caughey asked if there are any additional amendments other than the ones that are being proposed with this item. Mr Pomerleau responded that there were no additional amendments other than what was currently proposed. Commissioner Moffett asked if the county commissioners opted not to adopt appendix Q regarding 'tiny homes'. Mr Pomerleau responded that appendix Q was not going to be adopted. Commissioner Patterson asked if no longer allowing fire separation wall was applicable to only commercial buildings or buildings over 12,000sqft. structures. Mr. Pomerleau responded that the 12000sqft number sometimes applies to structures based on occupancy. Commissioner Patterson asked why the county has chosen not to include the 2018 international energy conservation code. Mr Pomerleau responded that the county commissioners did not feel it is a code that the county is wanting to adopt nor is it a code that the state is requiring the county to adopt.

Commissioner Clark opened the hearing up to public comment. Ed Ernst, 140 Walterscheid, commented that he was not aware of the public meeting that was held November 7th and wanted some clarification on how the public was notified about the changes presented so they could provide input. Mr. Pomerleau responded that the open house was advertised through the Wyoming tribune Eagle on Oct 31, November 6th. The building department has also utilized a computer program called 'Constant Contact' that includes a list of local contractors that have asked to be a part of the communication regarding this action and the building Department has received notification that approximately 285 participant's in the constant contact program have received notification. Mr. Pomerleau also noted that the current public hearing as well as the public hearing anticipated to be before the Board of County Commissioners also serves as opportunity for public engagement and input. Mr. Ernst said he wants the city and the county to work together. Commissioner Clark asked Mr. Emmons if he could add any comment to the point Mr. Ernst made and Mr. Emmons deferred to Mr. Pomerleau and he agreed that it would be better to be able to have continuity between the city code and the county code. Commissioner Patterson commented that he agreed with My Ernst as well and added that it may require additional regulation, but that he thought it would be worth the time it might entail.

Commissioner Patterson expressed his opinion that the energy codes serve to add life safety to homes in Laramie County. Mr. Ernst said that he thought there should be more discussion regarding fire protection before the 2019 codes were adopted.

Commissioner Moffett asked the members of the Planning Commission, or Mr. Pomerleau, if there was any benefit in postponing the amendment 30 days to give time to have discussions with the city about this proposal before a vote.

Commissioner Caughey said that his biggest heartburn was over the Amendments, because they are not cited specifically in the proposal so the Commission can understand what they are. He said that he would like to see those amendments listed, so that if there are contradicting amendments with the city, those contradictions can be worked out. Commissioner Caughey said that perhaps a statement on the record that time needed to be allotted for the amendments to be addressed would be sufficient.

Mr. Pomerleau added that one of the purposes of the hearing today was for public comment and that the window for taking in input and communication is still open even if the Planning Commission moves forward to approve today's proposed action. Public comment can still be received and the amendments can still change before going before the Board on Dec 5th, 2018.

Commissioner Clark opened the item up for discussion among the Planning Commissioners and asked for a motion.

Commissioner Patterson motioned to recommend approval for adoption of the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Fire Code, the 2018 International Plumbing Code, the 2018 International Mechanical Code, the 2018 International Fuel Gas Code and the 2018 International Existing Building Code and the proposed amendments to each of these codes to the Laramie County Board of Commissioners with no conditions. Commissioner Caughey seconded, and the application was approved (4-0).