

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

Thursday, August 23, 2018

180823 00 The Laramie County Planning Commission met in regular session on Thursday, August 23, 2018, at 3:30 p.m.

The members in attendance were: Chairwoman Jody Clark, Planning Commissioner; Joe Patterson, Planning Commissioner; Jason Caughey, Planning Commissioner; Bert Macy, Planning Commissioner; Dave Bumann, Public Works Director; Brad Emmons Planning Director; Nancy Trimble, Associate Planner; Seth Frentheway, Associate Planner; Bryan Nicholas, Associate Planner.

The meeting registrar was signed by: Casey Swallow, 2214 S. Ave B-6, Cheyenne, WY 82007; Teffany Bulgin, 2214 S. Ave B-6, Cheyenne, WY 82007; Emily Mesteth, 2214 S. Ave B-6, Cheyenne, WY 82007; Avery B., 2214 S. Ave B-6, Cheyenne, WY 82007; Alina Swallow, 2214 S. Ave B-6, Cheyenne, WY 82007; Laveyah Swallow, 2214 S. Ave B-6, Cheyenne, WY 82007; Ann Shellhart, 503 Chimney Rock Loop, Granite Canon, WY 82059; Alex Shubert, 496 Harriman Road, Granite Canon, WY 82059; Jeanette Daly, 205 Alta Vista Road, Granite Canon, WY 82059; Peggy Gray, 209 Alta Vista Road, Granite Canon, WY 82059; Lew Gray, 209 Alta Vista Road, Granite Canon, WY 82059; Janet Fugate, 323 Road 102, Granite Canon, WY 82059; Olga Michnick, 543 Chimney Rock Loop, Granite Canon, WY 82059; Bonnie Lindenfeld, 584 Road 102, Granite Canon, WY 52059; Anne White, P.O. Box 21306, Cheyenne, WY 82003; Eleanor Prince, 468 Road 102, Granite Canon, WY 82059; Pat Newbern, 604 Road 103, Granite Canon, WY 82059; Marianne Shanor, Hathaway & Kunz, 2515 Warren Ave., Suite 500, Cheyenne, WY 82001; Chuck and Vickie Engbretson, 151 Buffalo Horn Road, Granite Canon, WY 82059; Maeke and Fritz Ermarth, 714 East Gopp Ct., Cheyenne, WY 82007; Leigh and Mike Miller, 611 Louise Ln., Granite Canon, WY 82059; Robin Jones, 122 West 17th Street, Cheyenne, WY 82001; Brian Goodnough, 122 West 17th Street, Cheyenne, WY 82001; Robbie Wensky, 4022 Snyder Ave., Cheyenne, WY 82001; Cynthia Nodich, 197 Alta Vista Road, Granite Canon, WY 82059; Joe Nodich, 197 Alta Vista Road, Granite Canon, WY 82059; Kent Ewing, 199 Alta Vista Road, Granite Canon, WY 82059; Joyce Ewing, 199 Alta Vista Road, Granite Canon, WY 82059; Laura Freimuth, 5408 Christensen Road, Cheyenne, WY 82009; Ken Freimuth 5408 Christensen Road, Cheyenne, WY 82009; Paul Kapp, 29 Road 202, Granite Canon, WY 82059; Debbie Hunter, 720 Rodeo Ave., Cheyenne, WY 82009; Rose and Joe Moore, 208 Alta Vista Road, Cheyenne, WY, 82059; Paul Pomeroy, Fire Chief LCFD #10, Sarah and John Walker, 498 Harriman Road, Granite Canon, WY 82059, Michael Bernhoft, 270 Road 102, Granite Canon, WY 82059; Seth Lloyd, 2101 O'Neil Ave., Cheyenne, WY 82001; Stephen Skokowski, 6328 Bison Run Loop, Cheyenne, WY 82009; Louise Waters of Cheyenne, WY; Mike Wales; Aaron Grisson, 7316 Beckle Road, Cheyenne, WY 82009; Glen and Dolores Crock, 3422 Warren Ave., Cheyenne, WY 82001; Stanley Beckle, 7519 Beckle Road, Cheyenne, WY 82003; Lori Michael, 87 Jasper Lake Road, Loveland, CO 80539; Timothy Romig, Wyoming Highway Patrol; Edwin and Debra Aguirre, Box 125 Granite Canon, WY 82059; Donna and Eric Crock, 6692 Buckskin Trail, Cheyenne, WY 82009; Jim McBride, 116 Road 102, Granite Canon, WY 82059; Arlen Fletcher, 587 Chimney Rock Loop, Granite Canon, WY 82059; Betsey and Bill Nickerson, 200 Alta Vista, Granite Canon, WY 82059; Bill Newbern, 604 Road 103, Granite Canon, WY 82059; Carolyn Rowe, 3806 Dey Ave, Cheyenne, WY 82001.

01 Public hearing to provide an update on the Site Plan for Lone Tree Creek Quarry, located on a

portion of Sections 13, 23, and 24, T.13N., R.70W., of the 6th P.M., Laramie County WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. A recommendation to the Planning Commission was given to re-set a future date in order for the required Planning Commissioners to reconvene and vote for the approval or denial of the Site Plan Application.

The Applicant and the Planning Commission held a discussion to set a date, the applicant and Commissioner Clark agreed upon October 3rd, 2018 as an appropriate date to make a vote on the application.

Commissioner Clark asked for a motion, Commissioner Caughey motioned to approve the date for the hearing, Commissioner Patterson seconded, and the motion passed (4-0).

02 Review and action on a Zone Change from A2 - Agricultural to AR Agricultural Residential for Destin Heights, located in a portion of Section 24, T.14N., R.66W., of the 6th P.M. Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC, was introduced to provide testimony.

Mr. Palma stated he would provide further background on the property during the discussion regarding the Preliminary Development Plan application that was filed concurrently with the Zone Change. He stated that the subdivision would be enabled by the zone change which was consistent with the surrounding areas, and was a reasonable request.

Commissioner Macy asked Mr. Palma if Tract 21 would be included in the plat, Mr. Palma stated he would address that during the Preliminary Development Plan discussion, but the owner was having discussions with High West regarding purchasing a portion of that land. The discussions have not been finalized, making it a possibility that Tract 21 would not be included on the Plat.

Mr. Palma continued stating that in relation to the Zone Change, with the support of the Planning Staff, Tract 21 could be taken off the Plat and not have any affect due to it being designated as open space. If the Tract would be added at a later date it wouldn't need to be zoned because of the open space designation, and if the Planning Commission wants to put it as a condition/recommendation to remove Tract 21 he would be agreeable to it.

County Planner provided a staff report for the Zone Change, then proceeded to provide a staff report for the Preliminary Development Plan which was filed concurrently and dependent on an approval of the Zone Change. The County Planner recommended approval of the Zone Change with no conditions, and provided six recommendations to the Planning Commission for the Preliminary Development Plan.

Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked.

Commissioner Clark opened the hearing to the public, to allow for public comment. Mr. Palma re-stated that he agreed with all of the proposed recommendations, and that although the Fire District providing services did not provide comments, the layout allowed for appropriate turning radiuses per Appendix D of the International Fire Code, and if the Planning Commission wanted to add a recommendation regarding the removal of the land under High West ownership, he would be amendable to that recommendation.

Laura Freimath of 5408 Christensen Road, stated she moved in five years ago with the intention of moving her ailing mother in a mobile home in the back portion of her property, but couldn't because it was a ten-acre lot. When she saw the plat showing five acre lots, she expressed concerns of water supply. The County Planner stated there will need to be a DEQ study provided when a plat is submitted or approved, and that five acres is the recommended size for the area. Ms. Freimath inquired about the green space after consulting a lawyer, who according to her stated that green spaces needed to have "equal-out", or equal green spaces for each lot, and if there was enough green space. County Planner responded that the open space shown on the Preliminary Development Plan was adequate in size. Ms. Freimath further asked for clarification if the open space (Tract 21) owned by High West was large enough, again referring to her discussion with a lawyer. County Planner asked for Mr. Palma to provide a response. Mr. Palma stated the area did not require an open space, but all open space would be available to the surrounding property owners. He further stated that if High West did deed the land over to the development, all home owners within the property would have equal ownership. An attending citizen starting asking questions from Mr. Palma, Commissioner Clark requested the citizen come to the microphone.

James Wales of 5848 Christensen Road, came to the microphone to ask for clarification of which lot would be deleted in order to go from 20 lots to 19 lots. Mr. Palma stated that he originally misunderstood the question, and clarified that all of the lots would increase in size if the other lots were removed. Mr. Wales asked if a plat showing the version with fewer lots has been reviewed, but might be getting ahead of the development due to the required Zone Change. Commissioner Caughey responded no it has not, due to the fact that Mr. Palma is seeking a Zone Change with a Preliminary Development Plan, which is a working document which allows issues to be addressed before formal submittal of a plat. Stephen Skokowski, of 6328 Bison Run Loop, asked the Planning Commission that if the roads are to be gravel, but dedicated to the public, who is in charge of maintaining the roads. He stated that the County periodically comes out and re-grades the road, and asked how that works if the roads are privately maintained. County Planner responded that within subdivisions typically the HOA would handle maintenance. Mr. Skokowski again asked that the County would not maintain the road, County Planner responded yes. Commissioner Clark stated that the roads need to be built to County specifications, but aren't required to maintain them. Mr. Skokowski described a situation of a snow storm with 2 feet of snow, it would be up to the home owners to bring in someone to clear the roads. Commissioner Clark responded that the HOA would handle that situation. County Planner stated that a maintenance plan would be submitted to the County, and all of the details would be addressed during the plat process, but the HOA would need to meet certain minimum requirements at the time of plat approval. Mr. Skokowski asked then if the HOA would need to meet with the County in order to do so. County Planner clarified that a change in procedures removed the responsibility of the County to maintain roads and transferred those responsibilities to the HOA/land owners. Dave Bumann, Public Works Director stated that since 2002, no new subdivisions would be under the jurisdiction of Public Works, but did need to meet County specifications, and ultimately would be maintained by the HOA. Mr. Skokowski stated he bought his home in 1998 and then asked if that meant his subdivision fell under the old maintenance procedures, Mr. Bumann responded yes. Mr. Bumann stated there are examples of subdivisions in near proximity that are under the new and old procedures. Mr. Skokowski asked if the home owners have the option to pay the County to maintain the roads, Mr. Bumann responded no, and that they have around 1,100 miles of road to maintain. Ken Freimath, of 5408 Christensen Road, asked the Planning Commission what type of fence would be constructed to prevent trespassing on their property. Mr. Palma responded no decision has been made at this time, but did say he would convey that issue to the current land owner. Mr. Freimath asked if there was an architectural rendering of the type of homes that would be built. Mr. Palma responded no, but there will be covenants governing the aesthetics. A question was asked what would be the price value of the homes, Commissioner Clark responded that information would not be brought to them. Mr. Skokowski asked if the Planning Commission would approve the Covenants, Commissioners responded no. Mr. Skokowski asked if that

information would be available for review when the land is up for sale. County Planner stated that HOA/Covenants would be recorded but not through the County or through any land action. Mr. Skokowski asked if the County had any restrictions, or if double-wide trailers could be put on lots. Commissioner Caughey asked Mr. Palma if he could give a general description of what the developer wanted to build. Mr. Palma that all modular homes would have to put on permanent foundations, and re-stated that the development would closely reflect adjacent development already established. County Planner spoke on the fact that the questions and topic of discussion did not have any bearing on the Zone Change or Preliminary Development Plan, and that the purpose of the hearing was to view the Zone Change/Preliminary Development Plan under County Regulations/legislature.

Commissioner Clark asked if there was any additional public comment, no public comment was received, and public comment was closed. Commissioner Clark asked for a motion on the Zone Change. Commissioner Macy motioned to approved the Zone Change, Commissioner Caughey seconded, and the application was approved (4-0). Commissioner Clark asked for a motion on the Preliminary Development Plan, Commissioner Caughey motioned to approved the Preliminary Development Plan with conditions based discussion based on the Tracts with open space. Commissioner Caughey motioned to approved with the six conditions, with the exception of Tracts 7 and 21, and the application was approved (4-0).

03 Review and recommendations on the Preliminary Development Plan for Destin Heights, located in a portion of Section 24, T.14N., R.66W., of the 6th P.M. Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC, was introduced to provide testimony.

Mr. Palma stated he would provide further background on the property during the discussion regarding the Preliminary Development Plan application that was filed concurrently with the Zone Change. He stated that the subdivision would be enabled by the zone change which was consistent with the surrounding areas, and was a reasonable request.

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Mr. Palma continued stating that in relation to the Zone Change, with the support of the Planning Staff, Tract 21 could be taken off the Plat and not have any affect due to it being designated as open space. If the Tract would be added at a later date it wouldn't need to be zoned because of the open space designation, and if the Planning Commission wants to put it as a condition/recommendation to remove Tract 21 he would be agreeable to it.

County Planner provided a staff report for the Zone Change, then proceeded to provide a staff report for the Preliminary Development Plan which was filed concurrently and dependent on an approval of the Zone Change. The County Planner recommended approval of the Zone Change with no conditions, and provided six recommendations to the Planning Commission for the Preliminary Development Plan. Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked. Commissioner Clark opened the hearing to the public, to allow for public comment. Mr. Palma re-stated that he agreed with all of the proposed recommendations, and that although the Fire District providing services did not provide comments, the layout allowed for appropriate turning radiuses per Appendix D of the International Fire Code, and if the Planning Commission wanted to add a recommendation regarding the removal of the land under High West ownership, he would be amendable to that

recommendation. Laura Freimath of 5408 Christensen Road, stated she moved in five years ago with the intention of moving her ailing mother in a mobile home in the back portion of her property, but couldn't because it was a ten-acre lot. When she saw the plat showing five acre lots, she expressed concerns of water supply. The County Planner stated there will need to be a DEQ study provided when a plat is submitted or approved, and that five acres is the recommended size for the area. Ms. Freimath inquired about the green space after consulting a lawyer, who according to her stated that green spaces needed to have "equal-out", or equal green spaces for each lot, and if there was enough green space. County Planner responded that the open space shown on the Preliminary Development Plan was adequate in size. Ms. Freimath further asked for clarification if the open space (Tract 21) owned by High West was large enough, again referring to her discussion with a lawyer. County Planner asked for Mr. Palma to provide a response. Mr. Palma stated the area did not require an open space, but all open space would be available to the surrounding property owners. He further stated that if High West did deed the land over to the development, all home owners within the property would have equal ownership. An attending citizen starting asking questions from Mr. Palma, Commissioner Clark requested the citizen come to the microphone. James Wales of 5848 Christensen Road, came to the microphone to ask for clarification of which lot would be deleted in order to go from 20 lots to 19 lots. Mr. Palma stated that he originally misunderstood the question, and clarified that all of the lots would increase in size if the other lots were removed. Mr. Wales asked if a plat showing the version with fewer lots has been reviewed, but might be getting ahead of the development due to the required Zone Change. Commissioner Caughey responded no it has not, due to the fact that Mr. Palma is seeking a Zone Change with a Preliminary Development Plan, which is a working document which allows issues to be addressed before formal submittal of a plat. Stephen Skokowski, of 6328 Bison Run Loop, asked the Planning Commission that if the roads are to be gravel, but dedicated to the public, who is in charge of maintaining the roads. He stated that the County periodically comes out and re-grades the road, and asked how that works if the roads are privately maintained. County Planner responded that within subdivisions typically the HOA would handle maintenance. Mr. Skokowski again asked that the County would not maintain the road, County Planner responded yes. Commissioner Clark stated that the roads need to be built to County specifications, but aren't required to maintain them. Mr. Skokowski described a situation of a snow storm with 2 feet of snow, it would be up to the home owners to bring in someone to clear the roads. Commissioner Clark responded that the HOA would handle that situation. County Planner stated that a maintenance plan would be submitted to the County, and all of the details would be addressed during the plat process, but the HOA would need to meet certain minimum requirements at the time of plat approval. Mr. Skokowski asked then if the HOA would need to meet with the County in order to do so. County Planner clarified that a change in procedures removed the responsibility of the County to maintain roads and transferred those responsibilities to the HOA/land owners. Dave Bumann, Public Works Director stated that since 2002, no new subdivisions would be under the jurisdiction of Public Works, but did need to meet County specifications, and ultimately would be maintained by the HOA. Mr. Skokowski stated he bought his home in 1998 and then asked if that meant his subdivision fell under the old maintenance procedures, Mr. Bumann responded yes. Mr. Bumann stated there are examples of subdivisions in near proximity that are under the new and old procedures. Mr. Skokowski asked if the home owners have the option to pay the County to maintain the roads, Mr. Bumann responded no, and that they have around 1,100 miles of road to maintain. Ken Freimath, of 5408 Christensen Road, asked the Planning Commission what type of fence would be constructed to prevent trespassing on their property. Mr. Palma responded no decision has been made at this time, but did say he would convey that issue to the current land owner. Mr. Freimath asked if there was an architectural rendering of the type of homes that would be built. Mr. Palma responded no, but there will be covenants governing the aesthetics. A question was asked what would be the price value of the homes, Commissioner Clark responded that information would not be brought to them. Mr. Skokowski asked if the Planning Commission would approve the Covenants, Commissioners responded no. Mr. Skokowski asked if that information would be available for review when the land is up for sale. County Planner stated

that HOA/Covenants would be recorded but not through the County or through any land action. Mr. Skokowski asked if the County had any restrictions, or if double-wide trailers could be put on lots. Commissioner Caughey asked Mr. Palma if he could give a general description of what the developer wanted to build. Mr. Palma that all modular homes would have to put on permanent foundations, and re-stated that the development would closely reflect adjacent development already established. County Planner spoke on the fact that the questions and topic of discussion did not have any bearing on the Zone Change or Preliminary Development Plan, and that the purpose of the hearing was to view the Zone Change/Preliminary Development Plan under County Regulations/legislature.

Commissioner Clark asked if there was any additional public comment, no public comment was received, and public comment was closed.

Commissioner Clark asked for a motion on the Zone Change. Commissioner Macy motioned to approved the Zone Change, Commissioner Caughey seconded, and the application was approved (4-0). Commissioner Clark asked for a motion on the Preliminary Development Plan, Commissioner Caughey motioned to approved the Preliminary Development Plan with conditions based discussion based on the Tracts with open space. Commissioner Caughey motioned to approved with the six conditions, with the exception of Tracts 7 and 21, and the application was approved (4-0).

04 Review and action on a Zone Change from Winchester Hills Planned Unit Development (PUD) to A2 - Agricultural for two parcels in a portion of Section 30, T.13N., R.66W., of the 6th P.M., Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC was introduced to provide testimony.

Mr. Palma introduced himself and provided information on the proposed Zone Change, stating the property was in the original Winchester Hills development and has never been developed. The requested A2 zone district would require a 20-acre minimum for any residential use, and the owner had no intentions of development. He noted that the owner was in attendance and available for questions from the Planning Commission.

County Planner provided a staff report, and recommended approval of the Zone Change.

Commissioner Clark opened the discussion between the Planning Commission and County Staff.

Commissioner Patterson asked Mr. Palma if there was a design for a turnaround on Red Hawk Rd/Remington Dr. for fire and emergency vehicles. Mr. Palma stated he did not receive any comments from the providing Fire District, but there were informal turn-arounds large enough for standard vehicles. Mr. Palma expressed that he felt it wasn't the land owner's responsibility to construct any turn-arounds. Commissioner Patterson asked if an easement could be created, and that the aerial of the map showed an existing turn-around but was cut off by a property line. Mr. Palma responded that he could ask the owner if they desired to do so. County Planner asked for clarification if the current property line was accurately shown, Commissioner Patterson responded that the property lines are cutting off the turn-arounds on Remington and Red Hawk. The land owner stated there were fences on the property lines currently, and the turn-arounds were already cut off. The land owner further stated that there was a turn around on Remington, but didn't know the reason for going further on Red Hawk because there was nowhere to go but there was enough space to turn around. Mr. Palma asked Commissioner Caughey if Troyer Drive would be considered a possible use of a turn-around in case an emergency vehicle need to do so. Commissioner Caughey responded that he wasn't at liberty to comment on the requirements for Fire District #2, but that the existing conditions did create a

dilemma. He further stated that changing the property wouldn't affect or benefit such an event, and that this was an existing condition. Commissioner Caughey did agree that if an emergency vehicle did reach the dead end it would indeed need to back up to Troyer Drive, and if the dead ends were constructed today they would need to meet current codes. Mr. Palma agreed with Commissioner Caughey, but stated it was an unfair imposition on the owners to require addressing the existing dead-ends through a Zone Change process from the current Zone District to the proposed Zone District. Mr. Palma said if any vehicle were traveling down the roads they would see the dead-ends before reaching the cross street and wouldn't continue unless there was a fire further down. He then re-stated that at this time he didn't see how they could address the issue at this time. Commissioner Patterson asked if an easement could be shown on the plat with the County later redeveloping the turn-arounds. County Planner spoke to the Planning Commission reminding them the discussion was regarding a Zone Change, and that such a request couldn't be forced on the applicant. Commissioner Clark asked for public comment, no public comment was received, and public comment was closed. Commissioner Clark asked for a motion on the Zone Change, Commissioner Patterson motioned to approve the Zone Change, Commissioner Macy seconded, and the application was approved (4-0).

05 Review and action on a Subdivision Permit and Plat for the Stafford-Davis Subdivision, a replat of a portion of Tract 62, Allison Tracts, 2nd Filing, Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC was introduced to provide testimony.

Mr. Palma introduced himself and provided information on the proposed Subdivision Permit and Plat. Mr. Palma stated the purpose of the application was to plat 1 lot and to re-align the property lines and uses between the owners of the properties. Mr. Stafford would be in complete ownership of the newly platted property, and the property was within one mile of the City limits which required being processed through the City as a Preliminary Plat per State Statute.

County Planner provided a staff report, and recommended approval of the Subdivision Permit & Plat.

Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked. Commissioner Clark opened the hearing to public comment, no public comments were received, and public comment was closed.

Commissioner Clark asked for a motion, Commissioner Macy motioned to approve the Subdivision Permit & Plat, Commissioner Caughey seconded and the application was approved (4-0).

06 Review and action of a Subdivision Permit and Plat for Stearns Subdivision, 2nd Filing, a replat of Stearns Subdivision, Revised Tracts 2 & 3, and Tract 4, Laramie County, WY. County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC was introduced to provide testimony.

Mr. Palma stated that the purpose of the application was a lot-line adjustment, with the three lots being in the original Stearns Subdivision just under 30 acres in size. The original property lines crossed through the existing owner's property, with the owners intending to reduce their ownership footprint, and convey the southern portion of the property correcting the encroachment. Mr. Palma proposed to move the property line south and then split the remaining two tracts evenly. This split created a lot size less than 10 acres gross, and the ability to further subdivide the property wasn't possible because of so. County Planner provided a staff

report, and recommended approval of the Subdivision Permit & Plat with one condition.

Commissioner Clark opened the discussion between the Planning Commission and County Staff, with no questions asked.

Commissioner Clark opened the hearing to public comment, no public comments were received, and public comment was closed.

Commissioner Clark asked for a motion, Commissioner Patterson motioned to approve the Subdivision Permit & Plat with one condition, Commissioner Macy seconded, and the application was approved (4-0).

07 Review and action of a Subdivision Permit and Plat for Lone Tree Ridge Estates, located in a portion of the N1/2, N1/2, Section 19, T.13N., R.69W., of the 6th P.M., Laramie County, WY.

County Planner introduced the project and purpose, provided background, and stated the pertinent regulations. The agent for the applicant, Casey Palma of Steil Surveying Services, LLC was introduced to provide testimony.

Mr. Palma stated the purpose of the application was to create a five lot subdivision on 35 acres, north of Willadsen Estates and west of Cheyenne. The proposed subdivision was similar in nature to Willadsen Estates in lot size, with individual water, septic, and single family use per lot. And the existing 80 easement would be preserved with the proposed subdivision.

County Planner provided a staff report, and recommended approval of the Subdivision Permit & Plat.

Commissioner Clark opened the discussion between the Planning Commission and County Staff. Commissioner Patterson asked Mr. Palma that since the lots would be accessed off of Jenny Lynn Road, would the 16' utility easement also be a drainage easement. Mr. Palma responded that had not been addressed, but it did make sense to do so due the water now crossing over Jenny Lynn Road. Commissioner Patterson stated the water drained on both side of the road. Mr. Palma stated he didn't see any reason why the easement could not also be a drainage easement, and he recommended the Planning Commission add it as a condition of approval.

Commissioner Clark opened the hearing to public comment. Alex Shubert, of 496 Harriman Road, stated that residential development is the right land use for the County and was supportive of the development. He further stated that the Comprehensive Plan supported the development and cited portions of the Comprehensive Plan that supported his statement. Mr. Shubert stated he wished to see the County grow in appropriate ways, and as long as the new residents could handle the existing conditions they could enjoy the area. He also recommended to the Planning Commission that they visit the area or reach out to the members of the community in the future before making decisions. Karin Shubert, of 496 Harriman Road, which she states her residence is directly west of the proposed subdivision, described mixed feelings when she heard of the proposed subdivision. She said that she wanted the application postponed, and she was speaking as a private citizen and not as a representative of DEQ. When the DEQ reviews applications they look at the regional air quality and not the local affects. The community of the area came to have discussions with DEQ about monitoring the air quality between a quarry and the proposed development, saying the DEQ responded they couldn't because it was a local air quality issue and leave it to the local entities to handle it. She continued to state that meant local areas could have air pollution higher than federal standards, but if the regional air quality does not decrease then the local pollution is allowed to exist. When she heard of a subdivision being proposed next to a proposed quarry, if the quarry wasn't approved then she could support the subdivision, and if the quarry was approved then she

couldn't support it due it being close to a higher density residential development, creating health hazards. She didn't think it was smart having the two uses close together, and recommended that the Planning Commission postpone approving any subdivision until a decision on the quarry was made. County Planner stated that the other land use actions shouldn't influence this application, or the decision of the proposed subdivision by the Planning Commission. Meake Ermarth, of 714 East Gopp Ct., stated she owned 129 acres in the Granite Canon area and would be next to a proposed quarry, and across the street from the proposed subdivision. She expressed she was worried if the subdivision gets approved and houses were built, she would feel badly if people were adversely affected if the quarry is approved. But said that it wasn't the issue today, and based on the Comprehensive Plan the proposed subdivision had more right to go in the location than the other proposed actions, and it was up to others to make a decision to allow something that is already on compliance with what has been there for years. And it was logical to her that there would be more consideration of the quarry because more people would be at risk. She further stated there was a residential need and interest for the area, and there was potential for growth. Casey Palma, agent for the applicant, stated he echoed the galleries comments and would reinforce their comments saying there was interest from clients, surveying possibilities, and the potential for development. He stated there were fewer places like the area. He said he instructed all of his clients that live in the area of the pending application of the quarry, and the historic low water levels, saying people buying lots should know what they were getting into. Mr. Palma further stated that he advises all his clients wanting to sell or subdivide land, of what they would be facing from other proposed actions if they did so. An un-introduced citizen spoke on the matter of water stating if houses were built, 2000 gallons a day was a lot less than 6,000 gallons a day that a quarry would use in addition to polluting the area. Steve Walters, of 363 Arbor Lane, also an owner of a tract east of the proposed subdivision, asked if new covenants would match existing covenants. Commissioner Clark responded that they do not address covenants, and if covenants are filed they were public record. She asked for clarification from the County Planner. County Planner clarified they would be in public record. Commissioner Clark closed public comment, and asked for a motion. Commissioner Caughey motioned to approve the Subdivision Permit & Plat, and added a condition requesting adding a drainage easement to Jenny Lynn Road, Commissioner Patterson seconded and the application was approved (4-0).

The public hearing was closed.