

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

Thursday, January 26, 2017

- 170126 00** The Laramie County Planning Commission met in regular session on Thursday, January 26, 2017 at 3:30 p.m.

Members in attendance were: Commissioner Clark, Chairman; Commissioners Jason Caughey, Bert Macy and Pat Moffett; Dan Cooley, Planning Director; Jean Vetter, Senior Planner; Nancy Trimble, Associate Planner/Recording Secretary; Rebekah Puchek, Planning Technician.

The meeting register was signed by: Bonnie Reider, 515 West Allison, Cheyenne; Gary Hickman, 100 Central Ave, Cheyenne; Cooper Overstreet, 508 East 18th, Cheyenne; Kevin Hansen, 2023 East 13th, Cheyenne; Casey Palma, 1102 West 19th St, Cheyenne; Orris Wickham, 7713 Roundtop Rd, Cheyenne; Marc Woods, 7805 Yarina Way, Cheyenne; Lisa Pafford, 2101 O'Neil Ave, Cheyenne.

- 01** Review and recommendations on the Preliminary Development Plan for Hunnicutt Hill Estates, located in a portion of the W1/2 of Section 10, Township 14 North, Range 67 West of the 6th P.M., Laramie County, Wyoming; LESS the W1/2 of the SW1/4 SW1/4 SW1/4 of said Section 10.

Jean Vetter, Senior Planner, introduced the first item, and Casey Palma as agent for the applicant. He summarized the purpose of the preliminary development plan – to plat a portion (south half) of the owner's property. Discussion had occurred regarding the paving of Roundtop Road, and a traffic impact analysis has been submitted. There was no problem with the recommendations listed in the staff report.

Ms. Vetter gave an overview of the staff report. The property was currently zoned A2 (Agricultural) with a minimum lot size of 20 acres. The development would require a zone change to AR (Agricultural Residential) in order to allow a minimum lot size of 5 acres, as proposed. Staff found the application to be in conformance with the plans and policies of the Laramie County Comprehensive Plan and PlanCheyenne. DEQ had not yet reviewed this project, for which there must be a "non-adverse recommendation" prior to approval of the subdivision permit and plat by the Board. The roads would be privately maintained, and a road maintenance plan would need to be submitted & approved by Laramie County Public Works prior to plat recordation.

The applicant requested the application be postponed at the January 12, 2017 Planning Commission meeting, in order to allow time to acquire the signatures of the owners of record on the application form.

Ms. Vetter summarized the agency concerns received, which have been addressed with the staff report recommendations.

Staff received a letter from an adjacent property owner yesterday, a copy of which has been provided to the Commission members at today's meeting.

Based on evidence provided, staff recommended the Planning Commission approve recommendations 1 through 11.

Commissioner Clark opened the hearing for public comment. Orris Wickham, 7713 Roundtop Rd., said he attended the January 12th meeting and has not seen the results of the water test requested for that area. He expressed concerns regarding the floodplain issues, stating the culvert 200 yards north of the development action sign has flooded a number of times. The floodplain greatly affects the road crossing through it, and also causes trash build-up. He also stated concerns with impacts to wildlife in the area and the long overdue paving of Roundtop Road.

Commissioner Clark responded Wyoming Game & Fish had provided comments regarding concerns which need to be addressed. Commissioner Clark asked Mr. Palma to address the water concern. Mr. Palma stated he received the water test results today, and would assemble the report and submit it to the County, so it would be on file. The Environment & Services Impact Report would be revised to include wildlife considerations, which would also be included in the covenants. Paving the 1.1 miles of Roundtop Road would be prohibitive to development due to the cost. The developer was working with public works to address concerns with the paving requirement. Mr. Palma suggested perhaps an update to the culverts could occur to help with the drainage issues.

Commissioner Macy asked what was the reasoning behind where the dedicated open space was located. Mr. Palma responded it was for walking, horseback riding, and recreation, with circulation around to the connecting roads. He stated that the open space acreage adds to the gross acreage of each lot.

Marc Woods, 7805 Yarina Way, introduced himself as one of the applicants. He explained the DEQ 23 Study has just been put on hold in order to concentrate on other more pressing items – like paving Roundtop Road. The water study will be forthcoming, and he hoped that the wildlife would adapt and remain in the area. With reference to recommendation #5, he stated the cost of the cistern was hard to absorb right now, and suggested maybe they could forego the requirement due to the proximity of Horse Creek. He added that Meadowlark Ridge Estates was nearby, and was a similar size development with no cistern.

Commissioner Caughey stated a cistern was requested for the Meadowlark Ridge Estates development, but the condition was removed during the approval process by the Board. Cisterns were also sought for the other two developments on Horse Creek Road, but were subsequently removed. He noted that both HR Ranch and Cherry Hills residents have recently requested

the addition of a cistern, due to insurance company demands. The County would continue to request fire protection cisterns for consistency and public safety, as they are a vital resource for areas of development further out of town. It would be up to the County Commissioners to determine if the requirement was appropriate.

Mr. Woods added that subdivisions without open space seem to work out better. The concept sounds good in theory, but creates another facet of determining who will maintain and what activity is allowed.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Moffett moved to approve recommendations 1 – 11; Commissioner Caughey seconded, the motion, and it passed with a vote of 4 – 0.

**02** Review and action of a Subdivision Permit and Plat for West Ridge Estates 3rd Filing, located in a portion of Section 29, T. 15 N, R. 68 W, of the 6th P.M., Laramie County, WY.

Jean Vetter introduced the second item, and Casey Palma as agent for the owner. Mr. Palma explained the application was for the final three lots of West Ridge Estates, and stated there had been a pre-application meeting for 12 lots prior to the previous applications for the 1st and 2nd Filings. He agreed with conditions 1, 2 & 3 in the staff report, stating the road was built and the easement to the east would serve as a drainage easement. The owner would address conditions 4 & 5. If the proposed development were for 5 acre lots, it would be more profitable by tripling the number of lots. With the additional conditions, it would require more financial investment. Therefore, it was requested that conditions 4 and 5 be removed.

Commissioner Moffett called attention to the comments regarding the DEQ study at the bottom of page 2 of the staff report. Mr. Palma said the comment was from the Environmental Health Dept. with regard to septic systems, and maybe the comments weren't included in discussions. Gary Hickman, Environmental Health, said he never heard about it. Mr. Palma stated he would leave the comments to the owner to address. Mr. Hickman added there had been discussion at the public hearing for the 2nd filing that the rules were being circumvented. Mr. Palma stated circumvention was not intended, the development was phased.

Staff recommended the Planning Commission find the application met criteria for a subdivision permit and plat and that the Commission recommend approval to the Board with conditions 1 through 5.

Commissioner Clark opened the hearing for public comment.

Kevin Hansen, 2023 E.13th St., came forward as the developer. He stated that during pre-application meetings he was told that a development of no more than 5 lots did not require DEQ approval.

Commissioner Caughey stated he had asked about the proposed development, as he was not certain whether the lots would be grouped together for count. Fire District comments provided on the 1st Filing expressed concern with the single access for ingress/egress and the lack of water supply for fire protection. On the 2nd Filing, the Fire District expressed the same concerns. Now the 3rd Filing expands the development to 12 lots, for which there is greater concern for emergency services.

Mr. Palma expressed confusion as to why it was not known this would be a 12-lot subdivision, and claimed that information had been provided to Planning staff at the beginning of the process. He disagreed with the statement in the staff report that the proposed subdivision did not meet the intent for exemption of the DEQ requirement. He would like condition 4 to be removed.

Mr. Palma asked if the developer dedicated land for a satellite fire station, would it be possible to remove condition 5 regarding the cistern.

Commissioner Clark questioned if the application needed to be postponed. Commission members agreed they did not want to stifle growth, but there needed to be a balance with public safety concerns. A suggestion was made to amend condition 5 to add the option to provide dedicated land for a fire station to be determined between the developer and fire district. Commissioner Caughey stated a new fire station would be preferred, and it would lower homeowners insurance for properties within 5 miles of the fire station, plus provide reassurance to property owners.

Commissioner Macy asked about the comfort level in having the Homeowners Association responsible for road maintenance. Mr. Palma responded it was not preferred. Commissioner Macy stated the County required dedicated right-of-way to the south and a road maintenance plan, as the County could not take on new roads for maintenance.

Mr. Hickman expressed concern with the lack of DEQ approval and asked if deed restrictions could be required so the lots could not be further subdivided.

Mr. Hansen stated the covenants prohibit further subdivision. Commissioner Clark responded the Planning Commission could not make decisions based on covenants.

Commissioner Clark asked whether deeds or covenants would be affected by the DEQ report. Ms. Vetter said she was not sure the report would affect those documents. Mr. Hickman stated the covenants had no bearing with regard to system setbacks. The recorded plat should note no further subdivision, as it would be the County's point of reference. The Environmental

Health Office would look at the soils survey – if the well is drilled and water is located, then the department would approve the septic system. If there was no water, there would be no septic system. Mr. Hickman expressed concern with further subdivision of the platted lots. Ms. Vetter stated there had been problems with lot splits occurring by deed without the Planning Office's authorization. She asked if the applicant could add a note on the plat prohibiting further subdivision of the lots, as the County does not keep a record of homeowner associations or covenants. Mr. Hickman responded that could help prevent problems in the future. He added a 16-acre lot could be split in thirds – with a septic system allowed on a minimum of 5 acres. With a Chapter 23 study, there would be items DEQ would review regarding lot size and water flow.

Cooper Overstreet, Kuker Law, came forward and stated he wrote the covenants for this development. Commissioner Macy stated covenants would supercede family law and could allow a family to subdivide a tract as long as it was over 5 acres....would these covenants stop that situation from occurring? Mr. Overstreet responded yes, it was a legal contract to which the property owner was bound. Commissioner Clark questioned whether covenants had a shelf life, as she thought they were effective for 20 to 25 years. Mr. Cooperstreet responded this set of covenants was perpetual, with an initial term of 25 – 30 years, which would automatically renew unless a majority of the landowners voted to override them.

Mr. Palma stated Mr. Hickman made a good point, and it was a good idea to add the note to the plat. He again requested removal of the DEQ study requirement condition, and agreed to add the plat notation as mentioned. Commissioner Moffett asked if the plat notation would be condition 6. Mr. Palma said he was requesting condition 4 be stricken, then add the plat notation as a condition – which would result in a total of 5 conditions. He suggested rewording condition 4 to add “OR lots shall be restricted from further subdivision”. Commissioner Clark asked, what was the issue with obtaining the study – the cost or results of the study. Mr. Hansen responded he was not worried about the results; it was the cost of around \$20,000 for the study.

Commissioner Clark asked whether the note could be required on the plat. Ms. Vetter responded nothing precluded the notation on the plat. She suggested language for condition 4 could be modified as Mr. Palma suggested.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Moffett referred to condition 5, stating the cistern easement and installation was also requested on the 2nd filing, but the Board of County Commissioners decided differently on the requirement. He believed the conditions should remain and to leave the final determination to the Board. He had no objection to the proposed modified language for condition 4, as most of today's discussion was looking toward the future, and the Planning Commission should continue to be stewards for good development in Laramie County.

Commissioner Caughey stated the addition of the plat notation was important, since property owners change and property could be sold to someone else with different ideas about lot size. He agreed that there needed to be consistency with requirements and conditions for future reference.

Commissioner Clark suggested the rewording of condition 5 and the addition of dedicated land for a future fire station. Commissioner Macy moved to recommend approval with conditions 1, 2, 3 and 4, as amended – with the elimination of condition 5. There was no second, the motion failed.

Commissioner Moffett moved to recommend approval with conditions 1 through 5, as amended. Commissioner Caughey seconded the motion, and with a vote of 2 – 2, the motion was denied.

There was a discussion regarding further subdivision, and clarification was provided that future family subdivision exemptions are not allowed on platted property.

Commissioner Moffett moved to recommend approval with conditions 1 through 5, as amended. Commissioner Caughey seconded the motion, and the motion passed with a vote of 3 - 1.

The meeting was adjourned at 4:58 p.m.