

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

Thursday, July 14, 2011

- 110714 00** The Laramie County Planning Commission met in regular session on Thursday, July 14, 2011 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy. Planning staff present were: Abby Yenco, Senior Planner; Lyndsay Hazen, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Eric Sackett, Rio Verde Engineering; Marilyn Hamm, 2360 Road 217, Cheyenne, WY; Gay Woodhouse, County Commissioner; Vic Contratto, 1009 Mitchell Place, Cheyenne, WY; Gary M. Hickman, Environmental Health Dept.

- 01** Review and action of the Subdivision Permit and Plat for 307 Properties, located in a portion of the North 1/2 of Section 5, T. 12 N., R. 62 W., of the 6th P.M., Laramie County, WY.

Eric Sackett, Rio Verde Engineering, agent for the applicant, and Colt Bruegman, owner, came forward to review the purpose of the application. In the Preliminary Development Plan, there were to be five 10 acre lots outside of Carpenter, WY. The plat now reflected that two of those lots were split into two 5 acre lots each, with the remaining three lots to be platted at 10 acres each. Mr. Sackett explained that the preliminary development plan had shown access to the property from Road 149 to the west. The west 80 feet was being dedicated as county road, which would resolve that issue. He stated the traffic study would be revised depending on each site plan submitted, and that approval for the increase in lots had been received from DEQ.

Abby Yenco, Senior Planner, gave an overview of the staff report. She explained that the Preliminary Development Plan had received recommendation at the April 14, 2011 Planning Commission meeting to move forward with five conditions, and stated that those had been addressed with this application. Ms. Yenco said the original Preliminary Development Plan included five 10 acre light industrial lots, and that the plat had been reconfigured to divide two of the 10 acres lots into two 5 acre lots each. She explained that the property was in the unzoned area so there was no use restriction. The Planning Commission could evaluate the subdivision permit and plat for conformance; however, staff recommended the application not be brought before the Board of County Commissioners until ownership issues had been resolved. Mr. Bruegman stated that the deed had been filed two months ago. Ms. Yenco stated that the paperwork needed to be verified before going to the Board.

She explained that access to this property would not be allowed along Road 203. Roads 149 and 150 would be the primary access to Butler Road. All lots would take access from Butler Road, and clarified that the plat needed to state this so there was no confusion. The plat also needed to specify there would be no public maintenance of Road 149, and that Butler Road was dedicated to the public and shall be privately maintained. Other items needing resolved included clerical errors, comments from the County Assessor and Real Estate Offices and BenchMark Engineers, the removal of Note 3 on the plat, identification of utility easements, and clarification on the 40 foot utility and landscape easement to the north in conflict with the dedication. Ms. Yenco stated the drainage study had been updated and was now in compliance. Staff recommended the Planning Commission find the application meets the requirements for a subdivision permit and plat, with the conditions listed in the staff report.

Commissioner Cole stated he had questions, and though he was not opposed to the project, he could not approve the plat. First, the utility easements needed to be dedicated, he assumed to High West Energy. Mr. Sackett said the easements would be dedicated, and he would put the dedication language on the plat. Commissioner Cole asked if the landscape dedication could be other than the landowner? He stated the site plan would take care of the landscaping, and dedication of the easement meant nothing, and the County didn't want it. He asked if Road 203 was a dedicated right-of-way or on an easement? Ms. Yenco responded it was an official road and the 80 foot right-of-way was dedicated. Also, the plat boundaries needed to be extended to include the 40 foot utility easement. Commissioner Cole asked what the dotted lines indicated. Mr. Sackett responded they indicated building setbacks. Commissioner Cole advised against noting them on the plat in order to avoid replatting. He also mentioned noticing the sign posted for the development action was a mile east of where it should have been. Mr. Bruegman said he had put it back where it was supposed to be, and Ms. Yenco confirmed it had been centered yesterday when she visited the site. Commissioner Cole stated he would like to see the revised plat before going forward. Mr. Sackett said he would make the changes.

Commissioner Ward said he had been out to the site two days ago, and there had been a fair amount of traffic in that area. He stated he would like to see extra pavement added to make the area safer, but did not want it added as a condition.

Commissioner Macy asked if the County was trying to get the right-of-way set at 40 feet? Ms. Yenco responded that it was to be increased on the south side of the property, and that was the only place it would happen on the property. WYDOT has indicated that over time, the curve would need to be a 90 degree stop sign intersection, but not on this plat. This would happen when the traffic had increased. Commissioner Cole added that the net area of acres needed to be removed from the plat.

Commissioner Clark opened the hearing to the public. As there was no comment, the public hearing was closed. Commissioner Cole added that adjacent landowners should not included on a plat, and they needed to be removed.

Commissioner Ward motioned to recommend approval of the subdivision permit and plat with conditions 1 - 6 and adopt findings of facts a and b; Commissioner Qualls seconded the motion. Commissioner Cole asked if the motion included all the items he mentioned? Ms. Yenco there would be six conditions from the staff report, with the addition of five more: dedication of easements, extension of plat boundary to right-of-way lines, remove building setbacks, remove adjacent landowners, and remove net acres notation. Commissioner Cole confirmed the added conditions. Commissioner Qualls asked wouldn't some of those conditions be covered already under condition #3, as she felt they had already been addressed under conditions existing on the staff report.

Commissioner Ward moved to withdraw the motion. The Planning Commission voted 4 - 1 to withdraw the motion. Commissioner Ward stated that condition #3 didn't address everything mentioned, and that the conditions need to be clear. Mr. Sackett and Mr. Bruegman stated they would take care of everything the Commissioner Cole wanted. Commissioner Macy asked if the applicant was comfortable giving up 40 feet on the right-of-way? Mr. Bruegman responded that he could negotiate down to 20 feet. Ms. Yenco stated it could be reviewed by Public Works and WYDOT, and she was not sure if there were designs in place to widen Road 203, but the review could be done in preparation to go before the Board. Commissioner Clark asked if condition #3 could be amended to add Commissioner Cole's comments.

Commissioner Qualls said condition #6 mentioned the need for the warranty deed, or the correct property owner would need to sign the plat, and that staff had not verified the deed yet as it has not been seen, but if it was okay, the application would go to the next Board meeting. Commissioner Cole said the transfer of land was always tricky with regard to a plat.

Commissioner Clark asked for a motion to recommend approval of conditions 1 - 6 plus the additional five amendments. Ms. Yenco proposed recommending approval of conditions 1 - 6, plus the conditions for negotiation of the right-of-way footage, removal of the net acres, and removal of the adjacent landowner names. The proposal would bring the total number of conditions to 9.

Commissioner Ward motioned to recommend approval with conditions 1 - 9; Commissioner Macy seconded the motion, and it was passed with a vote of 5 - 0.

02 Withdrawal of the Planned Unit Development (PUD) Amendment for Tract 1, Shellback Subdivision, located in a portion of Section 17, T. 14 N., R. 67 W., of the 6th P.M., Laramie County, WY.

Abby Yenco gave the background on this action from the staff report. On May 23, 2011, the applicant requested withdrawal of this application.

Commissioner Clark asked for a motion. Commissioner Qualls motioned to withdraw the PUD amendment; Commissioner Ward seconded the motion, and it was passed with a vote of 5 - 0.

03 Review and action for the adoption of the 2011 Laramie County Development Applications Fee Schedule.

Abby Yenco gave an outline of what changes were made to the fee schedule.

Commissioner Cole stated he has heard complaints from builders regarding Laramie County's fees being higher than the City of Cheyenne's fees.

Commissioner Clark opened the hearing to the public. Due to no comments, the public hearing was closed.

Commissioner Cole said he wanted to go fee by fee and discuss/vote on each. He stated he was okay with the community facility fees for land within a water/sewer district, but that the fees for land outside a district did not appear to be charged appropriately for property located further out to receive emergency services.

Ms. Yenco responded that there had not been an evaluation of the City's fee schedule, but that there were fees on the County's schedule that the City did not have, for example - subdivision permit.

Commissioner Cole said he did not agree with the amount of the fees being charged for the preliminary development plan in comparison to the City's fees for a preliminary plat. Commissioner Ward stated he thought the fees were reasonable, and agreed that maybe the community facility fees were high. Ms. Yenco responded that the fees were managed by the County Clerk's office and collected per State Statutes, and that our department only collected the fees.

County Commissioner Gay Woodhouse came forward to clarify that the budget for the new fiscal year had been finalized for the general funds. She explained that our work was subsidized by these funds, and that the department was doing a good job of accommodating the builders by handling the process in a smooth and respectful fashion, with building inspections being performed in a timely manner. She said she has heard quite the opposite about the City's operations, with delays on projects and inspections. She stated that the Planning and Development Office was not self-sufficient, and the increases being proposed were only slight. After meeting with Gary Kranse, the Director of Planning and Development, it was established that these increases were warranted. In comparison, by using outside agencies for some of the required review items instead of hiring extra staff, there is a savings in those fees charged.

Commissioner Qualls stated she had heard the same thing with regard to dealing with the City, and that things went more smoothly with the County.

Commissioner Cole reiterated that he did not agree with the community facility fees for land outside the water/sewer district, and stated that the fee should be tied to the building permit regardless to the size of the property.

Commissioner Woodhouse stated she understood that the fees were used for public facilities such as parks, and improvements as needed, and that the fund now held \$140,000 which was generated from collection of these community facility fees.

Commissioner Qualls responded to Commissioner Woodhouse that she was correct, the funds went for both parks and fire district needs, such as trucks and equipment primarily, and without funding, there would not be adequate fire protection in the county.

Ms. Yenco stated that the comprehensive plan was currently being evaluated for revision, and there may be the opportunity to include information on the community facility fees.

Commissioner Clark asked for a motion on this action. Commissioner Cole motioned that the community facility fees for land outside a water/sewer district be increased to \$500.00 per resident unit, payable at the time of a building permit application. Commissioner Qualls seconded the motion, and the motion passed with a vote of 5 - 0. Commissioner Clark stated a vote needed to be taken on the adoption of the fee schedule, and it was passed with the condition of change on the community facility fees for land outside a water/sewer district, with a vote of 5 – 0.

04 Cancellation of the July 28, 2011 Planning Commission meeting.

Commissioner Cole motioned that the second Planning Commission meeting in July of each year from now on be permanently cancelled; Commissioner Ward seconded the motion; the motion passed with a vote of 5 - 0.