

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

**1. DATE OF PROPOSED ACTION:** February 17, 2015


**2. AGENDA ITEM:** ☐ Appointments ☐ Bids/Purchases ☐ Claims  
☐ Contracts/Agreements/Leases ☐ Grants ☒ Land Use: Board App/Subdivision/ZC  
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions  
☐ Resolutions ☐ Other

**3. DEPARTMENT:** Planning & Development Office

**APPLICANT:** Legerski Family Trust **AGENT:** Western Research & Dev

**4. DESCRIPTION:**

Consideration of a Subdivision Permit and Plat for Legerski Trust Subdivision, located in the Northeast ¼ of the Southwest ¼ of Section 31, T. 15 N., R. 64 W., of the 6th P.M., Laramie County, WY.

RECEIVED AND APPROVED AS  
TO FORM ONLY BY THE  
DEPUTY LARAMIE COUNTY  
ATTORNEY 

Amount \$ \_\_\_\_\_ From \_\_\_\_\_

**5. DOCUMENTATION:** 1 Originals 0 Copies

<u>Commissioner</u>		<u>Clerks Use Only:</u>	
		<u>Signatures</u>	
Ash	_____	Co Atty	_____
Holmes	_____	Asst Co Atty	_____
Heath	_____	Grants Manager	_____
Kailey	_____		
Thompson	_____		
Action	_____	Outside Agency	_____



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

---

Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Barbara Kloth, Senior Planner

**DATE:** February 17, 2015

**TITLE:** Review and action of a Subdivision Permit and Plat for Legerski Trust Subdivision, located in the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 31, T. 15 N., R. 64 W., of the 6<sup>th</sup> P.M., Laramie County, WY, situated at the west end of Cessna Lane and Piper Lane, east of Road 136.

---

### EXECUTIVE SUMMARY

Western Research and Development (R&D), on behalf of the Legerski Family Trust, has submitted an application for approval of a Subdivision Permit and Plat to divide the existing parcel of approximately 39 acres into two equal size parcels of 19.5-acres each, to prepare for sale.

The Laramie County Planning Commission heard this application on January 22, 2015 and voted (4 - 0) to recommend approval with three conditions to modify the plat prior to recordation.

### BACKGROUND

The Legerski Trust Subdivision is located in a residential area, adjacent to a small airstrip. The proposed lot configuration should not cause excessive impact to surrounding properties. In addition, the applicant proposes only two lots in order to allow for development without unduly impacting the floodplain on the property.

### **Pertinent Regulations**

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

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

## **AGENCY REVIEW**

### **Public Works Department:**

Applicant will need to consult Laramie County Public Works regarding access from Cessna Lane and Piper Lane.

### **Environmental Health Department:**

Laramie County Small Wastewater System Regulations

- A small wastewater system permit shall be obtained for each lot as it is developed. A perc test will be required for each lot prior to issuance of a small wastewater permit.
- A copy of a USDA soil survey and a copy of the signed final plat shall be submitted for the file prior to issuance of any small wastewater system permit.

*Agencies Responding with No Comments:* County Assessor, Laramie County School District No. 1, Combined Communications Center.

*Agencies Not Responding:* County Real Estate Office, County Treasurer, US Post Office, Emergency Management, Fire District No. 6, Sheriff's Office.

## **DISCUSSION**

This property is located within the Comprehensive Planning area for the county, which recommends Low Density Rural and Agricultural uses. This category encourages residential development with an average of one dwelling unit per 10-35 acres, convenience and commercial centers, and agricultural activities. The Comprehensive plan also encourages development with respect to minimizing impacts on natural resources and protecting environmentally sensitive lands. Although a smaller lot size may have been allowed, the applicant has limited the number of lots to two so both lots would have adequate area to develop outside the floodplain, which covers a significant portion of the property. The application is in conformance with the plans and policies of the Laramie County Comprehensive Plan (2001).

The property is located within the Laramie County Control Area for the State Engineer's Office and is subject to the temporary well spacing requirements. The proposed lot size is above the minimum size for new domestic wells.

Agency comments were received by Environmental Health regarding permitting new septic systems. Systems cannot be located within a floodplain. The application appears to leave adequate space for the new systems on the property; however, testing will be required prior to permit issuance. Public Works also submitted comments regarding access permitting requirements for the proposed new access points. Within the Laramie County Land Use Regulations (2011), the maximum number of lots which can use a single point of access is 12. The east lot (Tract 2) proposed under this subdivision will be the 12th, and final, lot allowed on this access (Cessna Lane). For that reason, the west lot (Tract 1) must take access through the

floodplain off Piper Lane. This may require a Floodplain Development Permit, in addition to the standard access permit, to ensure the access is up to standard and will not cause issues for emergency services, or property owner, in the future. All these items will be evaluated at time of development (i.e. a building permit applied for).

This proposed division of land meets the purposes, intent, and applicable standards per Section 2-1-101 (a-d) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit. The applicant will need to add signatory blocks to the plat so approval dates and signatures of the Planning Commission and Board chairpersons can be affixed. With that condition, the application meets standards of Section 2-1-101 (e) governing the criteria for a plat. Community Facility Fees shall be due, according to Section 1-1-106(c) before signatures are affixed to the plat.

Neighbor notices were sent and legal ads published, as required. No formal comments were received for this application. Staff has no other concerns with respect to this application.

The Laramie County Planning Commission heard this application on January 22, 2015 and voted (4 - 0) to recommend approval with three conditions to modify the plat prior to recordation. Public comment was received from the MPO, who noted the lack of Right-of-Way on the plat for Piper Lane, as well as an adjacent property owner, who had concerns regarding the floodplain in the area and increased flows due to the development of an additional access through it. The ROW was added to the conditions of recommendation by the Planning Commission, and is noted below. With regards to the floodplain, any development will require a floodplain development permit which includes engineering studies and review to mitigate impacts.

### **RECOMMENDATION and FINDINGS**

**Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:**

- a. This application meets the criteria for a subdivision permit pursuant to section 2-1-101 (a-d) of the Laramie County Land Use Regulations.
- b. This application meets the criteria for a plat pursuant to section 2-1-101 (e) of the Laramie County Land Use Regulations.

**and that the Board approves the Subdivision Permit and Plat for Legerski Trust Subdivision, Laramie County, Wyoming, with the following conditions:**

- 1. The signatory blocks for approval shall be added to the plat prior to recordation.
- 2. The floodplain information and Child's Draw shall be added to the plat prior to recordation.
- 3. The portion of Piper Lane which is shown as an easement on the SW corner of the property shall be dedicated as public ROW and the plat updated prior to recordation.

## **PROPOSED MOTION**

**I move to approve the Subdivision Permit and Plat for Legerski Trust Subdivision with conditions 1 thru 3, and adopt the findings of facts a and b of the staff report.**

## **ATTACHMENTS**

**Attachment 1: Locator Map**

**Attachment 2: Aerial Map**

**Attachment 3: Comprehensive Plan Map**

**Attachment 4: Planning Commission Meeting Minutes – January 22, 2015**

**Attachment 5: Plat**

**Attachment 6: Resolution**



# Laramie County, Wyoming



## Legerski Trust Subdivision Permit & Plat PZ-14-00196

### Legend

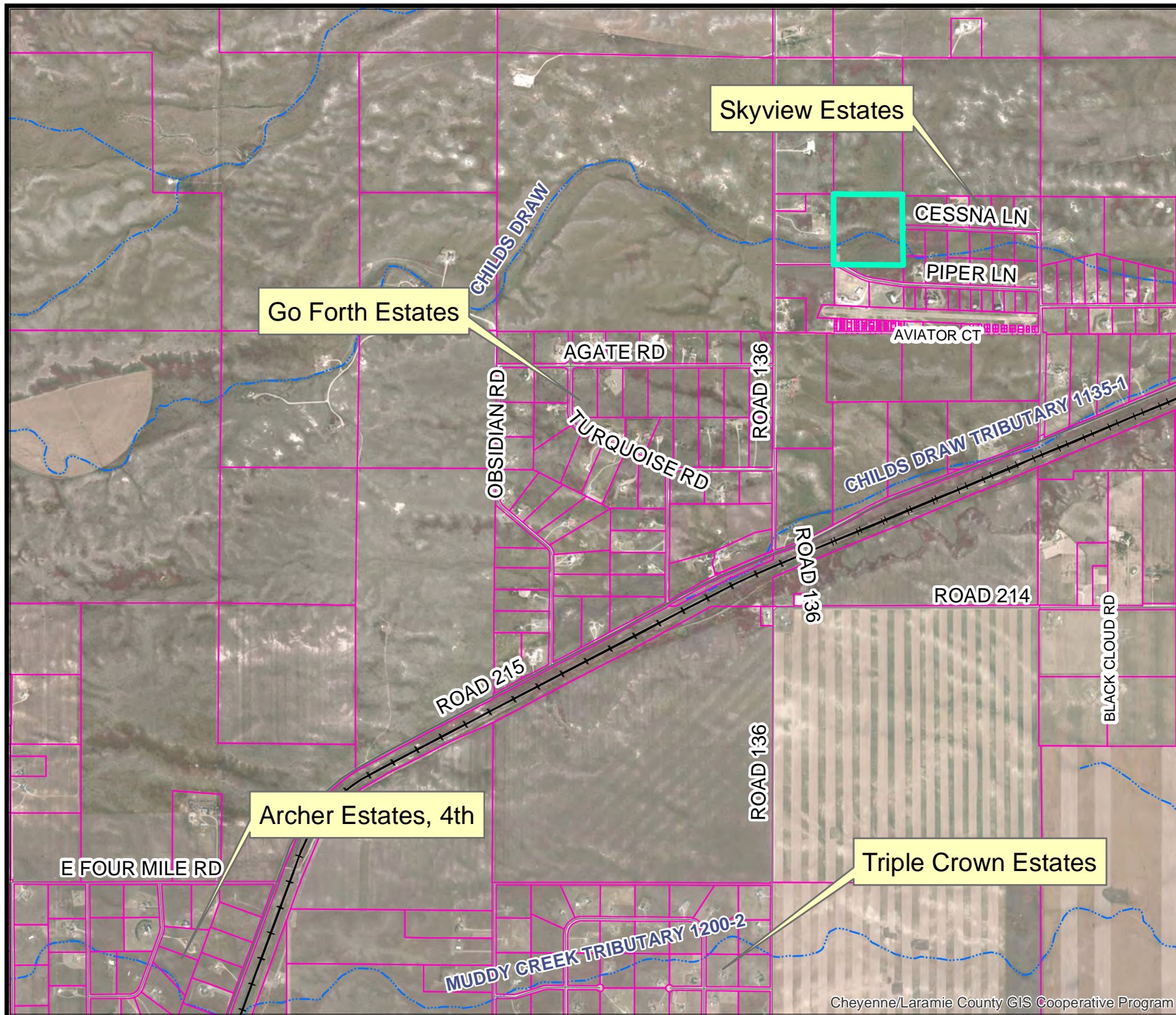
- Property Lines
- Creeks
- Subject Property

0 1,250 2,500  
Feet

Printed on Dec 16, 2014



Cheyenne/Laramie County GIS Cooperative Program



Skyview Estates

CESSNA LN

PIPER LN

AVIATOR CT

Go Forth Estates

AGATE RD

ROAD 136

TURQUOISE RD

CHILDS DRAW TRIBUTARY 1135-1

ROAD 214

BLACK CLOUD RD

ROAD 136

ROAD 215

Archer Estates, 4th

E FOUR MILE RD

Triple Crown Estates

MUDDY CREEK TRIBUTARY 1200-2



# Laramie County, Wyoming



## Legerski Trust Subdivision Permit & Plat PZ-14-00196

### Legend

 Property Lines

### Current Flood Hazards


#### NAME

 FEMA FLOODWAY


 FEMA 100YR

 FEMA 500YR

 CITY/CNTY 100YR

 Creeks

 Subject Property

0 125 250 500  
  
Feet

Printed on Dec 16, 2014



Cheyenne/Laramie County GIS Cooperative Program

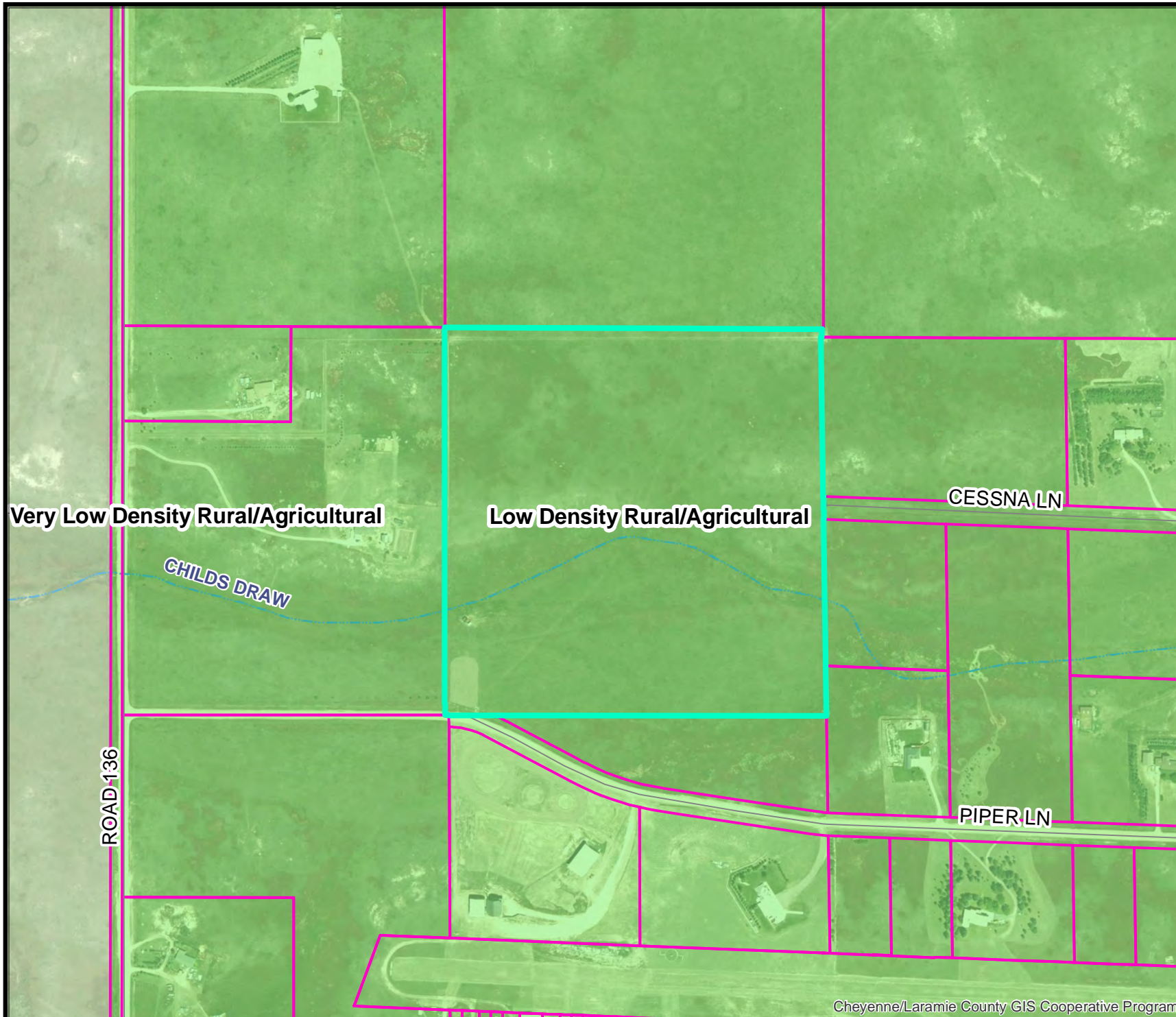
This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability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



# Laramie County, Wyoming



## Legerski Trust Subdivision Permit & Plat PZ-14-00196



### Legend

Property Lines

### Comprehensive Plan (2001)

#### Future Land Use

I-25 Gateway District

Urban Density

Rural Density

Low Density Rural/Agricultural

Very Low Density Rural/Agricultural

Creeks

Subject Property

0 125 250 500  
Feet

Printed on Dec 16, 2014



Cheyenne/Laramie County GIS Cooperative Program

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.



**Minutes of the Proceedings  
Legerski Trust Subdivision  
Laramie County Planning Commission  
Prepared by the Laramie County Planning & Development Office  
Laramie County Wyoming**

Thursday, January 22, 2015

**150122 00** The Laramie County Planning Commission met in regular session on Thursday, January 22, 2015 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Bert Macy, Pat Moffett, and Bonnie Reider; Dan Cooley, Planning Director; Brett Walker, Planning Manager; Barbara Kloth, Senior Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Bill Swearingin, 7610 S. Milliron Road, Cheyenne; Ann Marie Taylor, 5908 Yellowstone Road, Cheyenne; Gary Datus, 10004 E. Milliron Road, Cheyenne; Bud Schepp, 4901 Klipstein Road, Cheyenne; Dan Schepp, 7808 Quarter Circle Drive, Cheyenne; Mike Smith, 1850 Horse Creek Road, Cheyenne; Casey Palma, 1102 W. 19th Street, Cheyenne; Seth Frentheway, 1800 Hackamore Road, Cheyenne; Tom Mason, 2101 O'Neil, Cheyenne; Dave and Edna Johnson, 3663 Piper Lane, Cheyenne.

**04** Review and action of a Subdivision Permit and Plat for Legerski Trust Subdivision, located in the Northeast 1/4 of the Southwest 1/4, Section 31, T. 15 N., R. 64 W., of the 6th P.M., Laramie County, Wyoming.

Ann Marie Taylor, of Western Research & Development, was present as agent for the Legerski Family Trust. The purpose of the application was to split the almost-40 acre parcel into two equal size parcels, to prepare for sale. The subject property was located in a residential area, close to an airstrip subdivision.

Ms. Kloth gave an overview of the staff report. Since there was considerable floodplain on this property, the proposed subdivision was only for two lots, which would better allow for development. Since each lot would be approximately 19.5 acres, the lot size would be above the minimum requirement to allow for septic and well systems. Tract 2 would be allowed access from Cessna Lane, but would be the 12th and final lot allowed access, based on the 2011 Laramie County Land Use Regulations. Therefore, Tract 1 access was proposed via Piper Lane, and would pass through the floodplain to the south of the subject property. This access would require a standard access permit, as well as a Floodplain Development Permit. Staff recommended approval with 2 conditions; condition 1 as listed in the staff report, and the addition of condition 2 requiring the floodplain be noted on the plat.

Commissioner Moffett noted that Childs Draw was shown on the aerial map, and asked if it should also be annotated on the plat. Ms. Kloth concurred, since the draw was the cause of the floodplain. Commissioner Reider requested the spelling of "tract" (no k) be corrected on the plat.

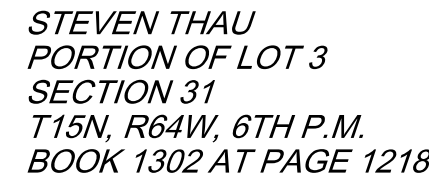
Commissioner Clark opened the hearing for public comment. Tom Mason, MPO Director, asked why the right-of-way easement in the southwest corner was not being platted. Ms. Kloth responded it appeared that Piper Lane, up to the west portion of the property, was already dedicated. She accessed the parcel viewer to review the situation, and found that Piper Lane appeared to end at the edge of the property, but said the r.o.w. should be dedicated now. She recommended the dedication as condition 3.

Dave Johnson stated he was the owner of property to the south of the subject property. He stated there had been a considerable amount of sheet flow last year at the access point in the southwest corner, and was concerned that an increase in the elevation of the access would increase the flow.

The hearing was closed to public comment. Commissioner Moffett moved to recommend approval with conditions 1 through 3, as noted below:

1. The signatory blocks for approval shall be added to the plat prior to recordation.
2. The floodplain information and Child's Draw shall be added to the plat prior to recordation.
3. The portion of Piper Lane which is shown as an easement on the SW corner of the property shall be dedicated as public ROW and the plat updated prior to recordation.

Commissioner Reider seconded the motion, and it passed with a vote of 4 – 0.



DONALD AND  
CATHERINE LOETSCHER  
E1/2 NW1/4 SECTION 31  
PARCEL No. R0056333

TRACK 1  
19.5 AC

LEGERSKI FAMILY TRUST  
NE1/4 SW1/4 SECTION 31  
T15N, R64W, 6TH P.M.  
BOOK 2056 AT PAGE 619  
39.0 ACRES

TRACK 2  
19.5 AC

PLAT OF SKYVIEW ESTATES  
PORTION OF THE  
SE1/4 OF SECTION 31  
15N,R64W, 6TH P.M.  
BOOK 1523 AT PAGE 1055  
JULY 23, 1973

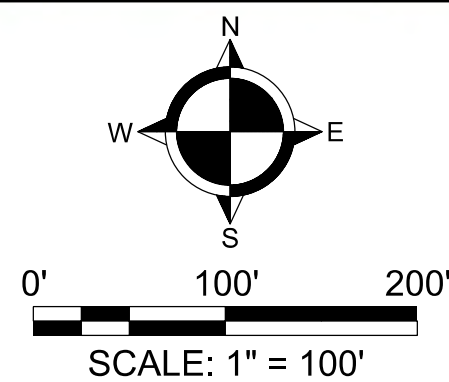
PLAT OF SKYVIEW ESTATES  
SECOND FILING  
PORTION OF THE  
LOT 4, AND SE1/4, SW1/4,  
SECTION 31  
15N,R64W, 6TH P.M.  
BOOK 6 AT PAGE 136  
MARCH 18, 1994

THE NE1/4SW1/4 OF SECTION 31, T15N, R64W, OF THE 6TH PRIME  
MERIDIAN, LARAMIE COUNTY, WYOMING

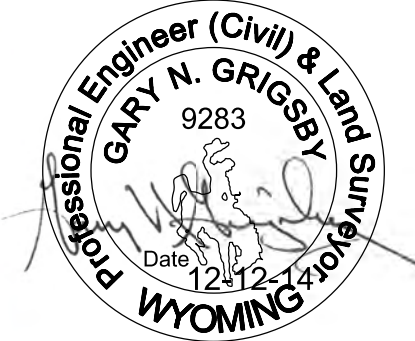
THE NE1/4SW1/4 OF SECTION 31, T15N, R64W, OF THE 6TH PRIME  
MERIDIAN, LARAMIE COUNTY, WYOMING

THE WEST LINE OF THE NE1/4SW1/4 OF SECTION 31 WHICH IS  
ALSO THE EAST LOT LINE OF LOT 3, SECTION 31, T15N, R64W  
OF THE 6TH P.M., LARAMIE COUNTY, WYOMING

THE WEST LINE OF THE NE1/4SW1/4 OF SECTION 31 WHICH IS  
ALSO THE EAST LOT LINE OF LOT 3, SECTION 31, T15N, R64W  
OF THE 6TH P.M., LARAMIE COUNTY, WYOMING



	PROPERTY BOUNDARY
	SECTION LINE
	QUARTER SECTION LINE
	SIXTEENTH SECTION LINE
	RIGHT OF WAY
	EASEMENT
	SECTION TIES
	RECORD DISTANCE
	MEASURED DISTANCE
	SET 5/8\"/>
	ALUMINUM CAP STAMPED "PELS 9283"
	FOUND SECTION CORNERS
	FOUND QUARTER SECTION CORNERS
	FOUND MONUMENTS AS NOTED
	CONTROL POINT
	FOUND R.O.W. MONUMENTS



**Western**  
RESEARCH & DEVELOPMENT, LTD.  
5908 YELLOWSTONE ROAD SUITE B CHEYENNE, WY. 82009 (307) 632-4656

CLIENT INFORMATION

LEGERSKI FAMILY TRUST  
958 ELM STREET  
WHEATLAND, WYOMING 82201

PLAT  
LEGGERSKI TRUST SUBDIVISION

DRAWING TITLE

PROJECT NUMBER:  
110-1619-00

DRAWING PATH

1 of 1

LEGERSKI FAMILY TRUST

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE  
SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 64  
WEST OF THE 6TH P.M., LARAMIE COUNTY, WYOMING

State of Wyoming } ss  
County of Laramie }

I, Gary N. Grigsby, a Professional Engineer and Land Surveyor registered in the State of Wyoming do hereby certify that this Plat was prepared from the records and field notes of a survey conducted under my supervision during the month of November, 2014, and that all dimensions and other details are correct to the best of my knowledge and belief.

Gary N. Grigsby, Wyoming PE & PLS # 9283  
December 12, 2014 (Job 110-1619-00)  
For and on behalf of Western Research & Development, Ltd.

BY WESTERN RESEARCH & DEVELOPMENT  
THIS PRODUCT STYLE AND FORMAT IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.  
THE USE OF THIS STYLE AND FORMAT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT AND  
PERMISSION OF WESTERN RESEARCH & DEVELOPMENT

BY WESTERN RESEARCH & DEVELOPMENT  
THIS PRODUCT STYLE AND FORMAT IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.  
THE USE OF THIS STYLE AND FORMAT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT AND  
PERMISSION OF WESTERN RESEARCH & DEVELOPMENT



**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR  
LEGERSKI TRUST SUBDIVISION, LOCATED IN THE NE ¼ OF SW ¼ SEC 31,  
T. 15 N., R. 64 W., OF THE 6TH P.M., LARAMIE COUNTY, WYOMING.**

**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 adopted the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed subdivision is in accordance with section 2-1-101 (a-d) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit; and

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

**WHEREAS**, this resolution is the subdivision permit for Legerski Trust Subdivision.

**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-d) of the Laramie County Land Use Regulations.
- b. This application is in conformance with section 2-1-101 (e) of the Laramie County Land Use Regulations.

**And that the Board approves the Subdivision Permit and Plat for Legerski Trust Subdivision with the following conditions:**

1. The signatory blocks for approval shall be added to the plat prior to recordation.
2. The floodplain information and Child's Draw shall be added to the plat prior to recordation.
3. The portion of Piper Lane which is shown as an easement on the SW corner of the property shall be dedicated as public ROW and the plat updated prior to recordation.

**PRESENTED, READ AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

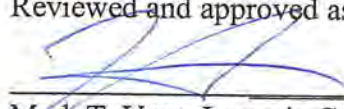
LARAMIE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Amber Ash, Chairman

ATTEST:

\_\_\_\_\_  
Debra K. Lathrop, Laramie County Clerk

Reviewed and approved as to form:

*For:* \_\_\_\_\_  
Mark T. Voss, Laramie County Attorney