

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

Thursday, February 28, 2013

- 130228 00** The Laramie County Planning Commission met in regular session on Thursday, February 28, 2013 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Linda Heath, 4031 Winterset Drive, Burns, WY; Gary Hickman, 100 Central Avenue, Cheyenne, WY; Casey Palma, 1102 W 19th Street, Cheyenne, WY.

- 01** Review and action of a Subdivision Permit and Plat for Grizzly Cliffs First Filing, located within a portion of the East ½ of Section 24, T. 13 N, R. 70 W, of the 6th P.M., Laramie County, WY.

Casey Palma, of Steil Surveying Services as agent for the applicant, came forward to give a summary of the purpose of this application. The subject property contains approximately 35 acres and the owner wants to divide it into four lots. Mr. Palma stated the comments received from the Environmental Health Dept. have been addressed.

John Shepard, Senior Planner, gave an overview of the staff report. He stated the average lot size would be approximately 8.75 acres, and that the property was located outside the zone boundary and PlanCheyenne area. He displayed the plat map with an exhibit showing the aerial layer, and explained the Environmental Health Dept. had concern regarding the slopes over 15% grade and shallow bedrock that existed on the property. The plat was revised with notation #6 addressing stipulations made by Environmental Health pertaining to septic system drain fields for each lot. Mr. Shepard also explained that, although the Comprehensive Plan described the area as best suited for Very Low Density Rural and Agricultural Uses - with an average density of one dwelling unit per 35 acres, the adjacent platted properties to the South were of similar size. Staff recommended approval with no conditions.

Commissioner Cole noted that the development to the South still had undeveloped lots, and that there shouldn't be a need for more in the area, although he would not vote against the recommended approval based on that fact.

Commissioner Clark opened the hearing to the public. Gary Hickman, of the Environmental Health Dept., stated this property was unique, and the review comments still stand as submitted. He recommended notes be placed on the

plat regarding the severe issues pertaining to placement of drain fields for the septic systems. There needed to be placement of the drain field designated and approved prior to the construction of the house, as he could not guarantee Environmental Health would issue a permit for the septic system. He advised that it would be more beneficial to review the situation ahead of time, as – upon preliminary review of the proposed plat – he could only see two lots that have an appropriate area for a drain field without issue. Mr. Hickman stated that Environmental Health may also require an engineered system, which could quadruple the cost of the septic system. He added that there was no objection to the proposed subdivision, but he wanted to bring to light the difficulties in building on these lots.

Commissioner Ward asked if there was any previously used language similar to this scenario. Mr. Hickman responded there were some properties in that area that required an engineered system due to the water table, which would fall under the jurisdiction of DEQ for review and approval. His past experience showed that most times in mountainous terrain, people would usually pick the site for their house where the drain field should have gone. He could not provide any “canned” comments for the plat, but would advise a prospective buyer meet with Environmental Health and the Planning Office to make sure the site would work for them.

Mr. Palma responded the owner was aware of the issues with bedrock and wells on the property. The owner has been in contact with the State Engineer’s Office, and has contracted an engineer to check out the site for suitability. Mr. Palma was agreeable to a note on the plat specifying a septic permit needed to be obtained prior to issuance of the building permit.

Mr. Hickman said Environmental Health requires an address before the septic permit can be issued, and the County Building office does not issue an address until receipt of a building permit application. He offered to meet with a prospective buyer to establish a septic system/drain field location that would work, then the septic permit could be issued later. Commissioner Clark asked Mr. Shepard if there was a way to make it work?

Mr. Shepard acknowledged that note #6 on the plat addressed slope and separation from bedrock. He suggested a note be added that locations of primary and secondary drain fields be determined prior to applying for a building permit.

Mr. Hickman stated the Environmental Health Dept. would work with people, with the agreement that the Building Office would not issue the building permit without an address issued first.

Bert Macy asked why we couldn’t require an engineering study to make sure each lot has suitable space for a septic system. Mr. Hickman responded he could see some appropriate space, but working with the bedrock would quadruple the price of the system. An engineered system would still have to meet Environmental Health requirements, and it would be a last resort scenario.

Barbara Kloth, Associate Planner, responded to the addressing situation. She

explained the Building Office issued addresses using the access point to the property from the roadway, and there was no good way to pre-address a property prior to knowing the access point. There have been issues arise when properties have been addressed prematurely, causing problems with incorrect addressing and facilitating construction performed without building permits. Ms. Kloth stated the Planning and Building Office also encourages folks to visit with Environmental Health as possible issues present themselves, but it was not yet a requirement.

Mr. Palma proposed Note 6 – c on the plat be amended to include language stating an Environmental Health permit shall be approved prior to any construction on site, and asked if that would suffice. Commissioner Cole said we can put all the language we want on a plat, but it doesn't mean it is understood. The placement of the language does not guarantee an action will take place, as a lot of people don't even look at a plat – they just purchase a lot and look at the property lines.

Commissioner Ward asked if it could be stipulated that, prior to the sale of the lot, a meeting would have to take place with the Health Dept., then it would place the burden on the seller. Commissioner Cole responded that the seller should then just take care of the septic permits now.

Mr. Hickman responded that he liked Commissioner Ward's idea, but the issue would be in verifying the meeting took place and the house was built in the location where designated. Mr. Hickman stated he understood Commissioner Cole's comment, but there was no concrete answer.

Commissioner Clark questioned if the notation on the plat would actually place a condition on the issuing of a building permit. Mr. Shepard requested clarification of the question. Mr. Palma addressed Commissioner Cole, and said he understood a diligent buyer would look at the plat and review the notes, but the objective was to make the buyer aware that the septic system must be approved prior to construction, and to release the County of any liability.

Commissioner Clark closed the public hearing, and opened the item for discussion and motion. Commissioner Ward moved to recommend approval with the condition that language regarding septic and well systems, which was agreeable to the Health Dept. and Planning Office, be noted on the plat - to include the words "prior to the sale of any lot".

Commissioner Macy seconded the motion, and it passed with a vote of 4 – 0.

**02** Commissioner Cole called Nancy Trimble, Recording Secretary, to the dais. He handed her an old Listing of Subdivisions of Laramie County – Zoned Area, reporting the total number of tracts in each subdivision, and showing the number of tracts with and without structures placed upon them. He suggested it would be interesting to see an updated report, and asked if the Planning Office could create one. Ms. Trimble responded she would check with staff about getting it accomplished.

The meeting was adjourned 4:02 p.m.