

Minutes of the Proceedings
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming
Thursday, July 10, 2014

- 140710 00** The Laramie County Planning Commission met in regular session on Thursday, July 10, 2014 at 3:30 p.m.

Members in attendance were: Commissioners Jody Clark, Frank Cole, Bert Macy, Pat Moffett and Bonnie Reider.

The meeting register was signed by: Tom Skinner, 5510 S Greeley Hwy, Cheyenne; Gary M Hickman, 100 Central Ave, Cheyenne; Lisa Pafford, City of Cheyenne; Joe Patterson, 3420 Hales Ranch Rd, Cheyenne; Rob Van Cleave, 680 Dayshia, Cheyenne; Nancy Olson, City of Cheyenne; Casey Palma, 1102 W 19th St, Cheyenne; Linda Heath, 4031 Winterset Dr, Burns; Lorraine Grigsby, Hynds Blvd, Cheyenne; Boyd O Wiggam, 1902 Thomes, Suite 201, Cheyenne.

- 01** Due to (re)appointment of members, an election was held for Chairman and Secretary.

Commissioner Cole nominated Commissioner Jody Clark to serve as Chairman of the Laramie County Planning Commission; Commissioner Moffett seconded the nomination, and it was passed with a vote of 3 - 0. (Yes votes: Cole, Moffett, Reider. Macy not yet present)

Commissioner Cole nominated Commissioner Bert Macy to serve as Secretary of the Laramie County Planning Commission; Commissioner Clark seconded the nomination, and it was passed with a vote of 4 - 1. (Yes votes: Cole, Clark, Moffett, Reider. No vote: Macy - as arriving to meeting)

- 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.

Barbara Kloth, Senior Planner, introduced Casey Palma, agent for the applicant. Mr. Palma explained the purpose of the application was to create 11 lots, with mixed use diminishing in intensity from the northeast of the property to the southwest, where single family residential lots were adjacent to the development. This application was continued from the June 12, 2014 Planning Commission meeting to allow applicant time to address the unmet conditions as listed on the staff report for that meeting. The applicant requested an additional continuation of the application to the next regularly scheduled Planning Commission meeting, which would be held August 14, 2014. The soils engineer was preparing the submittal package for Wyoming DEQ, and a well needed to be drilled on site, but there was a delay on the well permit. The traffic engineer had traffic counts for the area, but no physical study had

been conducted based on the intended use. This study could be ready before the next meeting. Designs for High Plains Road and the regional detention system were in progress, but there were no final documents yet. The DEQ application should be submitted to Wyoming DEQ by August 14th, and traffic and drainage studies should be finalized by then, thereby addressing several concerns. 35% plan documents existed for the extension of High Plains Road from I-25 to South Greeley Highway.

Commissioner Clark asked if the application could be continued again. Ms. Kloth responded the regulations for the Planning Commission allow for one continuance, for one meeting date, unless the applicant requested differently.

Commissioner Cole stated if this development was approved, the applicant was obligated to build High Plains Road, and questioned how that would be done with only half of the right-of-way dedicated on this plat. Mr. Palma stated there were only certain improvements planned at this time. The plan was to work with Don Beard, Director of Public Works, but they had no control on the dedication for the north side of the road.

Commissioner Cole asked who would build the road east to South Greeley Highway. Mr. Palma responded a discussion had occurred with Public Works in order to provide reasonable access and additional improvements - the 50' would be provided by his client, as there were some improvements that were required. Commissioner Cole asked why there was no access to Tract 7 from Blackhawk Drive, as indicated on the plat. Mr. Palma responded it was a subdivision condition in the PUD.

Commissioner Reider expressed concern with only one access point in the development, for safety reasons, and asked why Blackhawk could not go through. Mr. Palma stated there were concerns pertaining to increased traffic flow through Bison Crossing, and with the proposed commercial and light industrial uses, the traffic should be redirected to mitigate commercial traffic into the neighborhood. The cul-de-sac was actually large enough for fire trucks to turn around, so it should accommodate traffic and emergency vehicles. Commissioner Reider asked if some residences could become trapped if there were to be an emergency occurring on some of the tracts. She noted an easement for access & utilities to the west, and asked if that could be an alley for an outlet. Mr. Palma responded that was a good point, and the easement could be used as secondary egress, if needed.

Commissioner Cole acknowledged the plat did have two access points, as there was also one from Division Avenue.

Commissioner Clark asked Ms. Kloth if there was any more information in the staff report. Ms. Kloth responded there was not, but at the last meeting, the staff report was not entered into the record. Commissioner Clark requested the staff report, and said the hearing would allow for public comment.

Ms. Kloth gave an overview of the staff report. She reviewed the conditions, which resulted from both the PUD and the subdivision permit. There were no

water and sewer services available for this development, and as the South Cheyenne Water & Sewer District boundary ended at High Plains Road, the applicant was seeking a 201 exemption. Staff recommended the application did not meet the criteria required for a subdivision under the Cheyenne Power Park PUD, and recommended denial based on the conditions not met.

Commissioner Clark opened the hearing to the public. Mr. Palma stated he neglected to mention the 201 exemption was being pursued and should be presented to the Planning Commission at the August 14th public hearing. Hearing no further comment, the public hearing portion was closed.

Commissioner Cole asked if the applicant was looking for a two-week or one-month continuation. Commissioner Clark responded it would be for one month, since there was no second meeting scheduled in July.

Commissioner Cole motioned to continue the application for one month, until the August 14, 2014 public hearing; Commissioner Moffett seconded the motion, and it passed with a vote of 5 - 0.

03 Amendments to Adopted 2012 International Building Codes and Adoption of 2014 National Electrical Code.

Barbara Kloth introduced Dan Cooley, Director of Planning & Development, who gave an overview of the amendment and adoption information contained in the staff report. Mr. Cooley stated the purpose of this action was to bring the building and electrical codes into conformance with the State's current edition of the codes. Meetings were held by the Laramie County Building Department with the Southeast Wyoming Homebuilders Association (SEWHBA) and the City of Cheyenne, in order to compare code requirements and bring them into conformance. Amendments to the 2012 Adopted Codes were proposed as follows:

- (1) A change in the square footage of an accessory structure requiring a building permit, referencing 2012 International Building Code (IBC) Section 105.2, was increased from 120 to 200 square feet, in order to align with the City and the 2012 International Residential Code (IRC) requirements.
- (2) Establish a definition of "Gray/Grey Water", referencing IRC Section R202, to conform with the State's definition.
- (3) Deletion of Section R501.3 in the 2012 IRC, to eliminate the requirement for fire protection of floors. Mr. Cooley explained this section would require contractors to install drywall underneath the floor in new construction, which would add to the expense, and in order to finish a basement, the drywall would then need to be removed.

(4) Adopt Appendix J of the 2012 IRC, which should be adopted to allow more flexibility in the renovation of existing buildings and structures.

Commissioner Macy commented the State exempts electrical permits for stock wells in agricultural use, and questioned if this would still be exempt in Laramie County's jurisdiction. Mr. Cooley responded the Laramie County Land Use Regulations outlined exemptions for these types of uses, and answered yes, the stated exemption would still be in place.

Commissioner Cole suggested the County Commissioners should appoint a code review committee to review proposed technical codes for adoption or amendment, and make recommendations to the Board. The Planning Commission did not enforce building codes, and should not hold public hearing on the codes nor be the recommending entity.

Mr. Cooley stated his agreement, and noted the procedure to move the action forward to the Board, who have the ultimate decision, was being followed. He added there was a Laramie County Building Board of Appeals in place, if concerns with the building codes needed to be addressed.

Commissioner Clark opened the hearing to the public. Joe Patterson, of Patterson Construction and President of the SEWHBA, came forward and stated there had been work sessions with Mr. Cooley and the County Building Department regarding the proposed amendments. He concurred with the amendments as proposed, in order to provide consistency amongst the entities. He was concerned that there had been no work sessions regarding the 2014 National Electrical Codes (NEC), and would like to see that happen in order to cover the significant changes which have occurred since the 2011 edition. The State of Wyoming allowed 6 months from their adoption date for the counties to adopt the current edition. Mr. Patterson stated with the considerable amount of code changes made, he had concern with possible additional costs to builders, as well as the need for additional inspections.

Gary Hickman, of City/County Environmental Health, referenced the "Gray/Grey Water" definition and stated it was not adopted by Wyoming DEQ yet, so this amendment might be premature. He added there was no such definition in the local small wastewater regulations.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Reider asked Mr. Hickman to clarify that Wyoming DEQ had nothing addressing gray water. Mr. Hickman said about 6 – 12 months ago, WYDEQ began looking at it, and sent out a request for comments, but nothing had been finalized. There were no gray water systems allowed. Commissioner Reider asked if the item was not adopted by the State, why was the Planning Commission reviewing the amendment. Mr. Cooley responded the definition was listed in the IRC, and he did not realize it had not been formally accepted by WYDEQ. The definition was taken from the draft copy of proposed changes. He would agree the amendment might be premature.

Commissioner Cole stated the SEWHBA should be the entity to make recommendations to the Board. Commissioner Clark asked if this public hearing could still be part of the process, as far as soliciting input. Mr. Cooley believed that was correct, and stated comments were received from the homebuilders regarding the previously adopted codes. He suggested that amendments could be proposed after the 2014 NEC was adopted.

Commissioner Cole said that a meeting with the homebuilders should take place prior to the request for adoption, and the County should appoint a Code Review Committee which would make the adoption recommendations directly to the Board. Commissioner Macy asked what the State Statute said. Mr. Cooley responded the County was bound by State Statute to keep in conformance with the State-adopted codes. Laramie County had six (6) months to adopt the 2014 NEC from the date of the State adoption.

Commissioner Cole reiterated that none of these items should come to the Planning Commission. Commissioner Reider added that the State had not adopted the gray water definition. Mr. Cooley responded the NEC was separate from the IRC, which was where the gray water definition was located. Commissioner Macy asked when the State had adopted the 2014 NEC. Mr. Cooley responded it was adopted August 21, 2013, and was to be effective July 1, 2014.

Commissioner Cole didn't believe that code adoption or amendment actions had been presented to the Planning Commission before. Ms. Kloth stated this part of the process was to provide recommendations to the Board. Commissioner Clark said if the recommendation was made to adopt the 2014 NEC, amendments could later be submitted for the approval process.

There was discussion among the Planning Commission members as to what motion would be appropriate, such as: a) request the Board create a different review committee; b) continue this action; c) send to a different committee.

Mr. Patterson suggested there be two separate recommendations made by the Planning Commission. The amendments to the adopted 2012 codes were acceptable and should move forward to the Board for approval; however, the opportunity to review the 2014 NEC prior to adoption would be preferred. Commissioner Clark asked Mr. Patterson if he thought there should be special committee. Mr. Patterson responded that the existing code review committees have been successful.

Commissioner Macy motioned to accept SEWHBA's recommendation for amendments to move forward to the Board for approval, excluding the gray water definition and the adoption of the 2014 NEC, and to remove the Laramie County Planning Commission from the code adoption process in the future. Commissioner Cole seconded the motion, and it was passed with a vote of 5 – 0.

The meeting was adjourned at 4:27 pm