

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

Thursday, August 09, 2012

**120809 00** The Laramie County Planning Commission met in regular session on Thursday, August 9, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy; Gary Kranse, Planning Director; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Marc Woods, 7805 Yarina Way, Cheyenne; Norman Musselman, 1875 Road 124, Cheyenne; Clark Stillahn, 2430 Road 218, Cheyenne; Don Beard, 13797 Prairie Center Circle, Cheyenne; Sreyoshi Chakraborty, 2101 O'Neil, Cheyenne; Jeff Wiggins, 2101 O'Neil, Cheyenne; Jeanne Van Risseghem, 2442 Petersen Drive, Cheyenne; Kathy Watt, 2486 Road 218, Cheyenne; Merle Watt, 2486 Road 218, Cheyenne; Roy Kroeger, 100 Central Avenue, Cheyenne; Linda M. Heath, 4031 Winterset Drive, Burns; Gloria Smith, 2434 Petersen Drive, Cheyenne; Anissa Long, 2466 Petersen Drive, Cheyenne.

**01** Review and action of the Subdivision Permit and Plat for North Star North Subdivision, located in a portion of S1/2 Lot 2, S1/2 S1/2 NE1/4, S1/2 SE1/4 NW1/4, N1/2 SE1/4 LESS WEST 400' OF NW1/4 SE1/4 of Section 18, T 15N, R 66W, Less 1.49 AC (BK 9 PG 119) located east of Road 124 (Yellowstone Rd) and south of the Northern Heights Subdivision.

Marc Woods, of Horizon Homes, came forward as the developer. He stated that there were many concerns expressed at the Planning Commission public hearing of the Preliminary Development Plan on June 14, 2012, and that the proposed plat being presented today was redesigned to address those concerns.

Gary Kranse, Director, gave an overview of the staff report, and explained that the Preliminary Development Plan that was reviewed on June 14, 2012 contained 21 residential lots and 1 open space lot. The redesigned plat before the Commission today contained 19 residential lots, and had no designated open space.

Mr. Kranse stated that the Wyoming Dept. of Environmental Quality had issued a Non-Adverse Recommendation for this proposed development, and the State Engineer's Office had addressed the concern about establishing new water wells by providing that if the subdivision was found to be in conformance with the Laramie County Land Use Regulations, well permits would be issued for each residential lot. Roads within the development would be constructed per County standards and privately maintained. In order to address concerns about the additional traffic and its impact to Petersen Drive, Mr. Woods had submitted, prior to commencement of the public hearing, a revised version of the proposed plat highlighting an access easement bordering the development to the south of Tracts 1 through 9 and connecting to Old Yellowstone Highway (Road 124). Mr. Kranse explained that this 19 lot residential subdivision, with a traffic estimated count of 10 trips per day per lot, does not require a traffic study, as the minimum number of trips per day specified in the Laramie County Land Use Regulations for a traffic study requirement is 200 trips per day. He also clarified that the open space fencing issue has been eliminated, since there is no open space on the revised plat, and all other comments from the June 14th public hearing have been addressed.

Commissioner Cole commented that it would have been beneficial for the Planning Commission members to have a copy of the revised plat showing the proposed access easement to review prior to today's meeting, but added he was not sure that access was needed just 600 feet away from the existing road. He expressed that there were already 27 residences already using Petersen Drive, and thought that 19 more wasn't a substantial increase. He stated his opposition to the proposed access easement, and suggested the revised plat not be considered as an option. Commissioner Cole also referenced the staff report discussion with regard to the Laramie County Comprehensive Plan describing this property as best suited for Low Density Rural Agricultural uses, which provides for residential development with an average density of one unit per 10-35 acres, and questioned why this subdivision would need to contain 10-acre lots, when there were 2.5 acre lots developed in the area?

Commissioner Clark opened the hearing to the public. Kathy Watt, 2486 Road 218, said she was one of the June 14th meeting attendees that brought up the fencing. She clarified that the issue she was voicing was not about fencing of the open space, but instead was about the placement of a perimeter fence around the development since there was livestock in the area. Commissioner Clark stated the covenants of a subdivision are not within the Planning Commission's jurisdiction, and that the Wyoming Livestock Association might be a good place to start with regard to livestock fencing. Commissioner Ward asked if the developer was going to build a fence on the south side of the subdivision. Mr. Woods responded that the development plans had not progressed to that point yet, and that profitability was down on the project, so installing a fence was not likely to happen.

Commissioner Ward suggested that, if the fence was on the property line of the two adjacent properties, the neighbors may be willing to share the cost of the fence with the developer, as the neighbors did not seem to be unreasonable. Mr. Woods asked if there was already a fence there; Ms. Watt responded yes, of course, and stressed that the fencing issue needed to be addressed. She added that since there was livestock from all sides of the development, it would seem there should be an agreement as to how the fence will be maintained. Commissioner Cole said there was a state law that if a fence was on your property, you were responsible for the upkeep; if the fence was on a property line, then both parties were responsible. He asked Mr. Woods if the present fence was inside the property line of the proposed development. Mr. Woods responded yes, that he could remove it, and pointed out that the property owners to the south were actually encroaching on the development site.

Commissioner Ward said the issue needed to be resolved, but the developer would need to work that out since there should be a fence placed during the construction phase. Commissioner Ward said the fence should be the homeowner association's responsibility to maintain; Commissioner Cole agreed. Mr. Woods responded he would have to see what legally could be written in the covenants as far as requiring maintenance, and stated that fences were placed all over the property. He added he was unclear if the Planning Commission members were requesting that the existing fence be removed. Commissioner Ward asked if he was taking all the fencing down? Mr. Woods responded the fences within the proposed development would need to be removed, but the perimeter fence would not. Commissioner Cole said there was a law for residences pertaining to placement of fences with regard to property ownership. He gave an example that if a landowner placed a backyard fence inside their property line by a foot or so, and left it in place without moving to the property line, after a certain number of years, the "fenced out" property would revert to the owner of the adjacent property. He recommended that the property owners to the south of this proposed development move their fence north as close to the property line as possible, so they wouldn't lose that piece of their property. Mr. Woods said he would be agreeable to meeting with Ms. Watt to resolve the fencing issue, as he had no intention of being a bad neighbor.

Gloria Smith, of 2434 Petersen Drive, which is the 8th house down from Yellowstone, said she and her husband have lived there for 10 years, and they have concerns about the road. She stated that the road is always like a washboard, and that traffic from residences on Century Road, Petersen Drive, and even Channell Road, all use Petersen Drive. She explained the road is so bad that motorcycles and bicycles have a very difficult time navigating the road. By adding 19 additional residences in the area, there would be a significant increase in traffic use on Petersen Drive, which is only graded by the County every 6 weeks to 2 months. She also had concern about truck traffic using the road during construction. She expressed her support of the proposed access on the south side of the development, and asked the Commission members why the developer couldn't put this access road to the south? Mr. Kranse responded there was no legal reason why they could or

couldn't put the access road there; the issue was the number of new trips on Petersen Drive, and that a new design was needed to reduce the number of trips on Petersen Drive. He added the proposed private access road to the south does address the County's concerns. Ms. Smith stated Commissioners Cole and Ward did not agree, so was the decision final? Mr. Kranse said the Planning Commission would make a recommendation today, then the application would go to the Laramie County Board of Commissioners, who are the final authority on the decision, on August 21st, unless an action occurred at this meeting to delay the approval process. Ms. Smith invited the Commission members to come out to see the condition of Petersen Drive. She also expressed concern about the wells, and had been told that the north side doesn't have a large water level – was that okay? Mr. Kranse responded that water is regulated by the State Engineer's Office, and that office had expressed that well permits would be issued for these sites. Ms. Smith said she was also concerned about the floodplain and drainage, as their property is now in a flood zone, and asked if the new development would affect drainage in that area? Mr. Kranse said typically a 5-acre development would not create that much impact. Each lot would be considered individually at the time of the building permit, and the floodplain would be respected. Commissioner Cole added that a paved road would affect drainage issues more than a gravel road. Ms. Smith said she understood but felt that it would damage the road more to remain unpaved. She then asked why it was stated in the staff report that 10-acre minimum lot size was required in that area. Mr. Kranse said that was the Planning Office's recommendation in the Laramie County Comprehensive Plan, which was a guide to lot size; however, the proposed development area was unzoned so there was no regulation as to the size of lots. There is no legal way to stop any size lot in this area, as there were no regulations concerning lot size in the unzoned portion of the County. Ms. Smith added she wanted the land developed correctly now.

Clark Stillahn of 2430 Road 218 came forward and explained he was part of an estate with 3 other sibling who own 5 lots. He gave a history of the property as used by Martin and Opal Petersen up to the present. Mr. Stillahn asked how did easements work? Does the Planning Commission, or the developer, or the County Commissioners have control? Do property owners have a say so? Mr. Kranse responded that whoever the easement is dedicated to is the controlling party, which could be a utility company, the County, or an adjacent property owner, who would have the authority to utilize the easement. He explained it was part of the plat process, and was indicated as a dedication on the plat. Mr. Stillahn said he and his siblings would strongly oppose the access easement along the south side of the proposed development. A large grass fire had occurred in October 2003 which created a loss of 200+ acres, and residences north of Petersen Drive were very concerned about the fire spreading. Mr. Stillahn asked Mr. Woods if he was aware that in the general vicinity of the south end of proposed Tracts 6, 7 and 8 there was a dump site. Mr. Woods responded yes. Mr. Stillahn added that there was a noxious weed problem with thistles where the cul-de-sac is proposed. He said he was concerned about the water table in the area, and had an irrigation well through the State with a 30 horsepower pump, and asked if the State had done any dummy test wells? Mr. Kranse responded that, again, the State handled the water issues. Mr. Stillahn said there were a lot of issues to be resolved by August 21<sup>st</sup>, and he strongly opposed the south access easement. He said his main concerns were water, fire hazard, and CRP ground. He suggested the pasture in the area of the proposed development be mowed, as this would lower the fire risk.

Merrill Watt, husband of Kathy, stated he wanted clarification on the status of wells, and referenced the State Engineer's documentation where it allowed one domestic and/or stock well per lot – does that mean both? Mr. Kranse responded staff's interpretation is that the State would allow one stock well and one domestic well for each legally subdivided lot; whether that interpretation was correct or not, he could not say. Commissioner Ward said both may be allowed, depending on the size of the lot. Commissioner Clark said that a stock well would not be drilled as deep as a well for residential water supply - there were not the same requirements for a stock well and a residential well.

Anissa Long, 2466 Petersen Drive, came forward to say 21 residential lots versus 19 didn't make that much difference. She thought that a traffic study needed to be done, adding that there were 4 drivers at her house alone, so she would appreciate consideration. She expressed she could not imagine the condition of Petersen Drive being worse than it was already.

Jeanne Van Risseghem, 2442 Petersen Drive, said she missed the first meeting for this proposed development, and agreed with adding the access easement or the paving of Petersen Drive, as the road couldn't stand any more traffic. She added that there was a lot of dust generated by the current traffic volume which prohibits foot and bike traffic.

Commissioner Clark closed the public hearing. Commissioner Ward asked Don Beard, the Director of Public Works, to speak regarding the road issue. Mr. Beard thanked the Planning Commission members for doing their job with no pay, and thanked Mr. Woods for adding an access easement to the revised plat. Mr. Beard agreed that the road conditions were quite bad, and that the statements made here today were not being overexaggerated. He explained that there were grading cycles for maintenance of roads getting lots of traffic, with traffic on Petersen Drive rated at 150 trips per day. BenchMark Engineers had developed standards for requirements of a traffic study, with 200 trips a day being the minimum which would indicate the possible need for paving. At 300 - 350 trips per day, the maintenance routine would increase the costs to keep up with the road conditions. With this proposed development adding 190 trips per day to the existing 150 now, it would total 340 trips per day. Currently, the maintenance provided lasts barely a week. Mr. Beard stated he agreed with the proposed access, which would fit the requirement scenario, and with a clean easement - properly dedicated – it would relieve Petersen Drive of extra wear and tear. Commissioner Clark asked if the County would maintain the new easement. Mr. Beard responded said all roads in the development would be privately maintained.

Commissioner Cole suggested placing the south access easement 1 foot north of the south property line, then the adjacent landowners would have to buy the rights to use the 1 foot portion, as opposed to placing the easement on the south property line.

Commissioner Clark asked if traffic count was performed only on Petersen Drive, or on Channell Drive as well. The traffic counts indicated Petersen Drive at 150 trips per day, and Channell Drive at 130.

Commissioner Cole moved to recommend approval of the originally submitted plat, without the access easement road, with removal of condition 1 in the staff report, and finding of facts a and b, and the addition of a condition to pave one-third of Petersen Drive. Commissioner Ward seconded the motion, and it passed 4 – 0.

**02** Review and action for Recommendation of Approval of the Cheyenne Metropolitan On Street Bicycle Plan and Greenway Plan Update.

Jeff Wiggins came forward, stating the plan was introduced to the Planning Commission on May 10, 2012, and was back again on June 28, 2012, at which time the Planning Commission voted to postpone their recommendation until they received a copy of Volume 3 and had time to review it. Mr. Wiggins said since that meeting, the same plan was unanimously passed at the City Planning Commission on June 18, 2012, and approved by the City Council on July 23, 2012.

Commissioner Cole said he had asked for the postponement since Volume 3 was left out of the Planning Commission meeting review packages. The main concern he had with the plan was the prohibition of motorized wheelchairs or electric bikes on the bike path, and expressed this was not appropriate as all of Laramie County was paying for the improvements, so all should have access. Another concern was the proposed construction of the bike path along Converse north to Dell Range that may be taking place before the widening of Converse had been completed, as he felt this would be a waste of effort and funds.

Gary Kranse said there was no staff report. Commissioner Cole moved to recommend approval of the bike plan strictly as a plan, with removal of the prohibiting of motorized vehicles, and the completion of the widening of Converse to take place before building the bike path. Commissioner Macy seconded the motion; and it was passed by a vote of 4 – 0.

The meeting was adjourned at 4:42 p.m.