

#### LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

#### Planning • Building

#### MEMORANDUM

**TO:** Laramie County Board of Commissioners

FROM: Marissa Pomerleau, Associate Planner

**DATE:** February 15, 2022

TITLE: PUBLIC HEARING on a Zone Change from A2 – Agricultural to AR –

Agricultural Residential and a Subdivision Permit & Plat for Eastern Heights for a portion of the S1/2 NE1/4 Section 30, T.14N., R.65W., of the 6<sup>th</sup>

P.M., Laramie County, WY.

#### **EXECUTIVE SUMMARY**

AVI PC, on behalf of Ramona Niland of Cheyenne, WY, has submitted Zone Change and Subdivision Permit & Plat applications for Eastern Heights, consisting of one lot located directly south of the intersection of Red Mesa Rd and E Pershing Blvd. The applications have been submitted to request a zone change from A2 to AR and to replat the 15 acre property into three residential-use tracts.

Both applications have been combined into one staff report for ease of presentation and discussion, with separate motions required on the two actions.

#### **BACKGROUND**

The subject property is unplatted and undeveloped with the surrounding western, northern, and eastern land uses being entirely residential and the southern land use being exempt state land.

#### **Pertinent Regulations**

**Section 1-2-103(b)** of the Laramie County Land Use Regulations governing the criteria for a zone map amendment.

**Section 4-2-100** of the Laramie County Land Use Regulations governing the AR – Agricultural Residential Zone District.

Section 2-1-101 (a-e) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit and plat.

#### **DISCUSSION**

The Laramie County Comprehensive Plan identifies the area as Urban Rural Interface (URI), which is intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access and a greater overall level of community services. Higher density residential, intensive commercial, employment centers and industrial uses are preferred in these areas.

PlanCheyenne designates this area as Urban Transitional Residential (UTR), which emphasizes a gradual transition from the more urbanized areas of the city to the rural areas of the county. This category focuses on a range of single-family residences and multi-family duplexes, patio homes and townhomes while blending both urban and rural standards.

The subject property is bordered by the AR zone district to the west and east, the A1 – Agricultural & Rural Residential zone district on the north and east, and A2 to the south. A change in zone district to AR would align with the current surrounding zone districts.

According to the Order of the State Engineer for the Laramie County Control Area dated April 1, 2015, this property lies within the Conservation Area, in which the well spacing requirements for new permits are indicated at one (1) well for domestic use per each lawfully subdivided lot or one (1) per each ten (10) acres of any other legal parcel of land.

The subject property is located within Zone 2 of the AMEC Memo. Within this zone, the minimum lot size requirement is 5.25 acres. All minimum tract size requirements are met with the proposed development.

Section 1-2-103 (b) of the Laramie County Land Use Regulations specifies that in order to recommend approval of this zone change, the Board must find at least one of the following:

- i. That the zoning district map amendments or regulations are consistent with plans and policies of Laramie County; or
- ii. That the original zoning classification given to the property was inappropriate or improper; or
- iii. That there have been changes of an economic, physical or social nature within the area involved which altered the basic character of such area, and that the amendment will not detrimentally affect the area involved.

Criteria i. is met by conformance with the Laramie County Comprehensive Plan and PlanCheyenne with the type of development.

Agency review comments were received regarding minor clerical corrections to the zone change and plat maps, wastewater systems, utility easements and road connectivity. The agent for the owner is currently working to address all comments. Public notice was provided per Section 1-2-104 of the Land Use Regulations. No public comment was received.

Staff finds the applications are consistent with the plans and policies of Laramie County.

#### **RECOMMENDATION and FINDINGS**

Based on evidence provided for the *zone change* request, staff recommends the Planning Commission find that:

- **a.** This application meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And that the Board approve a Zone Change from A2 to AR for a portion of the S1/2 NE1/4 Section 30, T.14N., R.65W., of the 6<sup>th</sup> P.M., Laramie County, WY with one condition:

1. The comments regarding the two clerical errors on the zone change map shall be addressed prior to the February 15, 2022 BOCC public hearing.

Based on evidence provided for the *subdivision permit & plat*, staff recommends the Planning Commission find that:

- **a.** This application meets the criteria for a subdivision permit and plat pursuant to section 2-1-101 (a-e) of the Laramie County Land Use Regulations.
- **b.** The proposed subdivision is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And that the Board approve the Subdivision Permit and Plat for Eastern Heights with one condition:

1. The comments regarding the minor clerical errors on the plat shall be addressed prior to the February 15, 2022 BOCC public hearing.

#### PROPOSED MOTION – ZONE CHANGE

I move to recommend approval of the Zone Change from A2 to AR for a portion of the S1/2 NE1/4 Section 30, T.14N., R.65W., of the 6<sup>th</sup> P.M., Laramie County, WY with one condition, and adopt the findings of facts a and b for the *zone change*, as shown in the staff report.

#### PROPOSED MOTION – SUBDIVISION PERMIT & PLAT

I move to approve the Subdivision Permit and Plat for Eastern Heights with one condition and adopt the findings of facts a and b for the *subdivision permit & plat*, as shown in the staff report.

#### **ATTACHMENTS**

Attachment 1: Location Map Attachment 2: Aerial Map

**Attachment 3: Comprehensive Plan Map** 

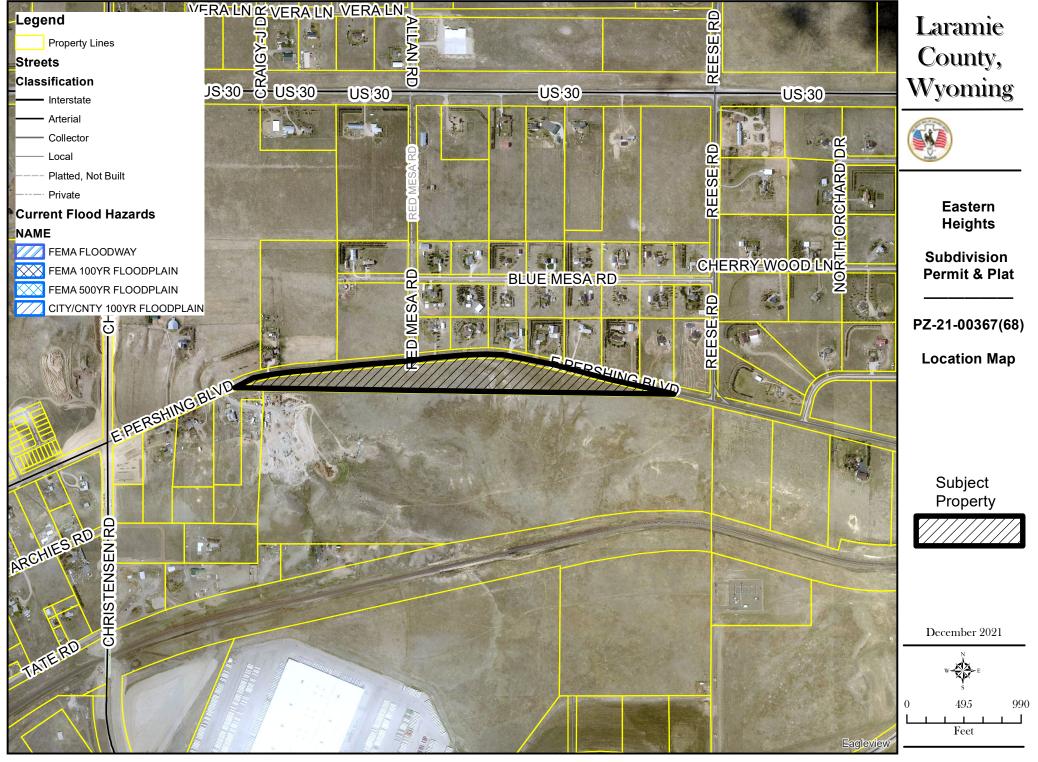
Attachment 4: PlanCheyenne Map Attachment 5: Current Zoning Map

Attachment 6: Combined Agency Comments Report

Attachment 7: Existing Conditions Map
Attachment 8: Resolution – Zone Change

Attachment 9: Resolution Exhibit 'A' - Zone Change Map
Attachment 10: Resolution – Subdivision Permit & Plat

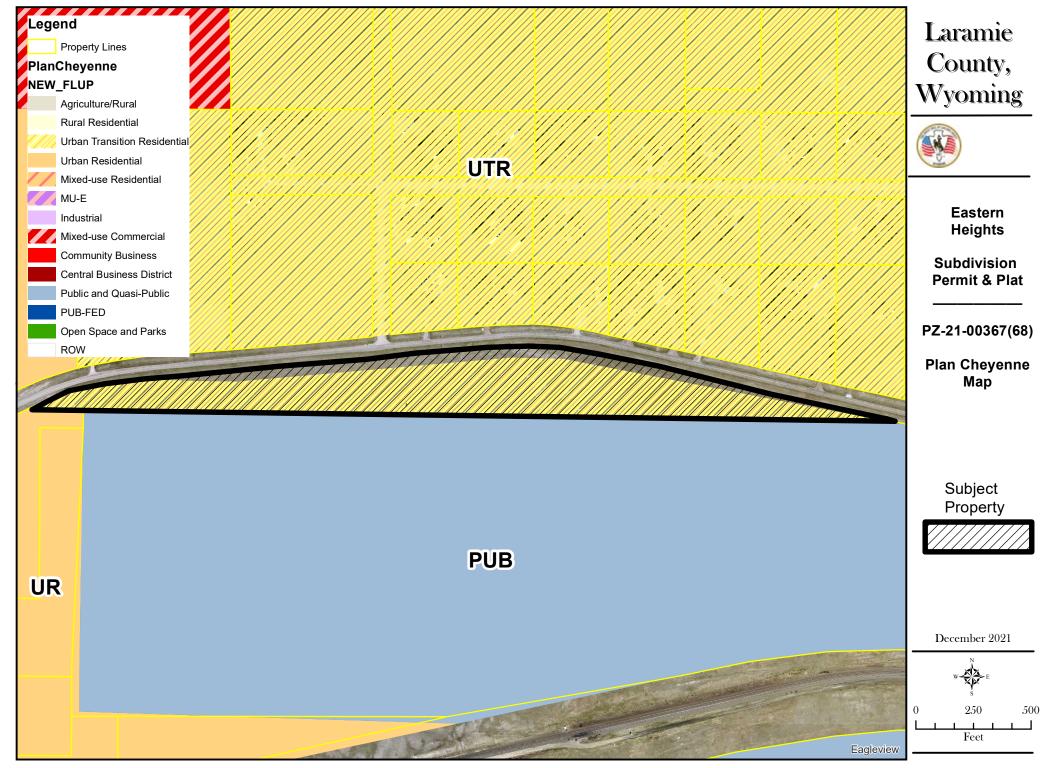
**Attachment 11: Plat** 

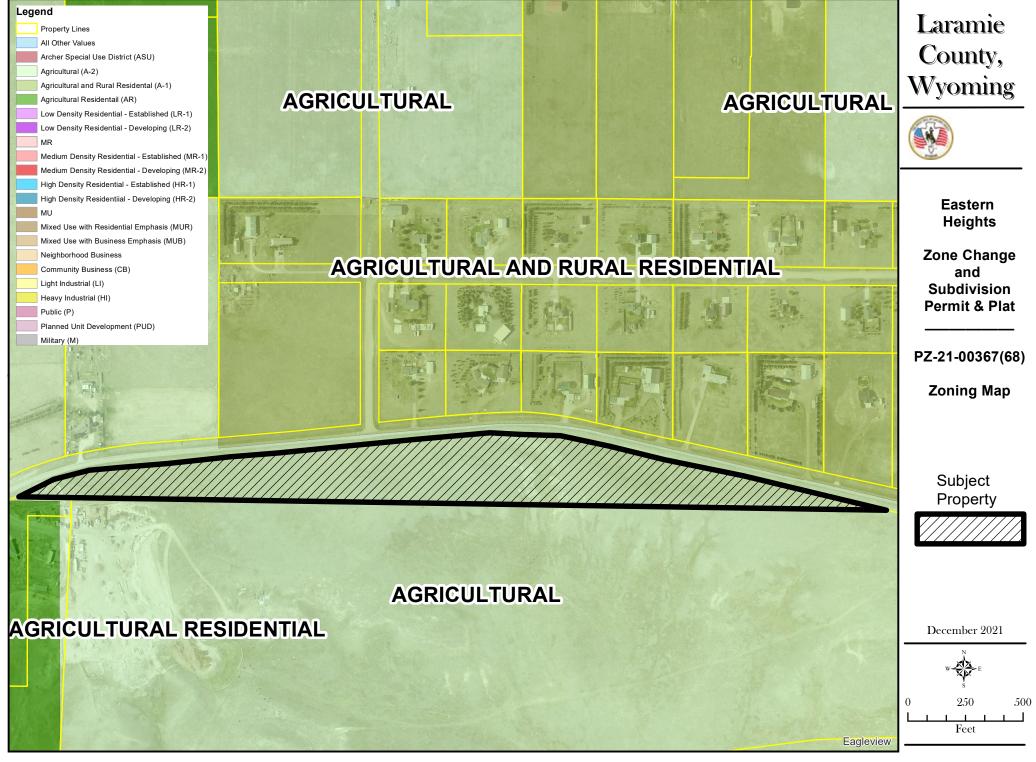




This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability of the data. The CLCCGIS furthermore assumes no liability associated with the use or misuse of this information.







**Environmental Health:** Environmental Health Department, Roy Kroeger Comments Attached 01/04/2022 Regulations:

#### LARAMIE COUNTY SMALL WASTEWATER SYSTEMS REGULATIONS

#### Comments:

Wastewater permits are required for each lot. All small wastewater systems must have a 50' setback from all property lines and intermittent bodies of water i.e. floodplains and drainages. Signed final plat must be submitted to Environmental Health Office prior to application for permits.

Intraoffice: Planners, Marissa Pomerleau Comments Attached 01/05/2022

- 1. The Zone Change must take place before the subdivision. The map shows the tracts as already being subdivided. Please update to include just the existing parcel.
- 2. The vicinity map doesn't show much more than what is on the map itself. Can this be expanded a bit to show more?

#### AGENCIES WITH NO COMMENT

Cheyenne MPO, Cheyenne Planning, Combined Communications Center, County Assessor, County Attorney, County Real Estate Office, Fire District No 2, Intraoffice, Cambia McCollom

#### **AGENCIES WITH NO RESPONSE**

Cheyenne Urban Planning Office, County Clerk, County Treasurer, Emergency Management, High West Energy, Sheriff's Office, CenturyLink

**Building Dept.:** Building Dept., Daniel Peters Comments Attached 01/05/2022 Premises identification shall be in accordance with 2018 IFC section 505 and 2018 IRC section 319.

Building permits shall be required for all new building construction.

Laramie County has adopted the 2021 I-codes and the 2020 NEC.

### <u>Cheyenne Planning:</u> Cheyenne Development Services, Seth Lloyd Comments Attached 01/05/2022

- 1. Official Comment Letter Attached and emailed to case planner.
- 2. Suggest the following to allow development in the future:
- A. Access easement from Pershing to property to the south.
- B. Alignment for the border of Tract 1 and Tract 2 with the western edge or center of Red Mesa right-of-way so that a replatting action could extend Red Mesa southward without leaving an awkward remnant parcel.

## <u>County Engineer:</u> County Engineer, Scott Larson Comments Attached 01/03/2022 Engineer Review

- 1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study since this development will have negligible impact on both.
- 2. Per State Statute 18-5-306 (d), plats are required to include the note "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".
- 3. There is no bearing and distance shown for the property line between Tract 2 and 3.

#### Surveyor Review

1. No comments.

## <u>County Public Works Department:</u> County Public Works Department, Molly Bennett Comments Attached 01/07/2022

As development happens on these proposed tracts, access permits will be required for each tract.

Tract 2 access shall line up with the intersection of Red Mesa Road. Other accesses will need to meet the Laramie County Land Use Regulations (LCLUR)spacing requirements.

These accesses will also need to paved to the Right-of-Way line per the LCLUR.

<u>County Real Estate Office:</u> County Real Estate Office, Laura Pate Comments Attached 12/27/2021

The date of Ramona Niland Trust must be a part of the signature line and a part of the notary acknowledgment.

**Environmental Health:** Environmental Health Department, Roy Kroeger Comments Attached 01/04/2022 Regulations:

#### LARAMIE COUNTY SMALL WASTEWATER SYSTEMS REGULATIONS

#### Comments:

Wastewater permits are required for each lot. All small wastewater systems must have a 50' setback from all property lines and intermittent bodies of water i.e. floodplains and drainages. Signed final plat must be submitted to Environmental Health Office prior to application for permits.

<u>High West Energy:</u> High West Energy, David Golden No Response 01/05/2022 15-foot easement will be required for HWE utility installation on north side along Pershing and 20-foot easement along west and south.

Intraoffice: Planners, Marissa Pomerleau Comments Attached 01/05/2022

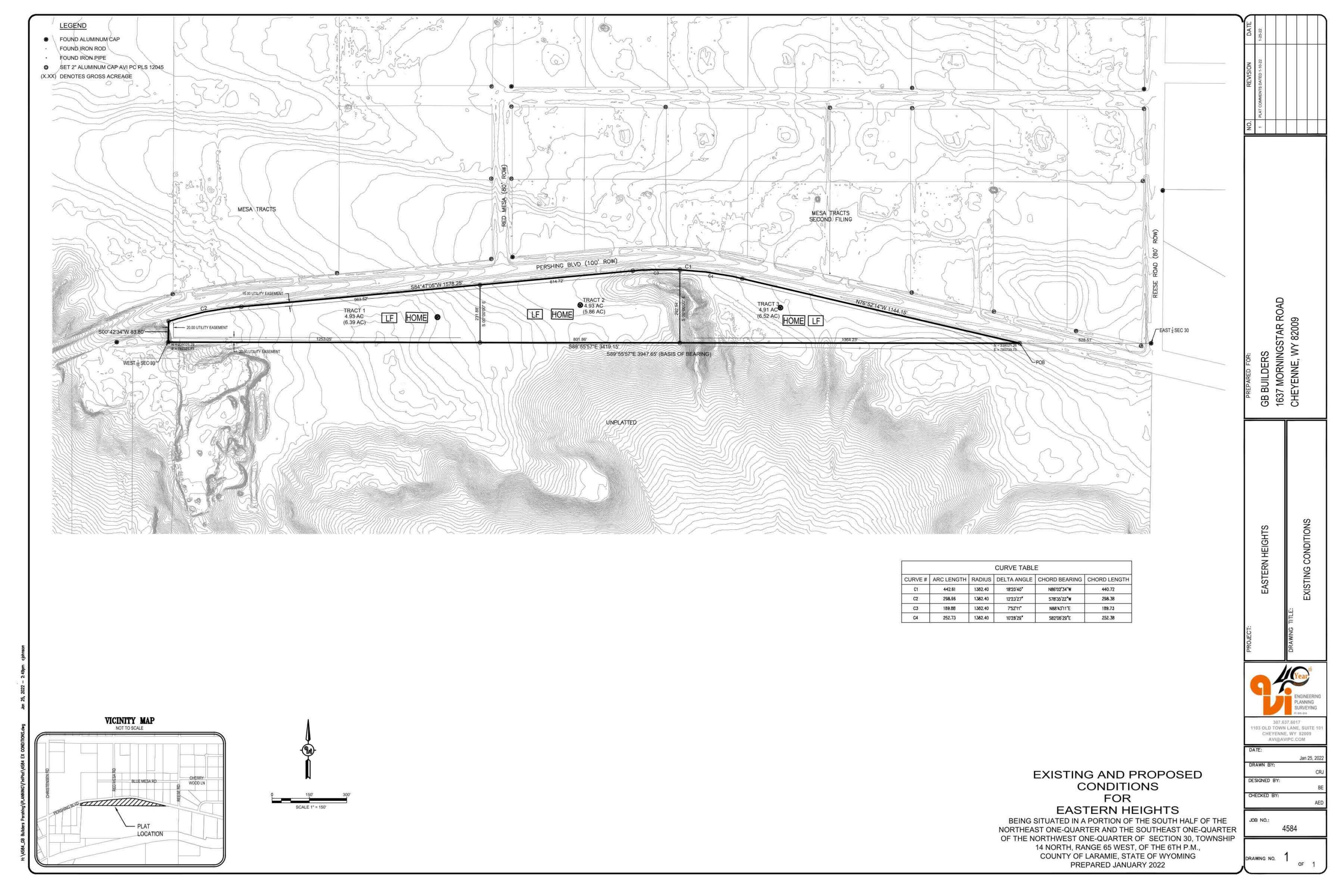
- 1. The existing conditions map shows what is proposed on the property (i.e. houses leach field and new tracts), not what is existing. Please update and include a revision date.
- 2. The plat does not reference NAD 1983.
- 3. The vicinity map doesn't show much more than what is already on the plat. Please expand.
- 4. A note must be added to the plat stating "The surface estate of the land to be subdivided is subject to full and effective development of the mineral estate" per state statute.
- 5. A revision date must be included when updating the map.

#### **AGENCIES WITH NO COMMENT**

Cheyenne MPO, Combined Communications Center, County Assessor, County Attorney, Fire District No 2, WYDOT, Intraoffice, Cambia McCollom

#### **AGENCIES WITH NO RESPONSE**

CenturyLink, Cheyenne Development Services, Cheyenne Engineering Services, Cheyenne Urban Planning Office, County Clerk, County Conservation District, County Treasurer, Emergency Management, Sheriff's Office, WY State Engineer's Office



RESOLUTION	NO.
RESOLUTION	NO.

# A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT FROM A2 – AGRICULTURAL TO AR – AGRICULTURAL RESIDENTIAL, FOR A PORTION OF THE S1/2 NE1/4 SECTION 30, T.14N., R.65W., OF THE 6<sup>TH</sup> P.M., LARAMIE COUNTY, WY.

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

**WHEREAS**, the Laramie County Board of Commissioners previously adopted the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed zone change is in conformance with the requirements of section 1-2-103(b) of the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed zone change is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

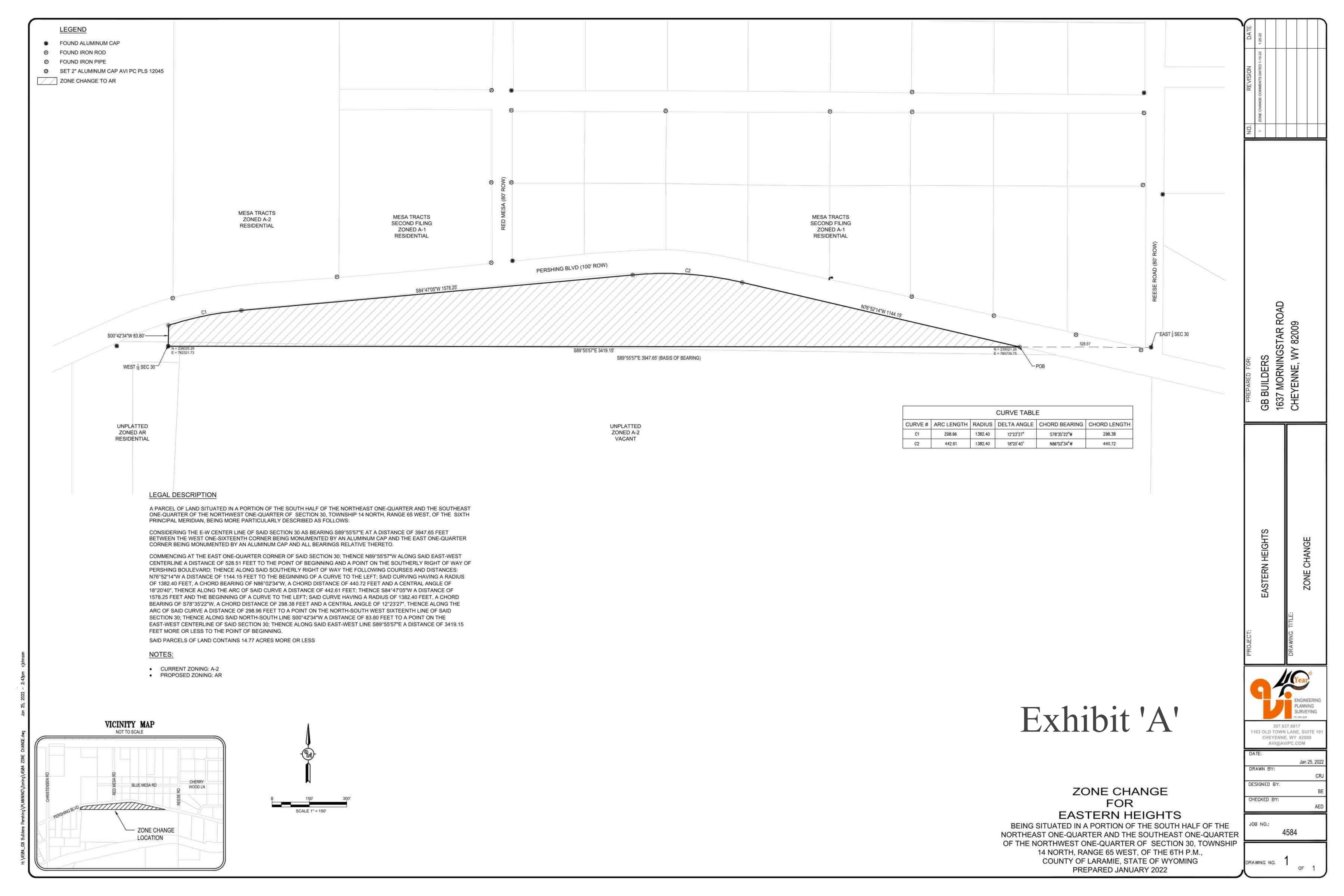
## NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Laramie County Board of Commissioners finds that:

- **a.** This application meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And the Board approves a Zone Change from A2 – Agricultural to AR – Agricultural Residential for a portion of the S1/2 NE1/4 Section 30, T.14N., R.65W., of the 6<sup>th</sup> P.M., Laramie County, WY, as shown on the attached Exhibit 'A' – Zone Change Map.

PRESENTED, READ AND ADOPT	ED THIS DAY OF
, 2022.	
	LARAMIE COUNTY BOARD OF COMMISSIONERS
	Troy Thompson, Chairman
ATTEST:	
Debra K. Lee, Laramie County Clerk	
Reviewed and approved as to form:  Laramie County Attorney's Office	



RESOLUTION NO.		
KESOLUTION NO.		

## A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR A PORTION OF THE S1/2 NE1/4 SECTION 30, T.14N., R.65W., OF THE 6<sup>TH</sup> P.M., LARAMIE COUNTY, WY, TO BE PLATTED AND KNOWN AS "EASTERN HEIGHTS".

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

**WHEREAS**, the Laramie County Board of Commissioners previously adopted the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed subdivision and plat is in accordance with section 2-1-101 (a-e) of the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed subdivision and plat is in accordance with section 4-2-100 of the Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Eastern Heights.

## NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Laramie County Board of Commissioners finds that:

- **a.** This application is in conformance with section 2-1-101 (a-e) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And the Board approves the Subdivision Permit and Plat for Eastern Heights with one condition:

1. The remaining three clerical errors, on the plat shall be addressed prior to recordation.

PRESENTED, READ AND ADOPT	ED THIS DAY OF
, 2022.	
	LARAMIE COUNTY BOARD OF COMMISSIONERS
	Troy Thompson, Chairman
ATTEST:	
Debra K. Lee, Laramie County Clerk	
Reviewed and approved as to form:  Laramie County Attorney's Office	

