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SPEAKERS

Laramie County Planning Director Justin, Doug - KGAB, Rep. Steve Johnson



Doug - KGAB 00:00

On the county land use plan, just to set the table here. In case you haven't been following this, the Laramie County Commission on Tuesday at 330 scheduled to come up with a new land use plan that would regulate what people can do in the county, how they do it, and that sort of thing. At 1105, we had Julie form beyond she's a concerned citizen who has some concerns, and she's a citizen, so she's a concerned citizen, but anyway, she did have some concerns. And on this segment, I have Justin Arnold. He's the county planner. Justin, where would you like to start?



Laramie County Planning Director Justin 00:35

Well, good morning, Doug, it's good to be with you again. So I did kind of have an update as it relates to the regulations to provide to you today. Obviously wanted to address some of the concerns brought up by your previous guest, but I know you had mentioned earlier, just wanted to reiterate that we are going before the Laramie County Board of Commissioners for a final decision on Tuesday, 330 that's at 330 up on third floor of the old courthouse. Obviously want people to come and provide their two cents, but we'll kind of get into what we've done over the past several months to kind of get that two cents and make sure that we've incorporated a lot of those suggestions that we've got from the public into the regulation through public notice. So I think I'll kind of intertwine what I was going to present and then address some of the concerns that were brought up. First and foremost, Ms form B was absolutely correct in that the last two times we've had a board hearing on this, we have postponed it. The first time being is that there was a final review completed by the county engineer, and he had a flow chart contained within the regulations that needed a correction to it. So what out of, out of the interest of transparency and things like that, knowing that we've been going through this process for, you know, two and a half years now, putting it back two weeks when we made any changes, we did provide in a memo just some of the you know, reference type, language, minor changes that were made. But that was the reasoning behind the first postponement. The second time that we postponed, it was actually tied and related to the cell tower concerns that were brought up by Ms form B in the in the prior discussion. I want to know that what is

incorporated, what the proposal to incorporate into that regulation was strictly referencing federal code that says that you absolutely cannot take into consideration micro frequency waves when approving or denying of cell tower if you're a local jurisdiction. So your hands are tied there. Our hands are tied. That is codified. That's federal law. So what we did after that hearing the county attorney, we had some discussions, and she was talking about that appeals thing. So the appeals that were that were incorporated in were actually in the in it currently isn't in the regulation if, if the Board of County Commissioners or the planning commission deny something, there is no appeal to them. You appeal to the district court, and when you have to go to court, those are sometimes cumbersome costs and things along those lines that a lot of private citizens or small developers can't pay for. So what we said was, okay, let's say the board denies an application what it allows for the applicant to do and it's specifically the applicant who can appeal it, because a lot of the times when you're in a public hearing setting some things get brought up, or something gets brought up that you haven't thought about before, or you don't have the documentation there to alleviate the concerns brought up through the public hearing and say the Board of County Commissioners denies this. What it allows people to do, is it gives them seven business days to write a reconsideration request from the to the county clerk with the additional information that the commissioners might have requested at that hearing, or something that they might not have been able to address there. And they provide that information, it allows the county commissioners to look at that proposal and say, Okay, we've got some more information. We're going to give you the ability for us to rehear it. So what that does is allow them to forego having to pay those court costs if they can justify something that wasn't addressed in a public hearing. So it was just an additional tool for applicants, without making an appeal through the court process more cumbersome for them. So that was the idea behind that. But again, the cell tower stuff was strictly referencing federal code. I also want to address the public notice, because statute does require 45 day public notice in the paper of record, which I tend to agree nobody. Unfortunately, a lot of people don't read the the legal ads anymore. It's kind of outdated. It is outdated, and as a matter of fact, we moved from right now. She mentioned that people get notified their adjacent neighbors get notified. If there's a zone change or something along those lines. We do. Certified mailers to those directly adjacent neighbors currently, but that's \$5 and change. A lot of people don't go get their certified mailers. So they don't ever get that letter. They see a mailer and they think junk mail. They think it's where they see a certified mail, and they don't go to the post office and pick it up. So we said, how can we make it less cost effect or more cost effective for the applicant in provide information to more people. We said we're going to go out to 500 feet in the rural areas, 200 feet, 250 feet in the urbanized areas, and we're going to send those first class mail, because people open those but we expanded that buffer zone so more people get the notice. So that's kind of why we did that. I would note that at the front end of this, when we started these conversations back in November, and I'll note that I've we started with 6000 emails. So if you pulled a building permit or a zoning permit or anything along those lines, post 2008 you received an email with this information saying that we were doing this. We obviously put it out in November, we were doing weekly meetings at the Planning and Development Office, which were available virtually so that people can come in. I always have realtors and developers and things along those lines coming in. As a matter of fact, I had a couple Realtors from RE Max who were concerned about the regulations come in. A couple days ago, had a discussion, just like everybody else that I've visited with, and had an in depth conversation about what was there and what we're doing. They walked away understanding what we're doing and relatively happy with it.

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Doug - KGAB 06:27

And that's something I brought up with Julian. I'll bring it up with you. One of the problems with this, it's very complicated stuff. It's not something you can sit down read 15 minutes and say, I got it. Yeah, it's complicated. It's intricate, it's it's detailed, and it's not easy to grasp all this, is it

L Laramie County Planning Director Justin 06:42

well, and in there was some other other things you can't get around some of the legalese type language, then you get in some of these regulations, because a lot of it's boiler plate and, you know, reference from state statute. But I noted a couple interviews ago, and I think the last interview that we did that Michael surface is the one who wrote this. And, you know, I love our county attorney, I love our county engineer, but what we can all agree upon, and I can probably agree with Miss form beyond this front and that we don't want engineers nor attorneys writing our county regulations, nobody will know what it means,

D Doug - KGAB 07:17

good better, except for attorneys and engineers. So

L Laramie County Planning Director Justin 07:20

again, I kind of leaned on that pretty heavily in that I wanted planners in the local community, citizens, you know, me having lived here for the last 41 years, to to write this regulation that's more understandable. So I believe that, you know, yeah, it takes a little while to absorb it. I'm, you know, I still learn, you know, new things from the existing regulations from time to time, even though I've been enforcing them for the last 15 years.

D Doug - KGAB 07:45

But it's also helpful to look yourself, because rumors get around and 100% things get said that may not be accurate,

L Laramie County Planning Director Justin 07:52

absolutely and in that's kind of why I just try to come to all these type of events and make sure that I've provided my two cents. I want to note that in addition to those 6000 emails, I went I've done five radio interviews, social media interviews, we've held two presentations out at Archer, where we probably had 500 people. When someone says that I've talked to, you know, less than 1% of the people, I can tell you, I've probably talked to about 1000 in person, and we're looking at a constituency of about 2000 you had the emails on there, the social media, the radio, obviously the public notice. And I even went to unfort. I went to some of the ones that I wasn't even invited to, because, unfortunately, I knew that if the information that was disseminated at those places were to, you know, get more widespread that I would be having to backtrack even more. So I was showing up at the ones just so to let people know that there

is the other side of that coin. There is information out there. Don't believe me, go read it for yourself, and then, you know, come to your own conclusion. So that was kind of the whole process.

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Doug - KGAB 08:58

What sort of reception did you get? Were people friendly or were they hostile? Um,

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Laramie County Planning Director Justin 09:01

I think, I think when I went to the the one, there were about 160 people there, and as soon as everybody figured out who I was, you know, there were some choice comments made to me there. You know, there weren't very many people that were too, too receptive of me. And I knew that was the case. But what I said was, hey, here's the information. I brought pamphlets saying you don't have to believe me right now, do your own research, right? And then I let the process. I got a couple minutes, which I was grateful for, to be able to at least provide my two cents. But yeah, there was a lot of animosity towards me, but by the time I left, there was still some people that hadn't, you know, but they were at least open minded, right? And I can tell you that we went through all these processes, and we went from 300 people in a room to, I think it speaks to the project itself. At the last public hearing, we had one, you know, dissident public comment on the on the whole matter. So I think that speaks a lot to what our staff has done as far as community outreach, the impact. Act with the information we've got from the commissioners to kind of facilitate a process the way it's supposed to be done. Speaking

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Doug - KGAB 10:06

of public comment, you brought up something, and I think this is when we were chatting before going on there. I hope Julie form be mentioned that I think out of 247 comments, or something like that. And I could have the number wrong, the wrong number wrong. But you said there are only four positive comments. The others were overwhelmingly against that. But you had something. You told me something about that,

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Laramie County Planning Director Justin 10:26

yeah, you know, certainly this. Again, this all started back in November when, you know, the letter went out in that bad information got out community connections, you know, obviously you post some stuff on there that makes, you know, the governmental jurisdiction, you know, sound like they're doing something nefarious, and people kind of come out of the woodwork. Well, that all went out. I put out the public comment form on our website, and there's a pretty you can you can tell on the bell curve, we got a lot of comments and everything that was substantive, that provided an actual suggestion that would work and was feasible to incorporate into the regulation. We looked at them seriously. Me being called a communist, or, you know, some other thing that wasn't very friendly to the department or the regulation that was unsubstantive. We got a lot of those. But what I can say is, when the information initially went out, when the public outcry started, it was high. And I think there was actually, there's a little a few more than that now, so at the front end, yeah, as soon as I was able to start

speaking to the community, having these open houses, go into these presentations, going to these meetings, it fell off. The Bell Curve dropped. So you can note, if you look at the public comment form, which is in the staff report package, that everyone's able to see that will be presented on Tuesday. You can see exactly when the dates, or you can reference that and see when the dates were, because they were all on the front end.

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Doug - KGAB 11:49

Speaking of being a communist, Julie's big problems with this were two fold. She says it's an infringement on public an infringement on personal freedom, and it's overly it micromanages people too much, and again, infringes on freedom. Basically. How would you respond to that?

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Laramie County Planning Director Justin 12:04

And I can say it in one sentence, this is very much less regulatory than the existing document that I've enforced 20 years. I'm not going to sit here and lie to someone if I'm going to get you know, eventually it would come out of the wash if I was sitting here giving bad information out at this point in time. But I can sit here and say that that just isn't the case. We've went we, we follow state statute. As a matter of fact, Laramie counties, I would, I would remind people are an extension of state government, right? Counties follow what legislature decides, and that ties all back to annexation. I'll agree with Julie, because that was some bad information given out prior to that, the county has anything to do with annexations. The only time the county has anything to do with annexations is if we actually own a parcel that's being annexed, we can protest, just like any other residents in the county. Beyond that, it's nothing. I want to talk about zoning real quick, because it was alluded to that when you call an urbanized I was just going to ask about that. When you call an urbanized district urban, then it opens up the door for the city to say, hey, we can come in and annex that. That's just not the case. We have an urbanized area. We have the south Cheyenne Water and Sewer District. That's a town the size of Cody, 10,000 people that we have to regulate. And it is, you know, more in tune with Cheyenne and things like that. So we have, it's a more populated area, yeah, smaller lot sizes than the rural areas, so on and so forth. A common misconception on that front as well. People were in our currently zoned agricultural, residential, agricultural in that zone district, and they think that that pertains to their tax purposes. Oh, I can be taxed as agricultural. No, that's not the case. It's a zone district. Zoning has nothing to do with tax structures or anything like that.

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Doug - KGAB 13:47

Looks like we have a caller here. Let's put this person on the air, if they'll bear with me for just a minute, like punch a couple of buttons and good afternoon. You're on the air.

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Rep. Steve Johnson 13:58

Thank you. Steve Johnson, House representative, and I would just like to say that this commerce is regulated by the legislature and not by the counties, so any new license required by the county is only counter to the state statute. I'd also like to say that if you're going to require a home based license, and it is going to be free, write that in the statute.

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Doug - KGAB 14:34

And those are my comments. Okay, well, thanks for the call representative. Justin any comment, I

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Laramie County Planning Director Justin 14:40

certainly appreciate that. Representative Johnson, you're absolutely right. Legislature passes those laws. Legislature also passes title 18, which allows counties to draft zoning regulations that work for their community. So that's a legislative a. Same tool that's given to the counties which we enforce. The current land use regulations require a home occupation permit, again, free of charge. In, you know, the mention that the fees would go up, or anything like that, that's here say that, you know, there's, there's nothing that is factual about that. It's just a hypothetical, right? But right now, the home occupations have a lot of restrictions. You can't do an automotive shop in your in your shop, you can't do a nail salon. You can't do a tattoo parlor, things like that. And that didn't really make sense to me, because as long as you're in the house, or as long as you're within an accessory structure, and I'll note that in the land use zone District, which is going to be the majority of Laramie County. You can also have outdoor storage. In some instances. Might need some screening or something along those lines. But all we're doing with the home occupation permit is letting people know what the guidelines are for that. Because a lot of the times, if you're in a home occupation, you're in a neighborhood, all we're saying is that, yeah, you need to just know that we need to want, we want to keep the character of the neighborhood in place. But we aren't prohibiting you from applying to go further beyond that. If you want to do the landscaping companies, if you want to open a business up to the public and things like that. We've incorporated instruments into the regulation which allow you to apply for anything, pretty much anything anywhere, but you have to, if it's intensive enough, you go before the governing bodies where they can approve it, approve it with conditions, or deny it if it's not of feasible use in that specific area. But again, Representative Johnson's right. There's other there's other requirements, as it relates to Department of Revenue Secretary of State for these small businesses that are going on, I'll say that we're going to do there's a lot of people waiting for these regulations to take effect, because I would say that there's probably three to 400 small businesses operating right now that may be home occupations, maybe a little bit more than a home occupation, that are technically operating illegal based off of the current regulations. So what I said was, I don't have the bandwidth to go back and try to re regulate all these people. I said, let's go ahead and I talked to the commissioners on this. Let's go ahead and effectively grandfather those businesses with the caveat that if you constitute a nuisance, which is again, statutory passed by legislature. Those are nuisance those are nuisance statutes, and we follow those. If you constitute a nuisance, we're going to treat you the same as we would any other resident Laramie County. Maybe you got to screen some of your materials. You got a lot of construction materials blown off site. Hey, let's go ahead and keep those contained properly. So we've we've met in the middle with the existing businesses, allowing the neighbors a tool, if it gets out of hand, and then obviously we'll move forward with the less restrictive regulations, moving forward. And by

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Doug - KGAB 17:54

the way we are taking call in, three to 6500. I know this is a topic people care about a lot

the way, we are taking call six, three to 6500, I know this is a topic people care about a lot. Every time I've had you on? I've gotten multiple calls. When Julie Formby was on, we got a couple of calls. But again, you're mostly here just to explain this. And I want to reiterate, for people who are just joining us, we're talking about the county land use plan. Oh boy. We're almost out of time. Check the clock. We're running short here. Can

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Laramie County Planning Director Justin 18:15

we go into RVs? Real quick? Go into RVs. Okay, I tend to agree, RVs. Historically, living in an RV has kind of been taboo, and you're absolutely right. Under the current regulations, it says that you can't live in an RV unless you're constructing a home. I've talked to the commissioners. I talked to the commissioners every month through this whole process to get their feedback, and they're very commonsensical people, and they usually, uh, advise me to move forward with those common sense type regulations, they said, I said, what if? What if they have a deed to the property, and we're only specifically talking about permanent RV living if you're going to stay with your in laws, or your in laws are coming to stay with you, nobody's going to see anything. When your neighbors start noticing that someone's been living there for six, eight months, we might get a call, and we might inquire about

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Doug - KGAB 19:01

it, which brings up an important point, you don't go looking for this. You act on complaints. Is that

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Laramie County Planning Director Justin 19:06

right? Absolutely. And I'll also note that we have accessory living quarters right now. So if you do have a family member that wants to come live on your property for a period of time, all we required, and again, I talked to the commissioners, you have to have a viable septic. So if you have a primary residence, somebody wants to live in an RV, you come you get an application as an accessory, living quarter, your family can live there for three years at a time, with three year renewals, and that can be a manufactured home, set, a tiny home, or an RV. So you can live in an RV, we just want to make sure you're tied into the septic. Or if you have a deed to the property, you want to start saving up your nest egg. You have five acres there. You can't afford a house right now. Live in your RV, install a septic. You won't lose your equity in the septic. If you have to sell the property for some reason, you can't buy, or you can't build, and then live there and you'll get an ad. We have a \$75 fee because. Give you an address so you can live in your RV on your property. Okay,

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Doug - KGAB 20:03

we're almost out of time. We do have another call. That's my next guest. Mike, hang on the line here. We'll get you on in a couple of

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Laramie County Planning Director Justin 20:08

minutes. Can I say just real quick? Because we are, we are transparent, and I want to know that we are having an open house strictly related to building code. Now, we had a building code one back in November, and it kind of got hijacked with the land use regulation stuff. So I want to just reiterate this is specifically to building code that will be on August 20, from five to 7pm where they'll go over tiny homes, which we've adopted those regulations, or those codes for the International residential code, the accessory dwelling units, which are you can put more than one house if you meet certain criteria. The pole barn construction guide, we have pre engineered plans for people if they want to go build a pole barn and not pay for an engineer. The our Online Permitting portal, and we want to get feedback related to code and our processes. Okay, just note that we're

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Doug - KGAB 20:59

down to about two minutes left. I think Mike was just calling for the next segment, but let's find out, Mike, did you have a comment on this? Are you just calling in early? Okay, okay. Well, go ahead there, Justin, looks like we're almost out of time. You have two minutes left.

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Laramie County Planning Director Justin 21:18

All right. Let's see I want to say that, and I want to reiterate this, because this was kind of the thing that got out there they were, they were saying that it was \$750 per day. Fine, right, right? In what the regulations, which are directly referenced to statute. Again, I'll say we're an arm of the state legislature. The state legislature passed the law that says seven, up to \$750 per day. We simply follow it. So again, I've never seen anybody, even habitual offenders, good, bad or indifferent. They might be in in court three or four times, and it is a cumbersome process. We have to send them a certified mailer saying, Here's your violation. Then we have to send all that information to the county attorney sheriff's office for issuance of a citation. It's a must appear in court. But again, I've never seen a judge. You know, even for someone who's been in violation for six months, maybe it's 100 couple \$100 so, you know, I think it's just a little bit off base. I also want to say, and this is very important, related to the home occupations, I'm not aware of one instance in my entire 15 years of Laramie County, where we've went into a home to verify that you're using a certain amount of your floor space as your home occupation. We aren't we. We're working in good faith with you. You're certifying that you know the requirements in in I can say that that just doesn't happen. You don't go into people's homes. I haven't been into anybody's house unless invited and they wanted, they called and invited me. Okay, well, that's

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Doug - KGAB 22:45

about going to wrap it up for this segment. I hope we got some good information out there with the two segments we did today on the county land use plan. Again, commissioners taking it up Tuesday afternoon at 330 if you live in a rural part of Laramie County, this is a pretty big deal, so we might want to pay close attention, maybe even go to the meeting if you have time. So Justin, I'd like to thank you for stopping by once again. Appreciate it. Thanks, sir. Take care. Am, 650 K, G, A, B, Cheyenne orchard Valley. You

