

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

Thursday, October 13, 2016

- 161013 00** The Laramie County Planning Commission met in regular session at 3:30 p.m. on Thursday, October 13, 2016.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Jason Caughey, Joe Patterson, and Pat Moffett; Pepper McClenahan, Planning Manager; Jean Vetter, Senior Planner; Nancy Trimble, Associate Planner/Recording Secretary.

The meeting register was signed by: Warren & Linda Moss, 1398 Obsidian Rd, Cheyenne; Justin Williams, 1404 Obsidian Rd, Cheyenne; Heidi Kindsvater, 1398 Obsidian Rd, Cheyenne; Bob Wilcox, 2115 Iron Mountain Rd, Cheyenne; Darrick Mittlestadt, 207 E Allison Rd, Cheyenne; Joshua Stanley, 1469 Obsidian Rd, Cheyenne; Lisa Pafford, 2101 O'Neil Ave, Cheyenne; Ebonnie Bannon, 3524 Road 215, Cheyenne; Jeff Rose, 2135 Iron Mountain Rd, Cheyenne; Bryan Phelps, 3524 Road 215, Cheyenne; Don Phelps, 3512 Road 215, Cheyenne; Roy Kroeger, 100 Central Ave, Cheyenne.

- 01** Review and action of a Zone Change for a portion of the NE 1/4 of Section 5, T. 14 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Agenda Items 01 and 02 were heard together, as they related to the same property.

- 02** Review and action of a Subdivision Permit and Plat for Iron Mountain Estates Subdivision, located in a portion of the NE 1/4 of Section 5, T. 14 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Ms. McClenahan stated a postponement request was received this morning from the property owner, due to the inability for the applicant or owner to attend the public hearing. Commissioner Caughey motioned to postpone the applications until October 27, 2016; Commissioner Patterson seconded the motion, and the application was postponed by a vote of 4 – 0.

- 03** Review and action of a Subdivision Permit and Plat for Phelps Estates Subdivision, a replat of Tract 2, Go-Forth Estates, Laramie County, WY.

Nancy Trimble, Associate Planner, presented the agenda item and introduced the applicant, Ebonnie Bannon. Ms. Bannon came forward to give justification for the application, and provided details as to the purpose of the subdivision permit and replat request.

Commissioner Moffett asked Ms. Bannon if the replat was requested so she

could qualify for WCDA financing to purchase the house, and was she currently living on the property. Ms. Bannon responded she was renting. Commissioner Moffett asked if all the vehicles being stored on the property were hers. Ms. Bannon stated they were not hers, and she planned to clean up the property with the financing she was seeking. She added the berm was installed by the property owner.

Commissioner Clark asked what was being stored in the containers. Ms. Bannon replied there were tires, miscellaneous household items/lawn care items/4 wheeler/farm equipment, and horse items.

Commissioner Caughey stated Tract 1 would not meet water well requirements. Commissioner Patterson asked if she planned to provide water to Tract 1 for the horses, and could the number of horses be restricted. Ms. Bannon said there would be no actual separation by fence on the dividing property line. Horses would be free to roam the full property area. There was no proposed change in use. Commissioner Clark asked how many horses were kept on the property. Ms. Bannon responded four.

Ms. Trimble gave the staff report. Commissioner Clark opened the hearing to the public.

Warren Moss, 1398 Obsidian Road, stated his property was adjacent to the proposed Tract 1, containing 3 acres. The fence between the two properties was 15' from the property line due to an easement. There have been issues with keeping the animals off his property. Mr. Moss stated Ms. Bannon has been living there since 2014. The nuisance violation was supposed to be cleared up in June 2013, but has gotten worse. He expressed concerns with the operation of a construction business on the property, stating the equipment and worker activity was visible from his house. As there was nothing to prevent the spread of the junk pile, it would further devalue the surrounding property in the area. He had talked to several people in the immediate area, who all sent letters opposing the subdivision, and voiced his opposition to the subdivision.

Commissioner Moffett asked Mr. Moss since the action was to allow Ms. Bannon to obtain financing, was he opposed to her purchasing the property. Mr. Moss responded he was not, but thought there was intent to circumvent the issues.

Justin Williams, 1404 Obsidian Road, provided a copy of his letter and a Google aerial photo reflecting non-compliance issues. He acknowledged there was some work done on the property, as the berm was completed, but the berm landscaping and privacy fence were not completed. Although Laramie County staff had assured him several years ago that the requirements would be accomplished by the deadline, the items were not done. Since then, the accumulation of material has grown exponentially. He asked the Planning Commission to please recognize the concerns of the neighbors. He was skeptical about the stated purpose of WCDA financing, and stated perhaps there was another type of financing the applicant could pursue.

Don Phelps, 3512 Road 215, came forward to state he owns Badger Excavating, which was not being operated from the house. He confirmed that six or seven of the vehicles on the property were his, and the equipment noticed on the property may only be there at times for maintenance, or to be used to feed the horses. He stated the only reason of the application was to qualify for a WCDA loan. He added there was no intention of selling Tract 1, and stated the property would not change hands. He suggested there could be a condition that one piece of the property could not be sold without the other.

Heidi Kindsvater, 1398 Obsidian Road, came forward to ask what items were being conditioned to be brought into compliance. Ms. Trimble responded the outstanding items were landscaping of the berm and installation of a privacy fence on the north side of the property. Ms. Kindsvater said she didn't think the berm was the answer, when looking at the condition of the property. She addressed the Planning Commission to say their recommendation would set a precedence.

Roy Kroeger, Environmental Health, wanted to add that as long as the property did not meet the 5 acre requirement for a septic system, there would be no residential structure placed on a lot less than 5 acres.

Don Phelps, 3512 Road 215, returned to state that there are businesses being run out of other residential properties in the area surrounding the subject property.

Joshua Stanley, 1469 Obsidian Road, came forward to state his property was not adjacent to the subject property, but he passed by it every day. He stated Go-Forth Estates was platted in 1979, and believed that due to the odd acreage sizes, it was not intended that the platted lots be subdivided. He expressed that two smaller lots would devalue the surrounding property. The second lot was not buildable, which would create a situation as to what value it would hold.

Don Phelps returned to address Mr. Stanley's concern regarding devaluation, stating the property could not be used as an example for appraisal value unless it was sold.

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

Commissioner Moffett asked Ms. Bannon if she had pursued alternate forms of financing. Ms. Bannon responded she had not, as she was a full-time student and mother of two. Without WCDA financing, the purchase of the property would be difficult to accomplish. Commissioner Moffett asked if it was fair to say if Ms. Bannon was able to obtain another type of financing, we wouldn't be here today. Ms. Bannon confirmed that was correct.

Commissioner Caughey said if WCDA was funding the 5.81 acre parcel, who was funding the other part? Ms. Bannon stated it would not be purchased.

Commissioner Caughey asked if Bryan Phelps would retain ownership of Tract 1. Ms. Bannon said yes, it would stay attached to the property, but not part of the 5.81 parcel.

Commission Moffett expressed concerns regarding the subdivision of the property, which would leave the remainder parcel open for purchase. He acknowledged the neighbor concerns expressed. Commissioners Caughey and Patterson also had concerns with the 3-acre parcel, since it did not meet regulations for development or anything else, and did not meet water or septic requirements.

There was discussion amongst the Planning Commission members and staff, with regard to a proper motion and format to recommend denial of the application. Commissioner Pat moved to recommend denial of the application to the Board due to Tract 1 not meeting the minimum requirements for well and septic systems; Commissioner Caughey seconded the motion, and the application was denied by a vote of 4 – 0.

The meeting was adjourned at 4:15 PM