

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

Thursday, June 14, 2012

- 120614 00** The Laramie County Planning Commission met in regular session at 3:30 pm on Thursday, June 14, 2012.

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

The meeting register was signed by: Tom Hirsig, 3796 Campstool Road, Cheyenne; Leslie Pierce, 8000 Westedt Road, Cheyenne; Gloria Smith, 2434 Petersen Drive, Cheyenne; Justin Beckner, 2413 Ute Court, Fort Collins, CO; Kelly Rounds, 2420 Petersen Drive, Cheyenne; Marc Woods, 7805 Yarina Way, Cheyenne; Joe D'Eufemia, 2454 Road 218, Cheyenne; Dr. Tim Sheehan, 2474 Road 218, Cheyenne; RTS, 2468 Road 218, Cheyenne; Kevin Madigan, 2422 Petersen Drive, Cheyenne; J M Peterson P.O. Box 2614, Cheyenne; Kathy Watt, 2486 Road 218, Cheyenne; Jerry Carter, 2465 Channell Drive, Cheyenne; Ed Ernste, 1807 Capitol Avenue, Cheyenne; Art Hansen; Linda Heath; Nancy Morton, 2490 Petersen Drive, Cheyenne; Lori Holst, 2430 Petersen Drive, Cheyenne; Vic Morton, 2490 Petersen Drive, Cheyenne; Carla Lofton, 2429 Channell Drive, Cheyenne; Kellie Grady, 2457 Channell Drive, Cheyenne; Craig Smith, 2434 Petersen Drive, Cheyenne; James Perrott Macneil, P.O. Box 3232, Cheyenne; Lynda Ferrari, 2469 Channell Drive, Cheyenne.

- 01** Executive Session meeting (not open to public) at 3 pm in Commissioners' Conference Room. Mark Voss, Laramie County Attorney, was present to review the approval/denial procedure for Variance applications with the Planning Commission members. He explained that the Commission needed to either vote for approval of a Variance application based on their agreement with the findings presented and listed in the Resolution, or vote against approval if they disagreed with the findings, and provide their findings as part of the record for the meeting. They would need to reserve decision until the next Planning Commission hearing, at which time the revised resolution would be presented and the Commission would make their decision to adopt the resolution.

Commissioner Ward questioned the delay that a reserved decision would cause. Mr. Voss responded that a written document of record was required in order to approve the variance.

Commissioner Cole asked if he would need to recuse himself from voting at the hearing of the McAllister Lane Variance at today's meeting, as he was an adjacent landowner. Mr. Voss responded that Commissioner Cole would need to step down from the dais and would be able to join the audience during the hearing of this application.

A discussion also took place about the development notice sign posting requirements, pertaining to correct location and duration of the posted signs. Mr. Voss inquired if there was a time frame specified for the sign to be posted. Abby Yenco responded that she would research the requirements in the Land Use Regulations, and that the sign did need to be posted at least thirty (30) days prior to the first public hearing. Commissioner Cole stated he had not seen the development notice sign posted when he visited the McAllister Lane site, and asked if the Planning Department required proof that the sign had been posted. Ms. Yenco responded that proof had not been required, but suggested that a picture of the posted sign could be submitted to the Planning office providing proof of posting.

The Executive Session was adjourned at 3:25 pm.

- 02** Review and action of the Preliminary Development Plan for the Riata Ranch Subdivision Lots 4-11, of the Riata Ranch Map of Survey and Tract 1, of the Riata Ranch Riding Arena Subdivision, located in a portion of Section 5, T.13N, R.64W, of the 6th P.M., Laramie County, WY, located near the intersection of Campstool Road and Road 138.

Justin Beckner, of Beckner Consulting Services, came forward as agent for the applicant, to explain the proposed Preliminary Development Plan was for development of Lots 4-11 of the Riata Ranch Map of Survey on record, which contained 35 acre tracts, and would establish 25 residential lots of approximately 6 acres each, with the 26<sup>th</sup> lot remaining with the existing house and arena, and would include an undeveloped lot to the north. The proposed development would be a gated community.

Abby Yenco gave an overview of the staff report, and stated the application was to prepare for the subdivision of the property, with an average lot size of 6.12 acres, which was located in the unzoned portion of the County. The Comp Plan shows this area best suited for low density rural uses, with an average of 10 - 35 acres per dwelling unit, and encourages clustering and open space areas. Staff finds the proposed development meets the intent of the Comp Plan. Wyoming DEQ approval would be required to ensure the water quality was protected from onsite septic systems. The State Engineer's Office would need to provide approval for new wells in the development. She explained the County Engineer's comments regarding drainage would need to be resolved prior to the subdivision permit submittal, and the County Assessor's comments regarding all owners on the face of the plat would need to be resolved prior to recordation. Laramie County Fire District #4 recommended a 30,000 gallon water cistern be placed in the development for fire protection. Staff recommended the application meets the criteria for a preliminary development plan and that the Planning Commission provide review comments as listed in the staff report.

Commissioner Cole questioned if lot 20 would be too steep for a septic system. Mr. Beckner responded that there should be enough area in the southeast corner, and added that some grading may be needed. Commissioner Cole stated the law prohibits advertising land for sale until the subdivision permit and plat were submitted. Ms. Yenco said she would do research to determine the exact wording. Mr. Beckner said he was not aware of what advertising had taken place.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public hearing was closed. Commissioner Clark asked for a motion. Commissioner Ward moved to approve the preliminary development plan with comments 1 - 5 in the staff report; Commissioner Macy seconded, and the motion passed by a vote of 4 – 0.

- 03** Review and action of the Preliminary Development Plan 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 came forward and explained this plan was for development of 21 lots, and that all requirements had been met. He asked if the Planning Commission had any questions. Commissioner Clark asked for the staff report.

Abby Yenco stated the purpose of the application was to prepare for the subdivision permit for 21 residential lots and 1 open space lot, with an average lot size of 5.07 acres. The Comp Plan shows this area as best suited for low density rural agricultural uses, with 10 - 35 acre lots. Northern Heights, directly north of this area, had an average lot size of 2.5 acres. As cluster residential uses were encouraged for this area, the proposed development meets the overall intent of the Comp Plan. Wyoming DEQ would also need to approve this development with regards to water quality, and the State Engineer would need to approve the placement of water wells. Comments from the County Engineer regarding the roads and a traffic study would need to be addressed prior to the subdivision permit, as well as maintenance and ownership of the open space area. Public inquiries have been made regarding potential impacts of the development on water quality and adjacent wells, and will be addressed before the subdivision permit application. Staff recommended the preliminary development plan meets the criteria with comments 1 – 5 as listed in the staff report.

Commissioner Clark opened the hearing to the public. Kelly Rounds, of 2420 Petersen Drive, came forward and requested a copy of the preliminary development plan, and also asked if there were available specifications on the residences and covenants as they apply. Commissioner Clark asked Marc Woods to address the question regarding specifications. Mr. Woods responded the homes would be approximately 1500 square feet, with nice exteriors resulting in an attractive subdivision. He also stated the Homeowners' Association would establish the covenants for the development, but the HOA had not been set up yet.

Concerns about increased traffic in the area were expressed by: Kevin Madigan, 2422 Petersen, and Gloria Smith, 2434 Petersen. Concerns about the open space area with regard to fencing establishment and maintenance were expressed by: Kathy Watt, 2486 Road 218. Concerns regarding traffic, fencing, additional water usage requirements, and the aesthetic value of the development in a rural area were expressed by: Jody D'Eufemia, 2454 Road 218, and Dr. Tim Sheehan, 2474 Road 218.

With regard to traffic and road usage concerns, Mr. Woods responded that the developer would have a traffic study performed, and planned to leave the road in the same condition after the subdivision was complete. There was an option to build another road for the development access, but it would need approval as it was within 600 feet of a state highway.

With regard to the open space/fencing concerns, Mr. Woods responded that the open space should be attractive, as nothing would be constructed in the area, and the space could possibly be used as an equestrian area, but was not intended for motorized vehicles. He added that the developer had no plans to put up boundary fences or to remove any existing fences. If the Homeowners' Association decided to install fencing, that entity would be responsible for the maintenance of the fencing.

Commissioner Clark stated that generally if a property owner did not want animals trespassing on their property, they would install and maintain the fence themselves. Commissioner Ward questioned if the open space was considered a "free zone", and said that some type of boundary needed to be established.

Ms. Yenco stated that although there may be no resolution to this issue today, the Planning Commission could add this as a concern to be addressed prior to the submission of the subdivision permit application.

In reference to any new water wells being established for this development, Ms. Yenco said the State Engineers' office had imposed a moratorium on new wells, and that consideration should be given to this concern by the developer.

James Perrott Macneil came forward to express concern about the development of this property with regard to land ownership.

Hearing no further comment, Commissioner Clark closed the public hearing. Commissioner Ward moved to approve the preliminary development plan with comments 1 – 5 as listed in the staff report, and recommended adding comment 6 -- The applicant shall provide plans concerning the establishment and maintenance of a perimeter fence for the open space area.

Marc Woods addressed the commission members with a couple items he wanted to clarify. He displayed a large water study document that was submitted to DEQ to determine if it was feasible to establish the proposed development. He also addressed the public comment concerns by adding that he had pursued the opportunity to purchase the proposed open space land, just as anyone else in the general public could have if the desire was to keep the land undeveloped. As the development has not taken place, there was no Homeowners' Association established yet.

Mr. Woods also explained that if paving were necessary to accommodate traffic flow, the funds would have to be recovered from the lot costs, which could compromise the quality of the construction of the residences within the development. He expressed that the developer shouldn't be responsible for the fencing, and there were no plans to interfere with any existing fences. Commissioner Ward thought there should be a buffer.

Commissioner Macy seconded the motion made for approval of comments 1 – 6, and the motion passed 4 – 0.

- 04** Review and action of a Variance in the side setback distance from a minimum of 25 feet in the Agricultural and Rural Residential (A1) zone district to a minimum of 10 feet for the property located in all of Tract 29 and a portion of the E1/2 of Tract 30, Montclair Subdivision, and a portion of the vacated Astronaut Drive 40' right of way, located at 1630 McAllister Lane, Laramie County, WY.

Ed Ernste came forward to present his application to the commission. Commissioner Cole recused himself from the hearing of this application, due to the fact that he owned adjacent property. Mr. Ernste explained that the variance was requested to reduce the side yard setback on the property in order to construct an attached garage to the residence. Due to the topography of the property, placement of the residence was prohibited as the attached garage would extend into the easement. He stated the property contained two lots, and he wanted to make sure there was space for separate septic and well systems for development on both lots.

Abby Yenco gave a summary of the staff report, with the list of conditions the Planning Commission needed to consider for their findings for approval of the variance. She acknowledged that the property had significant topography issues which prohibited placement of the structure. Some adjacent landowners had requested clarification on the purpose of the application, and expressed that they were okay with there being no significant impacts to their property, but were concerned about the house being placed on a ridge with regard to aesthetic value. Staff recommended approval based on the evidence.

Commissioner Ward stated he had not had time to look at the property, and asked if it was the only location where the structure could be placed. Mr. Ernste responded that the property elevation drops off and there were other issues with septic placement with regard to distance requirements for the well and septic system, as specified by DEQ and the Environmental Health Dept. Commissioner Macy stated it looked like grading could take place without approaching the east boundary. Mr. Ernste responded the only way would be to remove a considerable amount off the hill. Justin Beckner responded that there was a 2 to 1 slope down that side of the property, and there would have to be another 10 feet removed. He said they removed 6 feet from the hill and that was as far as he thought they should go. Commissioner Ward asked about the square footage of the two residences, as to why there was not sufficient area for the construction of the second home and garage. Mr. Ernste said if there was an issue with approving the variance requested, he would consider resubmitting the plans with a detached garage. He added he was just trying to keep separation between the two residences.

Commissioner Clark opened to the hearing to the public. Hearing no comment, the public hearing was closed. Commissioner Ward asked if the house actually sits on top of a hill, and suggested building a different style of home that would better fit the topography – such as a berm house. Mr. Ernste said they had cut 6 feet down from the hill to fit the home there. Commissioner Macy asked what was procedure in order to motion for a denial. Ms. Yenco responded the Planning Commission should make a motion and vote to issue the written conditions/findings at the next meeting. She asked which sections had not been met in order to recommend denial?

Commissioner Ward asked if the application could be tabled and the Commission could request another plan? Ms. Yenco responded that was an option, and asked what the Planning Commission would like to see and what would be the reason for the postponement. She said the Planning Commission would need to specify which criteria have not been met.

Commissioner Ward motioned to table the application for one month, and have the applicant come back with a different plan. Mr. Ernste responded that after much consideration, this plan was the only one that would fit on the property, which produces a hardship. Commissioner Ward said he didn't want to recommend denial. Ms. Yenco stated the hearing could be continued, in order for the applicant to come up with an alternate plan. She added that the applicant did have the right to build the garage as a detached version with a side yard setback of 5 feet, and could withdraw this application from the hearing.

Commissioner Clark asked staff for confirmation that a detached garage only required a 5 foot setback. Ms. Yenco responded that was correct, and added that approval of this variance request would allow a 10 foot setback. Commissioner Clark asked that the applicant did not need a variance for a detached garage with a 5 foot setback. Ms. Yenco responded no, he did not.

Ms. Yenco asked the commission if the criteria for the variance had been met?

Commissioner Ward withdrew the previous motion, and moved to approve the setback variance. Commissioner Macy seconded the motion, and it passed by a vote of 3 – 0.

**05** Review and action of a Variance in lot size from a minimum of 20 acres in the A2 (Agricultural) zone district to a minimum of 5.01 acres for Parcel B of the property located in a portion of the N1/2 N1/2 SW1/4 Section 9, T.14N., R.65W., of the 6th P.M., Laramie County, WY.

Ed Ernste came forward to state he was requesting a variance to subdivide this property to allow the sale of a 5 acre portion for a single family residence, and he would retain ownership of the remaining 30 acres.

Ms. Yenco explained the variance request was for the one 5 acre lot. Sizes of surrounding properties range from less than 1 acre to 40 acres, which presented quite a range. The application did not conflict with Laramie County plans and policies; however, the criteria listed in the staff report were still required to be met in order to approve the variance. Staff did find unusual physical circumstances, as the property was previously developed, and the applicant wanted to sell only part of the property. Staff recommended approval based on evaluation of lot sizes in the surrounding area, and the remaining lot was within the 20 acre minimum for the A2 – Agricultural zone district.

Commissioner Cole said when he was in the area of this property, he did not see the notice sign posted. Mr. Ernste said the sign was posted on the southeast corner, right next to the driveway, but that it had blown down several times and had to be reposted.

Commissioner Clark opened the hearing to the public. James Perrott Macneil came forward to express opposition to subdividing acreage, as there was potential contamination from septic to water systems. That was the reason for 20 acre parcels, to keep the water safe. Commissioner Clark said the State Engineer and Environmental Health have reviewed this application. Commissioner Ward said there have been requirements provided from other agencies and experts, as well.

Lesley Pierce of 8000 Westedt Road came forward and stated he owned three 40-acre lots across from the subject property. He expressed opposition to the variance request as he wanted the neighborhood to remain as a quiet rural area.

Commissioner Clark closed the public hearing. Commissioner Cole referred to the map of survey, and noted the only access to Parcel A was a 30' easement that went across Parcel B. He expressed that was not sufficient access for 30 acres, and was not a dedicated right of way, and questioned if staff had any concerns. Ms. Yenco responded that defined public access was not a requirement for residential development versus commercial development, which would be a different situation. She mentioned the legal description for Parcel B should be reviewed to ensure Parcel B is 5 acres, as the 30' easement ran along the north 30 feet of Parcel B. Dedication of the easement could be clarified and dedicated as an ingress/egress for the homeowners of Parcel A. Commissioner Cole said he was still bothered by no direct access to Parcel A.

Commissioner Ward moved to approve the variance request. Commissioner Macy seconded the motion, and it passed by a vote of 4 - 0.

**06** Review and action of a Subdivision Permit for the property located in a portion of the N1/2 N1/2 SW1/4 Section 9, T.14N, R.65W., of the 6th P.M., Laramie County, WY, located at 8235 Westedt Road.

Abby Yenco stated the variance passed as the previous agenda item pertained to this subdivision permit. The preliminary development plan was waived based on the size of the proposed development. The requirement for a plat was also waived, and the map of survey exhibit and resolution with legal descriptions for both parcels and easements would be recorded for the division of land. Staff recommended approval of the subdivision permit with no conditions.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public hearing was closed. Commissioner Ward motioned to approve the subdivision permit with no conditions; Commissioner Macy seconded the motion, and it passed by a vote of 3 – 1.

**07** Review and action for approval of Planning & Development and Building Department Fee Schedules for the 2012 - 2013 fiscal year.

Abby Yenco explained that every July the fee schedules needed approval for the new fiscal year. The minor change made to the Development fee schedule was to revise the charge for a legal ad from a fixed amount based on an annual average to an actual cost basis. This revision would be fair to all applicants.

Ms. Yenco summarized the changes to the Building Permit fee schedule to include: Accessory structure permit inspections may include plumbing, electrical or mechanical systems; A fee standardization for an Electrical Meter Tag Inspection at \$50.00; An added permit category for Solar/Non-traditional Energy Production with a set fee of \$90.00.

Commissioner Cole asked if the County's building permit fees were the same as the City's fees. Gary Kranse responded they were not the same, and were actually lower, adding that the County's fees had not changed since implementation in 2003.

Commissioner Clark asked about whether there was a building permit for the High West Energy substation, and what kind of fee was charged if there were no inspections required. Mr. Kranse responded there was no permit required on anything defined as equipment. There are some items that required a permit and therefore a fee was charged. He clarified that two of the High West Energy buildings were actually equipment, as was the Tri-State site, where there were no structures, thus no fees.

Commissioner Ward recommended approval of the 2012 – 2013 fee schedules; Commissioner Cole seconded, and the motion passed 4 - 0.

The meeting was adjourned at 4:53 pm.