

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

Thursday, August 14, 2014

- 140814 00** The Laramie County Planning Commission met in regular session on Thursday, August 14, 2014 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Pat Moffett, and Bonnie Reider; Dan Cooley, Planning Director; Barbara Kloth, Senior Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Kevin Christopherson, 4917 Scenic Route, Casper; Lorraine Grigsby, 8113 Hynds Blvd, Cheyenne; Casey Palma, 1102 W 19th St, Cheyenne; Gary Hickman, 100 Central Ave, Cheyenne; Nancy Olson, 2101 O'Neil Ave, Cheyenne; Linda Heath, 4031 Winterset Dr, Burns; Dan White, 304 Carriage Trail, Cheyenne; Tom and Corleen Skinner, 5510 S Greeley Hwy, Cheyenne; Boyd Wiggam, 1902 Thomes Ave, Suite 201, Cheyenne; Cindy Loofboro, 8111 Yellowstone Rd, Cheyenne; Kelly Evans, 8111 Yellowstone Rd, Cheyenne; Lisa Pafford, 2101 O'Neil Ave, Cheyenne.

- 01** Review and Action of a "201" Agreement Exception Request for Cheyenne Power Park Subdivision and Plat, located in a portion of the NW1/4 of Section 29, T 13 N., R 66 W., of the 6th P.M., Laramie County, WY.

Gary Hickman, Environmental Health Department, was asked by the applicant to present this item. Mr. Hickman explained that his department was in charge of enforcing the 201 Agreement for the County, and gave a background of the agreement, for the benefit of the Planning Commission members and public. Mr. Hickman stated this particular exception request was different in nature, as it was not for a single lot, but instead for an 11-lot subdivision. There are 4 criteria for a 201 exception, one of which must be met in order to grant an exception. He gave an example as to what the "hardship" terminology would refer, and said – in this case – it could be a comparison in the difference between septic system installation cost versus the cost to connect to sewer services. Mr. Hickman confirmed that just today he received information from the applicant, showing a figure to run sewer services for this development at a cost of \$252,000, which would be considerably more than the cost of septic systems for 11 lots at \$3,000 to \$5,000 per system. He advised that the Planning Commission could determine hardship based on the difference in cost. One option would be the applicant going to the South Cheyenne Water & Sewer District (SCWSD) to request the 201 boundary be expanded; however, at this point, the cost difference may represent a "hardship", and meet one of the criteria previously mentioned.

Commissioner Reider asked for clarification of how a septic system would handle possible commercial-type operations within the development. Mr. Hickman responded septic systems permitted by the Environmental Health Department were only allowed to handle domestic waste. Any proposed toxic or hazardous waste uses would have to be reviewed by the Wyoming Department of Environmental Quality (WYDEQ). On a 5-acre parcel, only one septic system would be allowed, and any residence and business combination use on the same property would have to tie in to the one system. Or a business use would only get one septic system (if no residence), for which the system would only handle domestic waste.

Commissioner Reider said a light industrial use would require careful consideration. Mr. Hickman responded it would. A light industrial use could be an office with staff, which would be okay provided the septic system was sized appropriately. A system for light industrial and residential would need to be designed by a licensed Wyoming engineer, and inspected by the Environmental Health Department. Some light industrial systems would have to be approved by WYDEQ.

Commissioner Reider asked if there would be a problem obtaining State permits for the new wells. Mr. Hickman said he had heard a 5-acre minimum lot size would meet the current standards, until the State decided to change the minimum lot size to a larger acreage. He clarified that the larger lot standard would mean fewer wells and septic systems per section, and added the State Engineer was the expert on this topic.

Commissioner Cole expressed concern that it would not be right to allow this exception, when the developers of Bison Crossing were prohibited from expansion further north. Mr. Hickman responded that Bison Crossing was served by a community water supply, which allowed a higher density of development. This development was slightly different with the larger 5-acre lots, and would be served by individual water wells instead. He stated the applicant had presented a hardship case, and it was up to the Planning Commission to make their recommendation, as the exception request needed to go before the Laramie County Board of Commissioners, as well as City Council.

Commissioner Reider asked Mr. Hickman if the exception was approved, would there still be opportunity to require more information prior to issuing permits. Mr. Hickman responded yes, there were still other requirements which must be met in order to have a permit granted; for example, separation distances must be met. Commissioner Reider asked if water and sewer services became available before well & septic systems were in place, would they be required to connect to the services. Mr. Hickman responded yes, and added there was nothing to help offset those costs.

Commissioner Clark opened the hearing to the public. Casey Palma, agent for Cheyenne Power Park LLC, came forward. He stated that Mr. Hickman had covered this subject well, and said he had a couple things to add. The exception request was not based on a choice to install well and septic systems. This proposed development had been in the works for years. Initially, the developer had petitioned SCWSD to include this property in the 201 Agreement area, by extending the boundaries. After many meetings, SCWSD's position was the boundaries could not be expanded, and the petition was not granted. The developer does not want to lay out the \$250,000 to connect. Mr. Palma referred to a letter from the owner, which stated he was willing to tie in when the services became available, but for now, they want to move forward with the development.

Kevin Christopherson, of 4917 Scenic Route in Casper, came forward as the owner. He confirmed the petition to SCWSD about 3 years ago, as he had felt there was so much more you could do with the property if connected to services. Since the answer was no, the development was redesigned to 5-acre lots to accommodate septic and well systems. As owner of other businesses in the vicinity of this property, he assured the members that chemicals were drained into sealed tanks, and that DEQ did not allow any chemicals to be disposed of into the ground.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Cole stated the SCWSD had different guidelines, and expressed that eventually the services would be available, albeit 5 years from now at 3 times the price. Commissioner Reider stated a lot of work had gone in to this plan and, after the testimony, it was appropriate the project move forward with septic and well systems, as the permitting process would ensure protection of adjacent properties. Commissioner Moffett motioned to recommend approval of the 201 exception request to the Board; Commissioner Reider seconded the motion, and it passed with a vote of 4 – 0.

**02** Review and action of a Subdivision Permit and Plat for Cheyenne Power Park, located in a portion of the NW ¼ of Section 29, T. 13 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Casey Palma, agent for the applicant, stated he has been working to resolve the unmet conditions listed in the staff report. Just this afternoon, discussions were held regarding traffic and drainage, in order to obtain county approval. A full traffic study was submitted to the County Engineer for review, and comments were received with regard to minor revisions needed. A full drainage study has also been completed. A well has been drilled and tested, and submitted to DEQ for approval. A copy of the revised plat was submitted prior to today's meeting, which reflected a correction to the width of the right-of-way at the northern property boundary, as well as corrected alignment and labeling of Speedway Subdivision, Tracts 1, 2 and 3, which ensures sufficient right-of-way for a county road with additional dedication. With conditions 1 and 2 addressed by completion and submission of full traffic and drainage studies, the remaining condition was addressed by the previous agenda item seeking an exception to the 201 Agreement.

Barbara Kloth, Senior Planner, gave a brief overview of the staff report, and gave an update of the conditions which had been satisfied to date. She confirmed the clerical items on the plat were updated, and reiterated that revisions to, and subsequent review of, the traffic and drainage studies would need to occur prior to the Board public hearing scheduled for September 2nd, but staff did not consider the revisions significant enough to prevent the application from going forward. Staff recommended approval with condition 1) The traffic study shall be revised, based on comments by the County Engineer, and submitted to the Planning Department for review prior to the public hearing with the Laramie County Board of Commissioners; 2) The drainage study shall be revised, based on comments by the County Engineer, and submitted to the Planning Department for review prior to the public hearing with the Laramie County Board of Commissioners; and condition 3) remaining, as the Board would also be considering the 201 Agreement Exception for this development at the September 2nd meeting.

Commissioner Reider asked about a note on the plat prohibiting truck traffic to the west of the development, via Division Avenue. Ms. Kloth clarified that Division Avenue cut through the Bison Crossing residential area, and the intent was to prohibit commercial truck traffic through the area. She asked Mr. Palma to confirm whether or not there would be a full build out of High Plains Road, north of the subject property. Commissioner Reider asked if there would be signage reflecting no truck traffic was allowed? Ms. Kloth responded staff has recommended signage. Mr. Palma stated the High Plains Road build out would run just to the easterly boundary of Tract 1, and would terminate at the common line of Tracts 1 and 2 (as approved by County Public Works). Therefore, there would be no connection to Division Avenue on the west side of the development. He confirmed there would be signage provided to prohibit commercial traffic on Division Avenue and Blackhawk Drive.

Commissioner Cole agreed there should be no access via Blackhawk Drive, and suggested a barrier be placed to prevent access to Tract 7 from occurring. He also offered comments regarding location of the lot lines affecting the parcel shapes for Tracts 9 and 10. He added that High Plains Road is designated as north/south to the west of I-25, and east/west on this plat, so did not think it would be a good connection to build the road through to the west.

The hearing was opened to the public. Mr. Palma agreed with Commissioner Cole's statements, and thought it a good idea to modify the note for access on the west, until such time that High Plains Road was fully constructed or connected to I-25. The MPO was working on the plan to connect the road, but he estimated the build out could be 25 to 30 years out, so he would amend the note on the plat. Also, he confirmed the shapes of Tracts 9, 10 and 11 were out of the ordinary, but were based on the PUD zone designations and buffer lines radiating from Bison Crossing and the topography of the property. The odd square in the southwest corner of Tract 10 was created to enable residential construction on the back half of the property.

Hearing no further comment, the public portion of the meeting was closed. Commissioner Reider commented a note on the plat regarding no truck traffic to the west was not relevant, as once High Plains Road was built through, there would be truck traffic. Ms. Kloth stated the original intent from the PUD was to prohibit truck traffic from cutting through the residential neighborhood by way of Division Avenue. Commissioner Cole commented there eventually may be no way to prevent traffic on Division Avenue from cutting through the neighborhood, as once it was built through to the north, it would be a major collector. Ms. Kloth stated the plan for the High Plains Road connection to I-25 was at 35%, and the note on the plat provides enforcement availability. She asked Nancy Olson, Cheyenne MPO, to come forward to provide information on the plan for Division Avenue. Ms. Olson clarified the study for Division Avenue took it south to connect with Wallick Road, which was north of this development, and did not continue this far south. The High Plains Road study was being delayed 1 year; once funding was received and the road was built, then it would be a truck route. As of now, it was not a complete road, and no one wanted truck traffic on it.

Commissioner Reider moved to recommend approval of the subdivision, with conditions 1 through 3, as revised; Commissioner Moffett seconded the motion, and it passed with a vote of 4 – 0.

**03** Review and action of a Variance in the front setback, for Westview: Tract 10, Less East 190.47', Laramie County, WY, located at 8111 Yellowstone Rd, Cheyenne, WY.

Cindy Loofboro and Kelly Evans, of 8111 Yellowstone Road, came forward to explain the reason they have requested a setback variance from 25' to 15' was to build a garage on the south side of the property, closer to E. Laughlin Road. During the pre-application meeting with County Planning staff, several garage placement options were discussed. He stated some of the options would require more utility costs and/or the removal of fencing, sidewalk sections, or landscaping elements. They did not want to place it out front (in the east portion of the property adjacent to Yellowstone Road, as the garage would block their view. He referenced several neighbor letters stating no objections to the proposed garage location, and addressed the discussion section and variance criteria of the staff report. Ms. Loofboro commented there were other buildings closer to Laughlin Road that were built prior to these "covenants". Mr. Evans stated the new garage would add to the quality of their property, which was well maintained.

Ms. Kloth gave an overview of the staff report, and listed the six (6) criteria which must be met in order to grant a variance. Staff found no criteria met in order to substantiate granting the variance request.

Commissioner Clark noted the property was addressed from Yellowstone, and stated the front access from Laughlin Road makes the south area of the

property line the front yard. She commented the access could be shifted to Yellowstone, to correlate with the address, then there wouldn't be a setback issue. Ms. Loofboro responded the address was changed many years ago, prior to their occupying the property for the last 13 years. She said it doesn't make any sense to access the property off Yellowstone. If the front yard was Yellowstone, then the side yard would be Laughlin – which would mean a 15' setback could be met. Commissioner Clark asked Ms. Kloth how someone would check into gaining access from Yellowstone Road. Ms. Kloth responded Yellowstone Road was controlled by the Wyoming Department of Transportation (WYDOT), and she was not sure if the applicant had checked on that. Commissioner Cole said he doubted access would be granted from Yellowstone, so Laughlin was the front yard and Yellowstone was the side yard.

Commissioner Clark opened the hearing for public comment. Gary Hickman, Environmental Health, stated he wasn't aware that this application went out for agency comments, and asked where the septic system was located on the property. Mr. Evans pointed out it was in the northwest corner of the property, with the well house directly to the east. Mr. Hickman asked where the proposed garage was to be located. Ms. Kloth indicated the location as off the southeast corner of the house. Mr. Hickman said he had no concerns with the garage location on the property.

Hearing no further comment, the public portion of the meeting was closed. Commissioner Cole moved to deny the variance request; Commissioner Moffett seconded the motion. Commissioner Reider asked the applicant for clarification that they did not want to move trees and sprinklers, and what the cost would be to move them. Mr. Evans said he wanted to keep the property looking nice, and didn't want to undo all his work to the back yard. The motion to deny the variance request was passed by a vote of 4 – 0.

- 04** Review and action of a change in zone district from A-2 (Agricultural) to P (Public), for All of the SE ¼ Section 29 Portion, Lying South of I-80; and that Portion of the N ½ Section 32, Lying Southeasterly of the Southeasterly R/W Line of I-80, T. 14 N., R. 65 W., of the 6th P.M., Laramie County, WY.

Dave Hammond, a representative for WYDOT, came forward. He stated the property has been owned since 1985, and used for gravel and storage of materials. The current zone designation doesn't fit the use, and there are site improvements being planned for the property. He presented a slide show, showing pictures of the current site being used for a shooting range, and a view of the adjacent property occupied by High West Energy. Due to safety concerns in the area, such as High West Energy equipment travelling in the vicinity and increased development in the area, the intent is to move the facility to the subject property. With a property size of 380 acres, and existing berms at least double in height over those on the existing site, the surrounding area should not be affected by the relocation of the facility.

Ms. Kloth gave an overview of the staff report, and said staff recommended approval of the zone change request with no conditions.

Commissioner Reider asked if the facility was currently locked and secured. Mr. Hammond responded it was, and would continue to be so. Commissioner Reider wanted confirmation that the public would understand the property was not for public shooting. Mr. Hammond responded signage would be installed indicating so.

The hearing was opened for public comment. As no comment was received, the public portion of the hearing was closed. Commissioner Cole moved to recommend approval of the zone change with no conditions; Commissioner Reider seconded the motion, and it passed with a vote of 4 – 0.

- 05** Review and action of a Subdivision Permit and Plat for Whetstone Subdivision, situated in the SW ¼ of NW ¼ Section 10, less 5 acres, T. 14 N., R. 65 W., of the 6th P.M., Laramie County, WY, located at 13330 E Four Mile Rd, Cheyenne, WY.

Casey Palma, agent for the applicant, explained this subdivision was to parcel off the existing house from the remainder of the property, in order to sell the house with the smaller piece of property, and build a new house on the remaining parcel. The applicant was agreeable with recording a new deed, to include the 40' private road property, per the County Engineer's comments.

Ms. Kloth gave an overview of the staff report. Staff recommended approval with the following condition: the access shall be recorded with the deed of the remainder property, noting the book and page of the recorded plat on which it is shown.

Commissioner Cole asked why the property was addressed from Four Mile Road. Ms. Kloth explained the access was private, not actually a named public road. Commissioner Cole commented the situation was not ideal for emergency services, with six different residences already located off this private access, and suggested Sherry Road should be dedicated on this plat. Commissioner Clark asked if Sherry Road would then have to go all the way through. Mr. Palma agreed it was an interesting scenario with these addresses off of Four Mile Road. If the access easement was dedicated, all the property owners would have to maintain their portion. If Sherry Road were to continue north, all the addresses would need to be changed. Without a county declaration of the right-of-way, the addresses could not change.

Commissioner Reider asked why the easement could not be dedicated on the plat, instead of a recorded deed. Mr. Palma there was some concern with ownership, as the applicant wanted to keep the strip of land to access the property where they want to build their new residence, instead of having the access easement cross someone else's property. A deed for the remainder property could tie the access to the owner of the property. Commissioner Reider expressed confusion about the control of the ingress/egress access,

and stated the new owners have to have access to their property. Mr. Palma explained that if the property were subdivided with a direct property line running north/south, then Tract 1 would contain the 40' easement, with the subsequent purchaser owning that easement. The applicant wants to own the land with their own driveway. With the deed, they will own the easement entirely and will continue to maintain and pay taxes on the easement, which will be forever tied to the remainder parcel.

Commissioner Clark opened the hearing to public comment. Mr. Hickman asked when the property was divided, would the well and septic systems remain with the existing residence. Mr. Palma responded yes, and referred him to the submitted map showing existing conditions of the site. Hearing no further comment, the public portion of the hearing was closed.

Commissioner Moffett moved to recommend approval with condition 1; Commissioner Reider seconded the motion, and it passed with a vote of 4 – 0.

- 06** Review and action of a Subdivision Permit and Plat for South Cheyenne Substation Second Filing, located in South Cheyenne Substation: Tract 1, Laramie County, WY, situated approximately 1 mile East of S. Greeley Highway & Chalk Bluffs Road intersection.

Casey Palma, agent for the applicant, came forward to explain this subdivision was to create a separate lot within Tract 1 of South Cheyenne Substation First Filing. There were two different entities occupying the property— Cheyenne Light Fuel & Power (CLFP) and Western Area Power Administration (WAPA) – with the desire for each company to own their respective lot on the subject property.

Ms. Kloth gave a brief overview of the staff report. There were no changes or expansion of uses proposed for the property. Staff recommended approval with no conditions.

The hearing was opened to the public; with no comment received, the public portion of the hearing was closed. Commissioner Cole moved to recommend approval with no conditions; Commissioner Reider seconded the motion, and it passed with a vote of 4 – 0.

The meeting was adjourned at 5:39 p.m.