

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

Thursday, January 22, 2015

- 150122 00** The Laramie County Planning Commission met in regular session on Thursday, January 22, 2015 at 3:30 p.m.

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

The meeting register was signed by: Bill Swearingin, 7610 S. Milliron Road, Cheyenne; Ann Marie Taylor, 5908 Yellowstone Road, Cheyenne; Gary Datus, 10004 E. Milliron Road, Cheyenne; Bud Schepp, 4901 Klipstein Road, Cheyenne; Dan Schepp, 7808 Quarter Circle Drive, Cheyenne; Mike Smith, 1850 Horse Creek Road, Cheyenne; Casey Palma, 1102 W. 19th Street, Cheyenne; Seth Frentheway, 1800 Hackamore Road, Cheyenne; Tom Mason, 2101 O'Neil, Cheyenne; Dave and Edna Johnson, 3663 Piper Lane, Cheyenne.

- 01** Review and action of a Subdivision Permit and Plat for Meadowlark Ridge Estates, a portion of the East ½ of Section 31, T. 15 N., R. 67 W., of the 6th P.M. , Laramie County, Wyoming.

Casey Palma, of Steil Surveying Services, was present as agent for the owner. He explained the preliminary development plan for this proposed subdivision was heard by the Planning Commission on January 8, 2015, at which time they approved the three staff-recommended comments. Mr. Palma and the owner have been working with the County Engineer and Public Works to determine the exact configuration and standards for the two major roads which were to be built. He clarified that Lodgepole Ranch LLC was not an owner, as indicated on the plat, but did own property bordering to the east which would share an 80 foot easement to be dedicated. He confirmed the signature line would be removed from the final plat. Mr. Palma confirmed he had received a copy of the amended conditions, and stated the owner was amenable to those conditions.

Commissioner Clark requested the staff report. Brett Walker, Planning Manager, gave an overview of the proposed project. He explained that DEQ was required to review and approve a subdivision containing more than 5 lots; evidence of said approval was listed as a condition on the staff report. He read the recommended findings and *amended* conditions of approval, with conditions 1 and 2 requirements revised to be met *prior to signatures being affixed to the final plat.*

Commissioner Clark opened the hearing to the public. Billy Swearingin, 7610 S. Milliron Road, stated he was not against development in the County; however, water rights issues were currently prevalent. He was concerned about the quantity of homes in too small an area, and with the 8-acre size recommended by the State Engineer's Office. Mr. Walker interjected that, though nothing written was received, there were phone calls received regarding density and traffic concerns, and minimum lot sizes for water usage.

Dan Schepp, 7808 Quarter Circle Drive, agreed with Mr. Swearingin's concerns expressed. He felt a lot size of 5 acres was too small for that area, with most established lots out there being 10 acres.

Bud Schepp, 4901 Klipstein Road, said he has lived in the area for 40 years, and has seen many subdivisions developed since he's lived there. He expressed satisfaction with the 10 acre limitation. He was not against development, but felt the character of the area calls for lots larger than 5 acres, and he would like to see the limit stay at 10 acres (gross). He was concerned that water supply would be much more of a problem in the future.

Mike Smith 1850 Horse Creek Road, agreed with all previous concerns expressed regarding density and water issues, and was not against development.

Gary Datus, 10004 E Milliron, agrees with all previous concerns density and water issues. He wanted to know what the plan was for road maintenance, as it was already a concern, and how the Planning Commission intended to address the situation. He asked if access would be directly from Horse Creek Road. Commissioner Clark deferred to Mr. Walker, who responded yes, access would be from Horse Creek Road, and there would be an additional access point to the north, where Road 216 joins with Road 118A. Mr. Datus questioned where that location was in relation to Iron Mountain Lane. There was some confusion as to the location, with ensuing discussion regarding maintenance of the roads. Mr. Walker clarified the roads shown on the plat would be privately maintained, which included interior roads. Mr. Datus asked if the cemetery was a county one. Mr. Palma responded there was currently a family cemetery on Tract 1. Mr. Datus asked if the State Hydrologist was involved with the well permit process. Ms. Kloth responded it was unclear whether the State Hydrologist was part of the State Engineer's Office, which did review and issue the well permits. Mr. Datus encouraged the Planning Commission members to seriously contemplate the issues presented today.

Hearing no further comment, Commissioner Clark closed the public portion of the hearing. Mr. Walker clarified the three conditions, as shown on the memo distributed at today's public hearing, are the recommended amended conditions of approval. Commissioner Moffett had concerns about density and water rights. He was not opposed to development, but was not sure if this was the right location for this development. Commissioner Reider addressed Mr. Datus, advising him she was a member on the water committee, which was working on the control area to propose a plan to the State, and assured him she was very concerned. She had looked at the project and the

topography of the site, and had concerns about the density and the placement of septic systems.

Mr. Walker stated condition two addressed this concern. Commissioner Macy asked why this application was before them today, instead of waiting until State approval was received. Commissioner Clark asked if septic systems could be placed on the lots that were smaller than 5 acres. Mr. Walker responded the average gross lot size was 5 acres, which was the minimum lot size for placement of septic and well systems on a lot, and stressed that Environmental Health had reviewed the application and commented on the floodway area. Mr. Palma said he understood the concerns, and stated they had hired a geologist right away, who had performed an analysis, then the data had been submitted to DEQ for review and approval. The owner had made sure that preparation for the requirements (conditions) had been executed, as they were aware of all the concerns with the development. Mr. Palma clarified that the 8-acre limitation referenced property in the control area, which did not apply to this property. The State designated control areas where there were concerns about water issues; this property was not located within a control area. If the State found this development was not in compliance, then the subdivision would not be developed. Mr. Palma expressed this proposed development would fulfill the needs for a specific group of people, who didn't want 10 acres (to run horses, etc.), and didn't want to live in the city.

Commissioner Moffett appreciated the great job Mr. Palma has done on other projects, and the due diligence given, but he still had concerns with moving this application forward. He would be more inclined to recommend approval if the conditions had already been met, and felt there were too many unanswered questions at this point. Mr. Palma said they would be amenable to continuation until the next scheduled Planning Commission meeting, as it would allow time to resolve ownership issues and obtain the State Engineer's letter. He could not guarantee that DEQ would be able to return a "non-adverse recommendation" in that period of time. The owner indicated his agreement with the continuation request.

Commissioner Macy moved to continue the application to the next meeting, which would be held on February 12th; Commissioner Moffett seconded the motion, and it passed with a vote of 4 – 0.

02 Review and action of a Subdivision Permit and Plat for North View Subdivision, 2nd Filing, a portion of the Northwest ¼ Section 20, T. 15 N., R. 66 W., of Laramie County, Wyoming.

Casey Palma, of Steil Surveying Services, was present as agent for the owner. He explained the purpose of the application was to subdivide a 10-acre residential lot from the property, to make the residential lot available for purchase.

Mr. Walker gave an overview of the staff report, with staff's recommendation of approval with no conditions.

Commissioner Clark opened the hearing for public comment. Hearing no comment, the public portion of the hearing was closed. Commissioner Moffett moved to recommend approval with no conditions; Commissioner Macy seconded the motion, and it passed with a vote of 4 – 0.

03 Review and action of a Subdivision Permit and Plat for Niobrara Energy Park, 2nd Filing, a replat of Lot 3, Block 1, Niobrara Energy Park, Laramie County, Wyoming.

Casey Palma, of Steil Surveying Services, was present as agent for the applicant, RoadRunner 5, LLC. This application was submitted to perform a lot split, to separate two businesses established on one lot, which would allow separate fee simple ownership. A utility easement will be added across the front of the west lot.

Commissioner Moffett asked if this easement was separate from the 100 foot Department of Energy easement. Mr. Palma said yes, this easement was for sanitary sewer. Commissioner Reider asked if the existing fence on the property was located where the dividing lot line would be. Mr. Palma responded essentially it was relatively parallel, with an approximate 2 foot difference.

Mr. Walker gave a brief summary of the staff report, and explained that this subdivision was within 1 mile of the City's jurisdiction, so would also require their approval. He explained the development agreement recorded with the First Filing would also apply to this property. Staff recommended approval with conditions 1, 2 and 3, and suggested condition 4 be added to include the utility easement on the plat with regards to the stormwater infrastructure.

Commissioner Clark opened the hearing for public comment. Hearing no comment, the public portion of the hearing was closed. Commissioner Reider moved to recommend approval with conditions 1 through 3, with the addition of condition 4 regarding the utility easement being added to the plat; Commissioner Moffett seconded the motion, and it passed with a vote of 4 – 0.

04 Review and action of a Subdivision Permit and Plat for Legerski Trust Subdivision, located in the Northeast 1/4 of the Southwest 1/4, Section 31, T. 15 N., R. 64 W., of the 6th P.M., Laramie County, Wyoming.

Ann Marie Taylor, of Western Research & Development, was present as agent for the Legerski Family Trust. The purpose of the application was to split the almost-40 acre parcel into two equal size parcels, to prepare for sale. The subject property was located in a residential area, close to an airstrip subdivision.

Ms. Kloth gave an overview of the staff report. Since there was considerable floodplain on this property, the proposed subdivision was only for two lots, which would better allow for development. Since each lot would be approximately 19.5 acres, the lot size would be above the minimum

requirement to allow for septic and well systems. Tract 2 would be allowed access from Cessna Lane, but would be the 12th and final lot allowed access, based on the 2011 Laramie County Land Use Regulations. Therefore, Tract 1 access was proposed via Piper Lane, and would pass through the floodplain to the south of the subject property. This access would require a standard access permit, as well as a Floodplain Development Permit. Staff recommended approval with 2 conditions; condition 1 as listed in the staff report, and the addition of condition 2 requiring the floodplain be noted on the plat.

Commissioner Moffett noted that Childs Draw was shown on the aerial map, and asked if it should also be annotated on the plat. Ms. Kloth concurred, since the draw was the cause of the floodplain. Commissioner Reider requested the spelling of "tract" (no k) be corrected on the plat.

Commissioner Clark opened the hearing for public comment. Tom Mason, MPO Director, asked why the right-of-way easement in the southwest corner was not being platted. Ms. Kloth responded it appeared that Piper Lane, up to the west portion of the property, was already dedicated. She accessed the parcel viewer to review the situation, and found that Piper Lane appeared to end at the edge of the property, but said the r.o.w. should be dedicated now. She recommended the dedication as condition 3.

Dave Johnson stated he was the owner of property to the south of the subject property. He stated there had been a considerable amount of sheet flow last year at the access point in the southwest corner, and was concerned that an increase in the elevation of the access would increase the flow.

The hearing was closed to public comment. Commissioner Moffett moved to recommend approval with conditions 1 through 3, as noted below:

1. The signatory blocks for approval shall be added to the plat prior to recordation.
2. The floodplain information and Child's Draw shall be added to the plat prior to recordation.
3. The portion of Piper Lane which is shown as an easement on the SW corner of the property shall be dedicated as public ROW and the plat updated prior to recordation.

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

The meeting was adjourned at 4:32 p.m.