

PLATTE COUNTY
PLANNING AND ZONING
SEPTEMBER 9, 2009

Chairman Marty Shepard called the Platte County Planning and Zoning Commission regular meeting to order at 7:00 P.M. Commission members present were Bill Klein, Sherry Maston, Bob Brockman and Dan Offe. Also present were Dan Kirkbride and Tim Millikin, Commissioners, Eric Jones, County Attorney, Kenneth Kennedy, County Engineer, Jim Lockman, County Road and Bridge Superintendent, Jane Carlson, County EMS Coordinator, Steve Keigley, County Sheriff and Dennis Becker, Clerk to the Planning Commission.

The Commission reviewed the minutes from the July, 2009 meeting. Commission member Brockman made a motion to accept the minutes from that meeting. Commission member Klein seconded the motion and it carried.

New Business:

Item #1: Commission member Maston made a motion to dispense with reading the staff report in its entirety and to read only the staff recommendations. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

County Planning Clerk Becker presented the conditions from the Special Permit to allow installation of an anemometer tower for wind monitoring in an Agricultural District from Iberdrola Renewables, applicant, and Valorie and Michael Heatherly, titleholders.

1. That a Zoning Certificate application be submitted, with fee based upon cost of the structure;
2. That an anemometer unused as an active facility for a period exceeding one hundred eighty (180) consecutive days, or fallen into disrepair be required to be removed;
3. That the guy wires be made highly visible;
4. That the facility be constructed to all State and Federal standards and that the facility continually maintain compliance with all State and Federal agencies;
5. That this approval be voided if the anemometer is not constructed within two years;
and,
6. That GPS coordinates for the anemometer location be provided to the Planning Office.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Chris Bergen, Business Developer, introduced himself and stated he was here representing Iberdrola Renewables and to answer any questions for the Commission.

Hearing no Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Special Permit to allow installation of an anemometer tower for wind monitoring in an Agricultural District with the six (6) staff recommendations in the Staff Report. Commission member Maston seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #2: Commission member Maston made a motion to dispense with reading the staff report in its entirety and to read only the staff recommendations. Commission member Offe seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

County Planning Clerk Becker presented the conditions from the Special Permit to allow installation of anemometer towers for wind monitoring in an Agricultural District from Iberdrola Renewables, applicant, and the Braunschweig Family Limited Partnership and Rodger and Lindy Schroeder, titleholders.

1. That a Zoning Certificate application be submitted, with fee based upon cost of the structure;
2. That an anemometer unused as an active facility for a period exceeding one hundred eighty (180) consecutive days, or fallen into disrepair be required to be removed;
3. That the guy wires be made highly visible;
4. That the facility be constructed to all State and Federal standards and that the facility continually maintain compliance with all State and Federal agencies;
5. That this approval be voided if the anemometer is not constructed within two years;
and,
6. That GPS coordinates for the anemometer location be provided to the Planning Office.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Chris Bergen told the Commission he understood the conditions and had no problem with them.

Hearing no Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Special Permit to allow installation of anemometer towers for wind monitoring in an Agricultural District with the six (6) staff recommendations in the Staff Report. Commission member Offe seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #3: Commission member Maston made a motion to dispense with reading the staff report in its entirety and to read only the staff recommendations. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

County Planner Clerk Becker presented the conditions from the Special Permit to allow installation of a communications tower in an Agricultural District from Alltel Communications, LLC, applicant, and Wyoming State Military Department, titleholders.

1. That the applicant submits address and Zoning Certificate applications for the new facility prior to construction or initiation of the use;
2. That a copy of the contract with the landowner be submitted to verify responsibility of the company to remove unused structures and to reclaim the site prior to issuance of a Zoning Certificate for the structure;
3. That the tower be located a minimum distance of 110 percent of its height from the nearest property line unless the Board chooses to allow a lesser setback;
4. That a tower unused as a telecommunication facility for a period exceeding one hundred eighty (180) consecutive days, or fallen into disrepair be required to be removed;
5. That GPS coordinates for the communications tower be provided to the Planning Office.
6. That the facility be constructed to all State and Federal standards and that the facility continually maintain compliance with all State and Federal agencies;
7. That copies of all necessary easements for the new facility be provided to the Planning Office prior to construction or initiation of the use; and
8. That this be reviewed every five (5) years and that Alltel submit a maintenance report prior to that review.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Casey Glenn, Site Acquisition Manager, introduced himself and stated he was here representing Alltel Communications, LLC. He stated he understands the conditions and has no problems with them except for condition #3, "That the tower be located a minimum distance of 110 percent of its height from the nearest property line unless the Board chooses to allow a lesser setback". He explained that the tower is a repeater tower and will boost the signal from Guernsey to the north and to the south and the tower is placed in the only location they could use; they even tried to co-locate with an existing tower. They have met the 110 percent setback on all sides except on the east side. The tower will be 65 feet from the gravel road. He indicated the placement on the map to the Board.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Maston moved to recommend do pass for the Special Permit to allow installation of a communications tower in an Agricultural District with the eight (8) staff recommendations in the Staff Report and amending condition #3 to read "that the tower be located a minimum distance of 65 feet from the nearest

property line.” Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #4: Commission member Maston made a motion to dispense with reading the staff report in its entirety and to read only the staff recommendations. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

County Planner Clerk Becker presented the conditions from the Simple Subdivision Request to subdivide one parcel into two parcels in an Agricultural District from Jeffrey and Susan Fien, applicants and titleholders.

1. That two (2) parcels of five (5) acres each be created;
2. That a proposed subdivision name be submitted for review and approval prior to filing of a plat;
3. That a plat of the subdivision be filed within one (1) year of approval;
4. That the necessary disclosure statements appear on the plat and all other pertinent documents.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Jim Greer, Western Surveys, Inc., introduced himself as the representative for the applicants. He explained there is currently a residence and outbuilding on each proposed parcel and the applicant wishes to do a simple subdivision in order to be able to sell either one or both at some future date. He added that they understand and agree to the conditions. Commission member Maston clarified that both residences share a well and will continue to share and that septic is in place. Commission member Klein inquired about easements to Sybille Creek Road. Jim Greer stated a note would be on the plat indicating each will use the existing road.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Simple Subdivision Request to subdivide one parcel into two parcels in an Agricultural District with the four (4) staff recommendations in the Staff Report. Commission member Maston seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #5: Commission member Maston made a motion to dispense with reading the staff report in its entirety and to read only the staff recommendations. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

County Planner Clerk Becker presented the conditions for the Special Permit to allow a second residence as a caretaker’s home and to temporarily allow that manufactured home as a non-inhabitable structure in an Agricultural District from Bud Fischer, applicant and titleholder.

1. That the two older mobile homes be removed prior to placement of the modular;
2. That the Zoning Certificate to allow placement of the modular state that it be allowed as a non-inhabitable structure only;
3. That placement of the modular will be comparable to the applicant's own home and that of the recently permitted storage building on his neighbor's property.
4. That when all State and County flood plain requirements are met the applicant apply for a Zoning Certificate to allow the structure's status to be changed to habitable and to allow for placement on the lower level of the property;
5. That any work done on the wastewater disposal system require State approval;
6. That after the modular becomes a habitable structure an address application be submitted per standard County policies; and,
7. That this permit be reviewed in six (6) months to determine the applicant's progress in meeting the required flood plain standards.

Chairman Shepard opened the floor to public comment.

Hearing no comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion. Mr. Fischer told the Board that the two older mobile homes have been removed from the property. He said that placement of the proposed modular will not be as indicated on the site map; it will be on the higher elevation.

Commission member Maston asked for an explanation of flood plain issues. County Attorney Jones addressed this issue and how it has the applicant caught in a federal regulation. He added there is a process with the state to provide information back to them and a variance can be issued. He said there is no county regulation that speaks to flood plain issues.

County Engineer Kennedy said he does not believe the upper level is in the flood plain as the highway to the park is lower and would act as a spillway; however, he thinks that the lower level is in the flood plain.

Commission member Brockman stated that in order for Platte County residents to be eligible to purchase flood plain insurance from the Federal government the county had to participate.

Chairman Shepard asked the applicant if he understood and agreed with the conditions. Mr. Fischer said he did; however, he would prefer to place the modular on the lower elevation, perhaps using pylons or building a garage beneath it.

Commission member Maston said if the applicant is comfortable building in the floodplain without insurance and understands the loss is his perhaps condition #4 could be deleted. The applicant said he would accept that responsibility. Commission member Offe said if we delete condition #4 we must also delete condition #7.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Offe moved to recommend do pass for the Special Permit to allow a second residence as a caretaker's home

and to temporarily allow that manufactured home as a non-inhabitable structure in an Agricultural District deleting conditions #4 and #7 and allowing the remaining five (5) staff recommendations in the Staff Report. Commission member Brockman seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote and the motion carried.

Item #6: County Planner Clerk Becker presented a Special Permit to subdivide property in an Agricultural District from BWJ, Ltd., Justin Joyner, President, applicant and titleholder.

The applicant currently owns thirty (30) thirty-five (35) acre parcels and wishes to create fifty-two (52) parcels each consisting of twenty-plus (20+) acres.

The property is bordered by Agricultural District on all sides and is grassland and livestock pasture. There appear to be three (3) or four (4) residences within approximately one (1) to two (2) miles of the site.

The property is near State Land, including Wyoming Military Department land.

The properties would be served by individual wells and on-site wastewater disposal systems.

ADVANTAGES: Clustering lots like this in one subdivision is typically preferable to scattering them across a larger acreage as more farm and ranch ground can be affected by those haphazard subdivisions. There are fewer interfaces of residential and agricultural uses, there are fewer approaches onto primary roads and the County has more input on drainage issues and other matters.

There seems to be an increasing need for residential developments that include space for a few animals. The proximity of Glendo State Park makes this site desirable.

Emigrant Hill Road runs through the west side of this property and connects to Patten Creek Road which crosses the northern portion providing access to Glendo Park Road on the west and Highway 270 on the east.

DISADVANTAGES: The overall density of wells and wastewater systems can create potential for problems, dependent upon the soils, the geology and the hydrology.

The National Guard training area is in close proximity of this property.

The juxtaposition of residential uses and agricultural uses can create compatibility issues. Neighboring property owners have expressed objection to this proposal. Copies of those letters are enclosed.

AGENCY COMMENTS: Platte County Resource Conservation District has submitted comments noting that there may be some suitability limitations involved with some soil types associated with dwellings, erosion hazard of natural surface roads and construction sites, unpaved road construction and sewage disposal. (Please call this office if you would like a copy of the Resource District report.)

The Wyoming Game and Fish Department has expressed multiple concerns with this proposal including habitat loss and human/wildlife conflicts. This agency suggests maintaining the already approved 35-acre parcel size. (Copy enclosed.)

The State Engineer's Office has submitted comments noting that they are generally supportive of approving the development of the proposed subdivision at this time. (Copy enclosed.)

The Wyoming Department of Transportation has noted that they have some serious concerns regarding the proposed subdivision that include increased traffic on the Glendo State Park Road negatively affecting roadway surface quality and the traffic mix with recreational boat/RV type vehicles on a narrow, crooked road which will present some safety concerns. They also site a demand for more snow removal. (Copy enclosed.)

The Department of Environmental Quality findings include a non-adverse recommendation as to the safety and adequacy of the proposed sewage system. They comment that adequate information has not been provided to determine the adequacy of the water supply and therefore an adverse recommendation must be issued for the proposed water system. Before a non-adverse recommendation can be issued there must be one or more wells completed and tested within the limits of the subdivision. As a rule a test well must be established into each aquifer that is proposed at the primary source of water for one or more lots. The test well should be located on the lot where the most difficult conditions are estimated to occur based on available geological information. (Copy enclosed.)

Platte County Emergency Management Services comments include 911 issues, law enforcement concerns and fire concerns. (Copy enclosed.) Some of these issues, i.e., addresses not properly displayed or incorrect, lack of good roads, roads closed due to snow and adequate interior roads, animal complaints, locked gates and fencing issues and lack of water are addressed by the applicant within the proposed covenants and the road maintenance association.

The County Engineer comments that he understood the change to Emigrant Hill Road was to be constructed totally on the applicant's land and it appears that part of the road falls across the property line. It appears that the drainage structures are undersized and not long enough in relation to the constructed top of road width, which is an unsafe condition. Travel way of the road is considerably wider on either side of the drainage pipes and narrows over the pipes. He would expect this to be corrected in the near future.

He further recommends that the plat be revised so that the entire change of the Emigrant Hill Road be shown as to be constructed on the applicant's land and if the Subdivision is approved that Emigrant Hill Road, as it is now described, will be abandoned from the south boundary of the proposed subdivision to its junction with the Patten Creek Road. Also to revise that plat that the Patten Creek Road is shown as to be constructed on the applicants land and if the subdivision is approved the Patten Creek Road, as it is now described, would be abandoned from the east boundary of the proposed subdivision to its north boundary. (Copy enclosed.)

Nothing in writing has been received from the Wyoming Military Department at the time of this report. The proposed subdivision is in close proximity of Guard property where they conduct live ammunition training.

Nothing in writing has been received from the State Historical Preservation Office at the time of this report. Consideration must be given to the significance of the numerous trail markers on the property.

No comments have been received from other agencies. Any comments received after this report has been prepared will be presented at the hearing.

OTHER COMMENTS: One neighboring property owner has written a letter expressing objection to this proposal citing concern that fifty-two (52) potential wells could dry up the natural spring and creek on their property rendering it worthless. (Copy enclosed.)

A second neighboring property owner's letter cites potential financial and physical impacts on their cow/calf ranch operation. Included in his concerns are dogs from residential areas invading his calving pasture; the difficulty of being able to continue the historic use along Patten Creek and Emigrant Hill Roads to trail cattle; the shortage of groundwater and the need for the developer to provide a water system capable of providing water to all the proposed lots with a well not tied hydro logically to the Box Elder and Cottonwood drainages; pollution to this aquifer from fifty-two (52) septic systems; and surface disturbance from increased traffic. As a firefighter, he also expresses concern he has experienced with developments having unmarked roads, no posted addresses, poorly constructed roads and no water sources for filling trucks. The applicant has responded to this letter. (Copies of both letters enclosed.)

A landowner in the area who saw the advertised sign posted on the proposed subdivision site called the office and expressed concern that wells on this many properties will reduce the available water and there won't be enough water for everyone. He said there is not much water in this area and if there were, previous land owners would have drilled wells long ago. He was also concerned about increased crime with the influx of people living in the area. He felt the impact on the environment and ecological system would be negative. He preferred having country roads and does not want to see roads oiled and paved. He pointed out that cell telephone service is limited at best and the telephone company will not put in any additional lines.

Another call was received from the owner of two of thirty-five (35) parcels expressing concern about more traffic and stress on the roads and concern about who will maintain the roads. He stated he purchased property in the area because it was somewhat secluded and the congestion from people and traffic will change that.

Any comments received after this report has been prepared will be presented at the hearing.

ANALYSIS: Subdivision approval is typically a matter of meeting subdivision requirements. The property is currently divided into thirty (30) thirty-five (35) acre tracts, so this request to make fifty-two (52) twenty (20) acre tracts represents an increase of twenty-two (22) lots. Platte County rules and regulations have no minimum lot size in Agricultural Zoning so no rezone is necessary. If further division of these existing thirty-five (35) acre lots prevents the next property from being divided then this could be viewed as representing a net gain.

Access to the property is adequate and the location is moderately convenient to the Town of Glendo. There appears to be adequate buildable area on all parcels.

The subdivision name will require approval by Jane Carlson/Emergency Management Coordinator. Road names must also be submitted for review and approval prior to submittal of a final plat.

Approval of this subdivision would require that the properties be accessed by right-of-ways a minimum of sixty-feet (60') in width. The roads should be constructed to a standard satisfactory to the County Engineer. An improvement guarantee for any roadway and drainage requirements will be required prior to any filing of an approved plat. Storm water drainage concerns must be adequately addressed. The County Engineer will review and approve any drainage plans and concerns.

The County Engineer has submitted special recommendations regarding the entire change of Emigrant Hill Road to be constructed on the applicant's land and to include abandonment of Emigrant Hill Road from the south boundary of the subdivision to its junction with Patten Creek Road and abandonment of Patten Creek Road from the east boundary of the proposed subdivision to its north boundary.

There are suitability limitations involved with some soil types associated with dwellings, erosion hazard of natural surface roads and construction sites, unpaved road construction and sewage disposal.

The proposed eighty to one hundred foot (80-100') easements for ingress/egress and public utilities and the fifteen foot (15') easement for public utilities parallel to all surveyed property lines proposed on the Record of Survey are adequate and sufficient as are the thirty foot (30') easements for public utilities along the outside perimeter boundaries.

The Wyoming Game & Fish concerns are duly noted, however, this office believes that promoting higher density subdivisions, when appropriate, might have less overall impact on wildlife in the long term. Not allowing subdivisions at all would not necessarily have less impact since exempt and simple subdivisions will still carve up the land.

Electrical service will be provided by Niobrara Electric Association. There is existing overhead electric to the west. County Subdivision Regulations require that all utility services be placed underground unless physically impractical; the service provider could petition the Board of Commissioners to allow above ground utilities.

Water supply and wastewater concerns are always important. Dahlgren Consulting, Inc. prepared an Engineering and Geology Report to determine the feasibility of on-site domestic waste water disposal systems and on-site individual wells. They report that several of the lots have site conditions that will limit the area and location where the leach field, house, and/or well can be constructed. Dahlgren Consulting concludes that considering all factors and their current understanding of the groundwater system in the vicinity of the Glendo Overlook Subdivision, they believe that their report shows that on-site wastewater systems are appropriate for the proposed subdivision. The Department of Environmental Quality findings include a non-adverse recommendation as to the safety and adequacy of the proposed sewage system.

Adequate information has not been provided to determine the adequacy of the water supply and therefore an adverse recommendation has been issued for the proposed water system. Before a non-adverse recommendation can be issued there must be one or more wells completed and tested within the limits of the subdivision. The developer has been addressing this issue and will report on this issue at the meeting.

If there are modifications to the preliminary plan that must be addressed and resolved, the matter can be continued by the applicant or by the County to allow sufficient time to propose and review any modifications of the preliminary plan, prior to review and possible approval of the final plat.

STAFF RECOMMENDATIONS: Because subdivision approval is typically a matter of meeting subdivision requirements, staff recommends that this preliminary plan for a Subdivision be approved with the following conditions:

1. That the drainage report be submitted and that the County Engineer review and give written approval of said plan;
2. That Emigrant Hill Road will not become a County maintained road;
3. That the State review adequacy of the water supply plan be submitted and include a non-adverse recommendation (or approval);
4. That any proposed roadway on this property be a right-of-way a minimum of sixty feet (60') in width;
5. That public utility easements be a minimum of ten feet (10') in width along all interior property lines;
6. That a public utility easement thirty feet (30') in width be created along the outside boundary (s) of perimeter properties;
7. That all sewer main easements be a minimum width of twenty feet (20');
8. That the electric service be installed underground unless the County approves a request to not require underground installation of electrical lines;
9. That an improvement guarantee be submitted with any final plat for road construction, drainage improvements, water lines, sewer lines, electrical lines and road signs;
10. That all roadways and drainage be constructed to a standard satisfactory to the County Engineer prior to sale of any parcel in any phase;
11. That road names be submitted for review and approval prior to submittal of a final plat;
12. That necessary disclosure statements appear on the final plat and all other pertinent documents;
and
13. That the Planning Commission add any other conditions that they might like to consider be recommended as requirements for this proposal

Chairman Shepard opened the floor to public comment. Justin Joyner, President, BWJ, Ltd., addressed the work he has done relocating portions of Emigrant Hill Road. He said if the county abandons part of that road, he would give easements which would release the county from any liability.

Bob Wittman, Rocky Mountain Timberlands, said that history shows that 52 lots, houses, wells and septic systems is not accurate. He said that in 13 years he has sold 150 tracts and 33 structures have been built

on them, or 22%. The reality is that there will probably be 11 or 12 homes in this subdivision. He added that many of the concerns he has been hearing are resolved by the covenants.

There was discussion and comment from those in attendance regarding congestion, road usage, water usage, being able to buy a piece of the American dream, the need for affordable smaller parcels, increased taxes and revenue, etc. Others spoke of the lack of services in the area, the liability to the county on the road system, access issues, four wheelers, etc.

Jim Lockman, Road & Bridge Superintendent, addressed the increased traffic and demands and pressure to gravel and repair roads.

Jane Carlson, Emergency Management Coordinator spoke about 911 issues, the county's policy for road names and signs, response issues and a recent fire department assessment for this area.

Justin Joyner responded that the proposed subdivision will have a road maintenance association in place. He told the Board that he finances the customer and when he sells on a 10 or 15 year contract he has an obligation to keep road repaired at least that long.

Dan Kirkbride referred to condition #9 regarding improvement guarantees and there was discussion to ensure it is as outlined in the subdivision regulations.

Sheriff Keigley talked about how growth increases the need for services from his department and problems they face in this area such as locked gates, fence issues and narrow roads. He also addressed the historical concerns and grave markers in this area. Justin Joyner replied that they have used historic easements to prevent building within 10 feet of a grave site.

County Engineer Ken Kennedy addressed road issues, particularly the changes to Emigrant Hill Road. He and Justin Joyner approached the Board and indicated on the map the road changes and discussed their concerns and possible resolutions.

Hearing no additional comments, Chairman Shepard closed public comment and brought the issue to the Board for discussion.

Chairman Shepard questioned how much more concern would an additional 12 families create than exists now and would the county be liable in the event of a disaster knowing that emergency services are limited. County Attorney Jones said buyers can be advised by requiring notes to that effect on the plat.

The Board discussed 911, fire and sheriff's department issues as well as road issues, potential flooding and electric service as well as the presence and activities of the military in the area.

The Board considered and discussed the conditions in the staff report after reviewing conditions on two previous subdivision requests to ensure that they were being consistent.

Hearing no further Board discussion, Chairman Shepard called for a motion. Commission member Brockman moved to recommend do pass for the Special Permit to subdivide property in an Agricultural District deleting condition #7; amending condition #8 to read, "That the electric service be installed *per the standards of the Niobrara REA*", amending condition # 9 to read, "That an improvement guarantee be submitted with any final plat for road construction, drainage improvements, water lines, sewer lines,

electrical lines and road signs *as required by Platte County subdivision regulations*”; amending condition #10 to read “That all roadways and drainage be constructed to a standard satisfactory to the County Engineer prior to sale of any parcel” and deleting condition #13. (The Staff Report now has a total of eleven (11) conditions.) Commission member Klein seconded the motion. Chairman Shepard called for discussion, there was none; he called for questions, there were none. Chairman Shepard called for the vote. Commission members Brockman, Klein and Shepard voted in favor and Commission members Maston and Offe voted against. The motion carried.

Discussion Item: County Attorney review of the Planning Commission Bylaws.

County Attorney Eric Jones advised the Commission that under the Wyoming Procedures Act the changes they made to the bylaws at the July meeting were to be posted for comment 45 days before acting. They did not meet the Wyoming APA requirements. He reviewed the bylaws with them and advised them to conduct an advertised workshop with the Board of Commissioners.

With no further public business Commission member Brockman made a motion to adjourn. Commission member Klein seconded the motion. Chairman Shepard called for discussion, there was none; question, there was none. Chairman Shepard then called for the vote and the motion carried. The meeting closed at 11:15 P.M.

Respectfully Submitted, Dennis Becker, Clerk to the Planning Commission