

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

Thursday, January 28, 2016

- 160128 00** The Laramie County Planning Commission met in regular session on Thursday, January 28, 2016 at 3:30 p.m.

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

The meeting register was signed by: Kenneth Collins, 7410 Avenue B4, Cheyenne, WY; Rebecca Berryhill, 6104 Troyer Dr, Cheyenne, WY; Jean Vetter, 4711 Moran Ave, Cheyenne, WY; Russ Dahlgren, 914 East 23rd, Cheyenne, WY; Brett Vizina, 1124 Dunn Ave, Cheyenne, WY; Marla Muirbrook, 6745 Winchester Blvd, Cheyenne, WY; Linda & Rick Rigg, 6233 Blue Roan Rd, Cheyenne, WY; Lisa Pafford, 2101 O'Neil Ave, Cheyenne, WY; Natalie Burgess, 2101 O'Neil Ave, Cheyenne, WY; Kara Kolkman, 6675 Winchester, Cheyenne, WY; Rick Juschka, 7402 South Greeley, Cheyenne, WY; Bonnie Reider, 515 W Allison Rd, Cheyenne, WY; Roy Kroeger, 100 Central Ave, Cheyenne, WY; Boyd Wiggam, Wyoming Liberty Group, Cheyenne, WY.

- 01** Review and action on the Preliminary Development Plan for Bison Crossing, 9th Filing, located in a portion of the SW $\frac{1}{4}$ of Section 29 and portions of the SW $\frac{1}{4}$ of Section 30 and the NW $\frac{1}{4}$ of Section 31, (all) in T. 13 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Commission Jody Clark, Chairman, called the meeting to order at 3:30 p.m. The members expressed the preference to vote on the East and West portions separately.

EAST

Barbara Kloth, Senior Planner, introduced Jean Vetter, of High Plains Design, as applicant for the owner, the City of Cheyenne. The owner has acknowledged review comments 1 – 6, as shown in the Preliminary Development Plan staff report. Brett Vizina and Russ Dahlgren were both present to answer any questions.

Ms. Kloth gave an overview of the staff report which combined discussion of the plans for both the East and West portions. PlanCheyenne best described the subject property for UTR uses. A zone district change from PUD to AR would be requested at the same time as the subdivision permit and plat application. The AR zone district requires a minimum lot size of 5 acres, for which an exception could be requested if the water and sewer systems were

approved by DEQ. DEQ approval must be received prior to approval of the zone change & subdivision by the Board, as there can be no conditions placed on zone change actions. There were no neighbor comments received on this proposed subdivision, only questions about the intended use. Staff recommended the Planning Commission provide review comments 1 – 6 on this application.

Commissioner Moffett asked for clarification – the City/County Health Dept. requires a minimum of 5 acres for septic systems, but an exception can be granted for smaller lots? Ms. Kloth responded yes, and the AR zone district minimum corresponds with the 5 acre minimum, but since there is an established water supply system, it would allow the smaller lot size. Ms. Kloth said she would defer to the expertise of Roy Kroeger with Environmental Health, if there were further questions. Commissioner Cole commented the 2.5 acre lot size was allowed with a central water supply system.

Commissioner Clark opened the hearing to the public for the East section only. Richard Rigg, 6233 Blue Roan Road, said there had been no road maintenance for 2.5 years on Blue Road, and asked who would be maintaining the extension? He said he and 3 of his neighbors had been maintaining the road. Ms. Kloth deferred the question to the applicant, as new roads in the County were to be privately maintained. She stated as a requirement for the subdivision permit, Public Works would ask for a road maintenance plan, along with construction plans. She was not sure whether the previous filings had a maintenance plan, but from this point forward, a plan would be required.

Russ Dahlgren, Dahlgren Consulting, addressed the concern about the existing portion of Blue Roan Road, which was within the 2nd filing and designated as a county road. As such, it should be receiving maintenance from the County; it was not the responsibility of TFS. Maintenance for the Blue Road Road extension would need to be worked out with the County.

Marla Muirbrook, 6745 Winchester Blvd. She asked if they knew when building would begin on the other side of the East portion? Ms. Vetter responded there was no time frame established yet for building on the proposed lots.

Richard Juschka, 7402 S. Greeley Hwy, stated he has a concern with the water. His well was a producing well, until Winchester Hills and Bison Crossing were established. Now he doesn't get the same pressure, and thinks the water source has been depleted.

Mr. Dahlgren responded there was a State Engineer monitoring well on the north side of Terry Ranch Road, in the southeast corner of this property, which does not show significant water level decline in that area. He stated he did not have the data with him, but the water level has been measured for years, and showed no steady decline in the water level. In 2010, another monitoring well was added, which indicates the water level has stayed consistent since then. A hydrograph is available and he would be able to provide, if necessary.

Ken Collins, HOA president, 7410 Avenue B-4, asked how much excess capacity was in the wells? Was there enough to support the extra homes? Mr. Dahlgren stated there are 3 existing supply wells, a 500,000 gallon storage tank, with a 4th well in design for 100,000 gallon minimum. Together, the 4 wells is more than what should be needed for provide redundancy. On July 4, 2014, one pump went out, and the 4th well should alleviate that issue if another outage occurred. He reiterated there was no indication of a lack of water supply.

Hearing no further comment, the public portion of the hearing on the East section was closed.

Commissioner Cole motioned for approval that the East section be renamed as the 9th filing. Ms. Vetter said the new applications indicated the 9th filing for the West section and the 10th filing for the East. Commissioner Cole gave a new motion to approve the East section being renamed as the 10th filing, with the condition requiring a DEQ permit and whatever was necessary based on the comments that were applicable to this section.

Commissioner Moffett clarified the motion to say the Planning Commission recommends the East section be named the 10th filing, with the applicable conditions 1 – 6. The motion was seconded, and passed with a vote of 4 – 0.

WEST (to be renamed the 9th filing)

The hearing on the West section was opened for public comment. Roy Kroeger came forward and stated the 9th filing was in the 201 facility management area, which does not allow development with septic systems. The proposed development would need a variance or exception from Laramie County. He recommended the Planning Commission support the exception, as the development did not meet the 201 plan. This comment was provided during review of the application.

Rebecca Brock, 6104 Troyer Drive, lived in the vicinity of Spencer and Ruger Drives, and stated there was excessive truck traffic that travelled in that area to avoid the Port of Entry weigh station. The traffic travelled fast, and the roads were deeply rutted most of the time.

Marla Muirbrook, 6745 Winchester Blvd, returned and asked why Mr. Kroeger supported a variance for the West section but not the East? Commissioner Clark responded the East section was not in the 201 plan area.

Hearing no further comment, the public portion of the hearing was closed.

Commissioner Cole mentioned there had been issues with the previous filings with regard to the 201 variance and maintenance of the roads. He expressed that the variance needed to be sought after before the Planning Commission should act, since the variance wasn't granted before.

Ms. Kloth stated there was a 201 exception process, and – as it would need to be granted – the variance could be made a requirement with the subdivision

process. The applicant could proceed at their own risk for failure. Mr. Dahlgren said he had looked at the 201 plan, which talked about feasibility and practicality to connect to sewer services. The plan, written in the mid-80's, did contain discussion worded with "practical and feasible". He would like to risk moving forward with the application process, as he was not sure about the "firmness" of the plan, as there appeared to be some latitude. He would be agreeable with a condition added for the subdivision permit and plat to move forward, with the hope the variance would be approved.

Commissioner Clark asked for a motion. Commissioner Caughey moved to approve the 9th filing with conditions 1-6, plus the added condition of a 201 exception variance. Commissioner Moffett seconded the motion, and it passed by a vote of 3 – 1 – with Commissioner Cole voting no.

The meeting was adjourned at 4:02 p.m.