

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

Thursday, September 26, 2013

- 130926 00** The Laramie County Planning Commission met in regular session on Thursday, September 26, 2013, with the meeting beginning at 3:45 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole and Bert Macy; Gary Kranse, Planning Director; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Amber Dancliff, Recording Secretary.

The meeting register was signed by: Edward Ernste, JEI Contractors, 1807 Capitol Ave, Suite 108, Cheyenne; Mark Eisele, King Ranch, 10333 Happy Jack Road, Cheyenne; Casey Palma, Steil Surveying, 1102 W 19th St, Cheyenne; Bill Edwards, 506 Shoshoni, Cheyenne; Linda Heath, 4031 Winterset Dr, Burns; Mark Sutherland, 1706 Treadway Trail, Cheyenne; John Sayers, Edwards Development, 506 Shoshoni, Cheyenne; Bobby Allbaugh, 506 Shoshoni, Cheyenne; Jim Siler, Wyoming Livestock Board, Cheyenne; Brad Emmons, 1103 Old Town Lane, Cheyenne; Leone Medin, 1802 Girard Ave So, Minneapolis, MN; Joe and Mia Patterson, 3420 Hales Ranch Rd, Cheyenne; Boyd Wiggam, Wyoming Liberty Group, Cheyenne; Steve Hrkach, 4109 E 14th St, Cheyenne; Karalyn Wayt, 3490 Hales Ranch Rd, HR Homeowners Assoc, Cheyenne; Jeannie Wilson, 620 Spring Beauty Trail, Cheyenne.

- 01** Review and action of a Setback Variance for the Fairfield Cheyenne Wind Energy System located at Block 1, Lot 3, North Range Business Park, Laramie County, WY.

John Shepard, Senior Planner, introduced the variance and wind energy site plan applications for the Fairfield Cheyenne Wind Energy System, and the applicant, Leone Medin of Fairfield Energy Partners.

Leone Medin came forward to give information regarding the selection of the WalMart Distribution Cheyenne site for this project, and stated the placement of the wind turbine on this site would be a model for further development. She added the power produced from the wind turbine would remain in Wyoming.

Mr. Shepard gave an overview of the staff report. He clarified this variance request and the site plan, which was the next agenda item, were being presented at the same time, but would require separate motions. All application requirements have been submitted and reviewed, and all concerns have been addressed. Staff received no comments from the public regarding this project. Staff recommended approval of the variance request with the condition that the Battery Energy Storage System meets the setbacks required in the LI – Light Industrial zone district, and that the location of this

system shall be designated on the site plan.

Commissioner Clark opened the hearing for public comment. Mark Sutherland, 1706 Treadway Trail, wanted to know about the “green push”, and asked if their company was privately funded or being provided subsidies through the government to build this energy system. He expressed concern about the effects on our coal production, the carbon footprint, and construction costs – stating these items would not have a return on the investment. Mr. Sutherland also wanted to know what wind speed was required to run the turbine, and requested clarification on how it would benefit the Cheyenne community in the long term. He supported the industrial park, but thought that WalMart should support Wyoming more by buying coal. He also expressed concern regarding wildlife killed annually by wind turbines, and how this one would affect his quality of life both visually and audibly.

Mark Eisele, 10333 Happy Jack Road, an adjacent property owner, stated the surrounding property owners had made allowances for the industrial park and substation, and would prefer his own property remained undeveloped in order to accommodate livestock. There were no concerns about the wind farm to his west, since there was no drain on resources and WYDOT provided road maintenance. He expressed acceptance of the proposed wind energy system for WalMart, as source and cost of power should be a concern.

Christian Winger, a lead instructor at LCCC, said they had been asked to be involved with this project once it began. There was new technology and they were eager to train and learn with these new systems, as the hands-on training and experience would be beneficial to the students.

Hearing no further public comment, the public portion of the hearing was closed, and Leone Medin returned to address public concerns. Ms. Medin stated there would be no federal funding for this project. LCCC and other local companies were being contacted to work on the project. Wyoming Game & Fish had responded there were no terrestrial wildlife or aquatic concerns pertaining to this project. She added she had no information on the carbon footprint cost, but would check into it.

Mr. Sutherland stated this was coal country and we should support it. Ms. Medin responded it was also wind country.

Mr. Shepard confirmed Wyoming Game & Fish expressed no concerns.

Commissioner Clark asked if the wind turbine would be similar in size to the turbines located on FE Warren Air Force Base. Mr. Winger responded this turbine would be a larger megawatt unit, but the rotor size would be the same.

Commissioner Clark asked if the commission members had any questions, and requested a motion. Commissioner Cole moved to approve the variance with condition 1 of the staff report. Commissioner Macy seconded the motion, and it passed by a vote of 3 – 0.

- 02** Review and action of a Wind Energy Site Plan for the Fairfield Cheyenne Wind Energy System located at Block 1, Lot 3, North Range Business Park, Laramie County, WY.

This application was heard in conjunction with the Setback Variance agenda item.

Commissioner Cole motioned to recommend approval of the Fairfield Cheyenne Wind Energy site plan with condition 1 of the staff report. Commissioner Macy seconded the motion, and it passed 3 – 0.

- 03** Review and action of a Subdivision Permit and Plat for Blue Ribbon Estates First Filing located within portions of Section 2, T. 13 N, R. 65 W, of the 6th P.M., Laramie County, WY.

Barbara Kloth, Associate Planner, introduced the item and the applicant, Bobby Allbaugh, of Edwards Development. Mr. Allbaugh gave a presentation of the proposed development with a focus on Wyoming's Western Heritage and quality rural lifestyle. Creation of the 35 residential building sites would be designed to maximize views and utilize existing topography, minimizing private road impact and providing ingress and egress. Covenants would establish the building envelopes and setbacks, the Homeowners' Association and guidelines, fees, and maintenance of roadways and open space.

Ms. Kloth gave an overview of the staff report. She explained the proposal was compatible with the Comprehensive Plan. Staff received a letter from the State Engineer's Office, which stated support of the subdivision as the average lot acreage was above the specified minimum lot size of 8.5 acres to refresh the aquifer. The applicant met with County Planning to discuss comments/concerns resulting from agency reviews, and supplied additional information to staff. The comments have been resolved with the exception of ownership, which will be taken care of based on approval from the Laramie County Board of Commissioners. Staff recommended approval with the 4 conditions as listed in the staff report.

Commissioner Clark opened the hearing to the public. Joe Patterson, Patterson Construction expressed support of this subdivision, but would like to see paved roads for maintenance reasons, and covenants that would restrict modular and/or mobile homes. Bill Edwards, Edwards Development, responded an HOA would not necessarily maintain roads well. He added that Laramie County would not be able to provide maintenance; therefore, the intent was to maintain roads as needed. No modular or mobile homes would be allowed, although special exception requests may arise, which would need to meet certain criteria.

Hearing no further comment, the public portion of the hearing was closed, and the item was opened for discussion among the commission members.

Commissioner Cole agreed with Mr. Edwards that Wyoming was lacking in HOA legislation. Commissioner Cole stated conditions 2 and 3, which pertained to design items for roads, did not belong on the plat. He moved to recommend approval with conditions 1 and 4 of the staff report; Commissioner Macy seconded the motion, and it passed 3 – 0.

04 Review and action of a Subdivision Permit and Plat for Blessed Hope First Filing located within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N, R. 62 W, of the 6th P.M., Laramie County, WY.

Ms. Kloth introduced the application and Casey Palma, Steil Surveying, as the applicant. Mr. Palma stated the purpose of the subdivision was to donate 5 acres for the construction of a church facility, and concerns had been expressed regarding the acreage of the proposed subdivided lot. He was working with the State Engineer's Office to address the concerns.

Commissioner Cole stated the SEO letter received regarding the Blue Ribbon Subdivision referenced an approximate acreage of 8.5, and asked how this proposed 5 acre lot would meet that standard.

Mr. Palma responded there was not going to be significant development outside of this one lot subdivision.

Ms. Kloth gave an overview of the staff report. The purpose of this subdivision application was to create one 5-acre parcel for the establishment of a church. The property was located outside the zoned boundary and PlanCheyenne area. The proposed lot size of 5-acres is a sufficient size for a septic system, but may not be sufficient for a new well, especially given the "commercial" permit required by Environmental Health. The applicant has been advised to contact the State Engineer's Office directly to determine if the 5-acre lot is sufficient, given the property is in the Eastern Laramie County Control Area. Staff found the subdivision to be in conformance with the Laramie County Land Use Regulations. Staff recommended approval with the 2 conditions as noted in the staff report.

Commissioners Clark and Cole mentioned they found clerical errors in the staff report, referencing the density requirement and the incorrect subdivision name within the Discussion section, and requested those items be corrected.

Commissioner Clark asked if the State Engineer's Office would permit a well for this 5-acre parcel? Ms. Kloth responded there was no indication whether the well would be permitted or not, and added the septic system would need to be a commercial septic system, per the Laramie County Small Wastewater Systems Regulations.

Commissioner Macy asked that if the current comp plan stated a minimum average density of 10 acres, why was this subdivision even being considered. Ms. Kloth responded the plan provides for an average density, but if consideration was given to the remaining approximate 170 acres, the average density would calculate at higher than 10 acres.

Commissioner Clark asked what the difference was between a residential septic system and a commercial one. Mr. Palma responded the difference would be the size of the drain field. Commissioner Clark questioned if the well would have to be larger, also. Ms. Kloth stated only a commercial septic system would need to be installed, but this did not necessarily require a larger lot. Mr. Palma said the commercial septic system would require a larger leach field and drainage area to support the system, and discussion was being held with the applicant about possibly creating a larger parcel.

Ms. Kloth reiterated that the property was not within a zone district, so there was no requirement as to the lot size.

Commissioner Clark opened the hearing for public comment. As there were no comments, the public portion of the hearing was closed.

Commissioner Cole moved to recommend approval with conditions 1 and 2, as noted in the staff report. There was no second to this motion, and the motion failed with a vote of 1 – 2. Commissioners Clark and Macy supported their denial vote with the explanation that there was more land to donate to the proposed subdivided parcel, and the minimum lot size requirement should be met.

The meeting was adjourned at 4:53 p.m.