

040615- 29

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

1. Date of proposed action: June 15, 2004
2. Agenda Item: Preliminary Plat for HR Ranch, Third Filing, a parcel of land situated in a portion of Sections 35 and 36, T.14.N., R.65W., and Section 31, T.14N., R.64W., 6th P.M., Laramie County, Wyoming (located 8-miles east of Cheyenne along Hales Ranch Road, approximately ¾-mile north of Campstool Road).
3. Department: Development Applicant: Paul Lowham
HR Land Company
- Agent: Tom Kent, AVI Engineering
4. Notes: The Regional Planning Commission recommended approval of the preliminary plat by a unanimous vote of 9 to 0 at their June 7, 2004 meeting provided the County Commissioners approve the open space design regulations. See the attached Staff Report for more definitive information.
5. Documentation: Sea. – Staff
Report and Map
6. Motion: Acknowledge receipt

COMMISSIONERS VOTE

Knudson _____

Ketcham _____

Humphrey _____

Action _____

Postponed _____

Received And Approved,
As To Form Only!
By The County Attorney

[Signature]

6/9/04

COPY OF RECORD

STAFF REPORT

HR Ranch, Third Filing

County Preliminary Plat

CASE NUMBER: P-04-11

FILE CODE: HRRH-P

MEETING May 3, 2004 - Planning Commission – Tabled to address issues

DATES: June 7, 2004 – Planning Commission
June 15, 2004 - County Commissioners

OWNER: Paul Lowham
% HR Land Company
P.O. Box 14760
Jackson WY 83002
307-732-0600

AGENT: Tom Kent
% AVI Engineering
2035 Westland Road
Cheyenne WY 82001
307-637-6017

REQUEST: County Preliminary Plat

PURPOSE: Rural residential development

LOCATION:

(1) Legal Description: A portion of Sections 35 and 36, T.14.N., R.65W., and Section 31, T.14N., R.64W., 6th P.M., Laramie County, Wyoming

(2) General Location: Approximately 8-miles east of Cheyenne along Hales Ranch Road, approximately ¾-mile north of Campstool Road

(3) Addresses: N/A

(4) Map Page: Area H - County

SIZE:	Total:	514-acres
	Residential Tracts:	64
	Open Space Tracts:	4
	Open Space Area:	209-acres
	Smallest Tract:	2.74-acres
	Largest Tract:	9.18-acres
	Average Tract Density:	4.28-acres (net)
	Overall Density:	8.03-acres
	Right-of-way:	31-acres

EXISTING ZONING: N/A – outside the zoned boundary

EXISTING LAND USE: Agriculture

PROPOSED LAND USE: Rural residential development

RECOMMENDED LAND USE PER ADOPTED PLAN: Low Density
Rural/Agricultural (10-35 Acres) (ref: *Laramie County Comprehensive Plan 2001*).

SURROUNDING LAND USE:	ZONING	ANNEXATION STATUS
North: Agriculture	N/A	County
South: Agriculture	N/A	County
East: Agriculture	N/A	County
West: Agriculture	N/A	County

DESCRIPTION OF SITE AND SURROUNDINGS: The site is vacant grazing land and is located east of and adjacent to Hales Ranch Road and HR Ranch, Second Filing. The property on the remaining three sides of the proposed subdivision is vacant unplatted land. Immediately adjacent to the west, is HR Ranch, 2nd Filing, consisting tracts with an average density of 10-acres.

PLAT DATA: The preliminary plat contains approximately 514-acres. The subdivision proposes 64 residential tracts. In addition to the residential tracts, the subdivision includes 4 tracts, a total of 209-acres of open space. Access to the subdivision is to be provided from Hales Ranch Road, an improved County roadway. Two individual accesses are proposed from Hales Ranch Road (road name not shown on map). Section 80.020(e) of the Cheyenne – Laramie County Subdivision/Development Regulations 2000 requires a development of more than 12 residential tracts provide two individual accesses.

The plat indicates that tracts will have an average density of 8.03-acres, which **does not** meet the criteria in the Cheyenne – Laramie County Subdivision / Development Regulations 2000; Section 80.020(d) 3, of a minimum density in the “low density area” shall be no greater than one dwelling unit per ten acres. The tracts will be served by individual well and septic systems. DEQ approval will be required prior to final plat approval. Fire protection will be provided by Fire District #1. The property is outside the zoned boundary.

COMMUNITY FACILITY FEES and SUBDIVISION PERMIT: Will be addressed upon submittal of the final plat.

REVIEWING AGENCY AND REVIEWERS COMMENTS:

County Public Works Department: Traffic study results prior to road design review. Recommended master plan for divisions with road layout. All traffic impacts to current system should be recognized for improvements at this time.

RT Communications: This is Qwest territory.

School District #1: This subdivision falls within the Arp Elementary, Johnson Jr. High and East High School boundary. Please contact the School Transportation Dept. to cover proposed

school bus routes and bus stops.

Environmental Health: This office strongly recommends that the DEQ Subdivision review be completed and approved in accordance with section 7 of chapter 23 water quality rules and regulations prior to final approval of the subdivision. Laramie County Small Wastewater Systems Regulations require at least a 5-acre minimum lot size, unless a specific variance is granted to reduce the lot size by the county commissioners. A complete USDA soil survey and a copy of the signed final plat shall be submitted to this office prior to application for any small wastewater system permit. All septic systems shall be located at least 50' from any drainage easement. All septic systems shall be located 50' from any property line.

Laramie County Conservation District: The District approves of the open space concept however; the housing density should not exceed the County standard. Those standards are put in place to protect the County's water resources, both quantity and quality. The open spaces should have at least two easements from the County roads. This would help with maintenance of the open space areas, provide wildlife corridors for connecting the open areas and assist with fire protection in those areas. Finally the District would recommend that the open areas be maintained as working land and be used for the use they are most suited. This would include grazing, haying, recreation, wildlife etc. If the open spaces are just left idle they will become hot spots for bug and weed infestations as well as fire hazards.

Planning/Cheyenne MPO: Hales Ranch Road should be paved from Road 2 to Campstool Road & a left turn lane added from Campstool onto Hales Ranch Road.

County Planning/Zoning:

- 1) Tract numbering should begin with #71.
- 2) The developer should be commended for employing an open space design and setting aside 42% of the entire subdivision as open space.
- 3) Paving of some off-site public roads, as well as on-site roads, may be warranted based on results of the traffic study.
- 4) Provide drainage easements across tracts that have swales carrying surface runoff originating from public roads and other upstream areas (See Tracts 117, 118, 120, 121, 98, 96, 128, etc.)
- 5) With the concurrence of the Health Department, a map should be prepared, and be made a part of the subdivision approval, that precisely locates an envelope for each tract's on-site small wastewater system. This map shall accompany the final plat application.
- 6) Final Plat Statement: A statement on the final plat shall be included saying, "Designed open space shall not be further developed or subdivided."
- 7) Open space ownership, perpetuation, use, maintenance, and administration: Recordable legal documents that are enforceable, defining each of these open space items shall be submitted with the final plat application.
- 8) A slight discrepancy exists with the calculations to determine the development area density. Adding the various open space tract areas, there are 208 acres versus 209 as stated on the plat notes. $208 \div 514$ (total subdivision area) yields an open space ration of .405. From the Allowable Development Area Density chart an open space ration of .405 produces a density of approximately 0.205 dwelling units/acre, or 1 dwelling unit per 4.88 acres. With 306 developable acres, the theoretical maximum number of dwelling unit tracts equals $306 \div 4.88 = 62.7$, which would allow for a total of 63 tracts. Based on this

calculation, one tract would need to be removed. (For informational purposes, this development is granted a 19% parcel bonus for utilizing an open space design.). **Note:** These calculations have not been adopted by the governing body.

Laramie County Engineer:

- 1) AASHTO requires a minimum centerline radius for a rural roadway, design speed of 30 mph, with a normal crown (i.e., 2%) to be 353 feet. Many of the centerline curves shown on the preliminary plat will not meet these criteria. Many of the curves will still not meet AASHTO's design criteria even if the roadways were designed with superelevation (radius decreases to 302 feet with superelevation). The plat needs to be changed in order to allow for the proper design of all roadways and radius of all curves based on current AASHTO criteria.
- 2) I agree with the recommendations and findings of the Traffic Impact Study and would recommend that Hales Ranch Road be paved according to current County standards from Campstool Road to "Road 2". In addition, I would recommend that the developer design and install a left turn lane on Campstool Road at the intersection of Hales Ranch Road (eastern intersection) based on the recommendations of the Study.
- 3) The preliminary drainage analysis submitted adequately addresses the drainage issues for the preliminary plat. It is recommended that the preliminary drainage analysis be approved.
- 4) The Environmental Impact Assessment also appears to be adequate for this property and I recommend approval.

AGENCIES AND REVIEWERS RESPONDING WITHOUT COMMENTS: County Assessor, Sheriff's Office, County Fire District #1, County Treasurer.

AGENCIES AND REVIEWERS NOT RESPONDING: County Clerk, DEQ, High West Energy, Phillips Pipeline, State Engineer, U.S. Post Office.

OTHER COMMENTS RECEIVED: None

RECOMMENDATION: The Development office recommends tabling of the preliminary plat to address the following conditions:

- 1) Laramie County Small Wastewater Systems Regulations require at least a 5-acre minimum lot size, unless a specific variance is granted to reduce the lot size by the county commissioners.
- 2) The open spaces should have at least two easements from the County roads.
- 3) Recommended master plan for divisions with road layout. All traffic impacts to current system should be recognized for improvements at this time.
- 4) Based on the Traffic Impact Study recommendations, Hales Ranch Road shall be paved according to current County standards from Campstool Road to "Road 2". Design and install a left turn lane on Campstool Road at the intersection of Hales Ranch Road (eastern intersection) based on the recommendations of the study.
- 5) Tract numbering should begin with #71.
- 6) Paving of some off-site public roads, as well as on-site roads, may be warranted based on results of the traffic study.
- 7) Provide drainage easements across tracts that have swales carrying surface runoff originating from public roads and other upstream areas (See Tracts 117, 118, 120,

- 121, 98, 96, 128, etc.)
- 8) A map should be prepared, and be made a part of the subdivision approval, that precisely locates an envelope for each tract's on-site small wastewater system. This map shall accompany the final plat application.
 - 9) A statement on the final plat shall be included saying, "Designed open space shall not be further developed or subdivided."
 - 10) Open space ownership, perpetuation, use, maintenance, and administration: Recordable legal documents that are enforceable, defining each of these open space items shall be submitted with the final plat application.
 - 11) Maximum number of dwelling unit tracts equals $306 \div 4.88 = 62.7$, which would allow for a total of 63 tracts. Based on this calculation, one tract would need to be removed. **Note:** These calculations have not been adopted so there is a discrepancy between what the applicant requests and the density now allowable under the Cheyenne – Laramie County Subdivision/Development Regulations 2000.
 - 12) AASHTO requires a minimum centerline radius for a rural roadway, design speed of 30 mph, with a normal crown (i.e., 2%) to be 353 feet. Many of the centerline curves shown on the preliminary plat will not meet these criteria. Many of the curves will still not meet AASHTO's design criteria even if the roadways were designed with superelevation (radius decreases to 302 feet with superelevation). The plat needs to be changed in order to allow for the proper design of all roadways and radius of all curves based on current AASHTO criteria.
 - 13) Two individual accesses are required per Section 80.020(e) of the Cheyenne – Laramie County Subdivision/Development Regulations 2000 for a development of more than 12 residential tracts. Provide second access.

encl: Preliminary Plat Map
County Area H map

cc: Owner
Agent
County Planning/Zoning
File (HRRH-P)

STAFF REPORT UPDATE (05/04/04):

At its May 3, 2004, meeting, the Cheyenne/Laramie County Regional Planning Commission recommended to "table" the preliminary plat of HR Ranch, Third Filing per staff recommendation, by a unanimous vote of 7-0.

STAFF REPORT UPDATE (05/27/04):

Additional information provided to the Development Office:

- Received copy from the State Engineer's Office in regard to water rights issues and recommendations (enclosed).
- Letter dated May 24, 2004, from the agent for the project, addressing staff conditions with a request to remove from the table. Each item is addressed below:

Question 1): Laramie County Small Wastewater Systems Regulations require at least a 5-acre minimum lot size, unless a specific variance is granted to reduce the lot size by the county commissioners.

Answer: This plat is designed under the Open Space Design concept which will be voted by the County Commissioners on June 15, 2004. If the Open Space Design is adopted, a variance will not be warranted and the smaller lot size will be acceptable. Even though the Open Space Concept will not be approved until June 15, The Owner (HR Land Co.) would like to proceed, at its own risk, with the preliminary plat which would allow the County Commissioners to vote on the preliminary plat at the same time the Open Space Concept would be voted on (June 5).

Development Office follow-up: No, per Roy Kroeger at Environmental Health states a variance will still be needed.

Question 2): The open spaces should have at least two easements from the County roads.

Answer: A minimum of two easements has been provided to all open spaces.

Development Office follow-up: No new map was provided to evaluate.*

Question 3): Recommended master plan for divisions with road layout. All traffic impacts to current system should be recognized for improvements at this time.

Question 4): Based on the Traffic Impact Study recommendations, Hales Ranch Road shall be paved according to current County standards from Campstool Road to "Road 2". Design and install a left turn lane on Campstool Road at the intersection of Hales Ranch Road (eastern intersection) based on the recommendations of the study.

Question 6): Paving of some off-site public roads, as well as on-site roads, may be warranted based on results of the traffic study.

Answer 3, 4 & 6: A master traffic study was completed and included all previous developments in the area. The traffic study includes all roadways that require paving and modification requirements to existing roads. Hales Ranch Road will be paved from Campstool Road to the second access of the subdivision. A left turn land will be constructed at the intersection of Hales Ranch Road and Campstool Road.

Development Office follow-up: AVI agent letter addressed these items. See enclosed letter.

Question 5): Tract numbering should begin with #71.

Answer: Tract numbering should begin with #71.

Development Office follow-up: No new map was provided.*

Question 7): Provide drainage easements across tracts that have swales carrying surface runoff originating from public roads and other upstream areas (See Tracts 117, 118, 120, 121, 98, 96, 128, etc.)

Answer: Additional drainage easements have been added to tracts 117, 118, 120, 121, 98, 96 and 128.

Development Office follow-up: No new map was provided to evaluate.*

Question 8): A map should be prepared, and be made a part of the subdivision approval, that precisely locates an envelope for each tract's on-site small wastewater system. This map shall accompany the final plat application.

Answer: A map has been prepared and submitted with DEQ permit application. This map (enclosed) locates each tract's on-site small wastewater system. This map will accompany the final plat application.

Development Office follow-up: A map was provided on May 26, 2004 and sent to DEQ and Environmental health on May 26, 2004. No comments were received prior to mailing because the submittal was the day of the Planning Commission mailing.

Question 9): A statement on the final plat shall be included saying, "Designated open space shall not be further developed or subdivided."

Answer: A statement on the final plat map shall be included saying, "Designed open space shall not be further developed or subdivided."

Development Office follow-up: No new map was provided to evaluate.*

Question 10): Open space ownership, perpetuation, use, maintenance, and administration: Recordable legal documents that are enforceable, defining each of these open space items shall be submitted with the final plat application.

Answer: The open space will be owned by the HR Ranch Homeowners Association. The documents defining the open space ownership will be provided with the final plat application.

Development Office follow-up: Will not be able to evaluate until this is provided to the reviewers, including the County Planner, Attorney and Assessor.

Question 11): Maximum number of dwelling unit tracts equals $306 \div 4.88 = 62.7$, which would allow for a total of 63 tracts. Based on this calculation, one tract would need to be removed. **Note:** These calculations have not been adopted so there is a discrepancy between what the applicant requests and the density now allowable under the Cheyenne – Laramie County Subdivision/Development Regulations 2000.

Answer: The total number of tracts has been reduced from 64 to 63 tracts.

Development Office follow-up: No new map was provided to evaluate.*

Question 12): AASHTO requires a minimum centerline radius for a rural roadway, design speed of 30 mph, with a normal crown (i.e., 2%) to be 353 feet. Many of the centerline curves shown on the preliminary plat will not meet these criteria. Many of the curves will still not meet AASHTO's design criteria even if the roadways were designed with superelevation (radius decreases to 302 feet with superelevation). The plat needs to be changed in order to allow for the proper design of all roadways and radius of all curves based on current AASHTO criteria.

Answer: The deficient center line radii have been changed to support a 30 mph design speed.

Development Office follow-up: No new map was provided to evaluate.*

Question 13): Two individual accesses are required per Section 80.020(e) of the Cheyenne – Laramie County Subdivision/Development Regulations 2000 for a development of more than 12 residential tracts. Provide second access.

Answer: Two individual accesses are provided via Hales Ranch Road. Hales Ranch Road was constructed to Laramie County Standards and provides an access to Campstool Interchange to the west as well as Campstool Road to the east.

Development Office follow-up: Re-evaluation of map shows two accesses provided from an unnamed roadway. Requirement eliminated though unique names need to be placed on the final plat map or corrected preliminary plat map.

*Agent indicates that he did not submit a revised map because Mrs. Pafford did not specifically direct him to do so.

UPDATED RECOMMENDATION (5/27/04): The Development Office recommends tabling of the preliminary plat to submit a corrected preliminary plat map for evaluation by reviewing agencies.

encl: State Engineer comment
Agent letter w/ on-site wastewater map

STAFF REPORT UPDATE (06/08/04):

At it's meeting on June 7, 2004 the Cheyenne – Laramie County Regional Planning Commission unanimously voted to remove the preliminary plat from the table to be discussed.

The Planning Commission recommended approval of the preliminary plat of H R Ranch, Third Filing, by a unanimous vote of 9-0 provided the County Commissioners approve the open space design regulations.



State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002
(307) 777-7354 FAX (307) 777-5451
seoleg@state.wy.us

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

RECEIVED

May 19, 2004

MAY 24 2004

Russ Dahlgren
Dahlgren Consulting
914 E. 23rd Street
Cheyenne, WY 82001

CITY OF CHEYENNE
DEVELOPMENT DEPARTMENT

Re: HR Ranch 3rd Filing Subdivision
(2004-29-18), Laramie County (2),
Division 1, District 1

Dear Mr. Dahlgren:

Wyoming Statute 18-5-306 (a) (xi) defines how any water rights appurtenant to lands proposed to be subdivided, must be addressed prior to subdivision. A search of the State Engineer's records in the area of the referenced subdivision revealed several subject water rights; please refer to the attached tabulation. Be advised that these are water rights of record in the State Engineer's Office, and may or may not reflect the actual situation on the ground. Failure to exercise a water right for 5 years when water is available may constitute grounds for forfeiture. Therefore, I am notifying Superintendent Randy Tullis of my findings and comments by copy of this letter.

I have enclosed that portion of our manual **REGULATIONS AND INSTRUCTIONS, PART IV, STATE BOARD OF CONTROL** and a draft copy of proposed additions to these regulations that deal with proposed subdivision developments for your review and general information. This information outlines how all subject water rights on lands proposed to be subdivided must be either relinquished, transferred, or retained and how the subdivider must prepare a water right distribution plan for those water rights retained on the subdivision lands.

Regarding a water right distribution plan in general, we recommend it be incorporated into the county subdivision plat and ultimately recorded with or referenced on the plat. The State Engineer's Office will review the plan from a water right record consistency and administrative feasibility standpoint involving both main office and field personnel. It is our understanding that the co-users of any ditch or facility affected by the subdivision will be provided the opportunity to review and comment on the plan, as well. The State Engineer's Office will ultimately require a Mylar or reproducible copy of the approved water right distribution plan and the final county approved subdivision plat.

A water right distribution plan should neither introduce nor perpetuate discrepancies in the State Engineer's water right records. It should delineate how much of each right is to remain attached to each subdivision lot. It should clearly demonstrate how the water is to be conveyed from the point of diversion of the supply facility to each subdivision lot and how the subdivider plans to address any waste water. Once those items associated with *existing water rights* have been addressed, including any appropriate comments from our field staff, I will recommend the State Engineer approve your plan.

Additionally, please be advised that any required water right actions do not remove any other requirements, as related to subdivisions under Wyoming Statute 18-5-306 (Amended), including adequacy reviews of proposed sewage treatment works or proposed water supply and distribution systems by the Department of Environmental Quality, or other specific County Issues. Under the Amended Statute the State Engineer's Office is now to cooperate with the Department of Environmental Quality in the review of subdivision applications as they relate to water supply adequacy, as well. The Department has specifically requested that the State Engineer comment on this subdivision's *proposed water supply*. These comments are as follows:

- Based upon a review of the information submitted to this agency, it appears that the subdivider has provided appropriate documentation, adequate evaluation and the necessary certifications in addressing his obligations associated with the physical adequacy of the proposed subdivision water supply.
- The subdivider and ultimately lot owners are hereby advised to hire a reputable well drilling contractor and construct their well within guidelines described in the State Engineer's Office Rules and Regulations, Part III, Water Well Minimum Construction Standards. An approved permit from the Wyoming State Engineer's Office is required prior to the drilling of any water well. Thank you for referencing these requirements in your report.

If we may be of further assistance please don't hesitate to contact us.

Best Regards,



Mike Ebsen
Cooperative Programs Coordinator

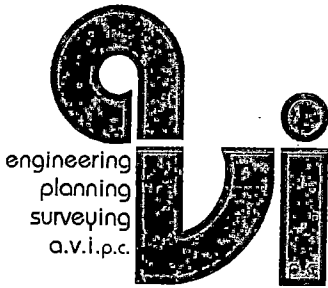
Enclosures:

cc: file/Field/SW/GW/DEQ#04-s-015

Mark Reid, Laramie Co. Planner
Box 608
Cheyenne, WY 82003

✓ Cheyenne/Laramie County Development Office
2101 O'Neil Avenue
Cheyenne, WY 82001

MRE:me



(307) 637-6017
fax no. (307) 632-9326
2035 westland rd.
cheyenne, wyoming
82001

May 24, 2004

2-2229.02

Lisa Pafford
Senior Planning Tech
Development Office, rm 202
City of Cheyenne
Cheyenne, Wyoming 82001

RECEIVED

MAY 25 2004

CITY OF CHEYENNE
DEVELOPMENT DEPARTMENT

RE: HR Ranch 3rd Filing

Dear Lisa,

At its regular meeting Monday, May 3, 2004, the Cheyenne/Laramie County Planning Commission recommended to table HR Ranch 3rd Filing. The items listed in the staff report which warranted the decision are addressed below:

1. This plat is designed under the Open Space Design concept which will be voted by the County Commissioners on June 15, 2004. If the Open Space Design is adopted, a variance will not be warranted and the smaller lot size will be acceptable. Even though the Open Space Concept will not be approved until June 15, the Owner (HR Land Co.) would like to proceed, at its own risk, with the preliminary plat which would allow the County Commissioners to vote on the preliminary plat at the same time the Open Space Concept would be voted on (June 15).
2. A minimum of two easements has been provided to all open spaces.
- 3,4,6. A master traffic study was completed and included all previous developments in the area. The traffic study includes all roadways that require paving and modification requirements to existing roads. Hales Ranch Road will be paved from Campstool Road to the second access of the subdivision. A left turn lane will be constructed at the intersection of Hales Ranch Road and Campstool Road.
5. Tract numbering has been changed to begin with #71.
7. Additional drainage easements has been added to tracts 117, 118, 120, 121, 98, 96, & 128.

8. A map has been prepared and submitted with DEQ permit application. This map (enclosed) locates each tract's on-site small wastewater system. This map will accompany the final plat application.
9. A statement on the final plat map shall be included saying, "Designed open space shall not be further developed or subdivided".
10. The open space will be owned by the HR Ranch Homeowners Association. The documents defining the open space ownership will be provided with the final plat application.
11. The total number of tracts has been reduced from 64 to 63 tracts.
12. The deficient centerline radii have been changed to support a 30 mph design speed.
13. Two individual access are provided via Hales Ranch Road. Hales Ranch Road was constructed to Laramie County Standards and provides an access to Campstool Interchange to the west as well as Campstool Road to the east.

At this time, the Owner would like to request that HR Ranch 3rd Filing be removed from the table and voted on. The items from the staff report have been addressed and the Owner would like to proceed with the preliminary plat process. The Owner clearly understands the risks of proceeding and would like to make the approval of the Open Space Design Concept and the DEQ permit conditions of the final plat.

If you have any questions or comments, please contact me anytime.

Sincerely,

A.V.I. PROFESSIONAL CORPORATION



Tom Kent, P.E.

cc: Paul Lowham
file

