



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of County Commissioners

FROM: Michael Surface, Senior Planner

DATE: January 3, 2023

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for Bailey Crossing, a subdivision of a portion of Tract A, Faas Tracts, situated in Section 30, T.15 N., R.67W., of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying, on behalf of A. J. Bailey has provided a Subdivision Permit and Plat application for Bailey Crossing, a subdivision located on the south side of Road 217 located approximately 5 miles northwest of the Cheyenne city limits. The application proposes 4 residential tracts at 7.39 acres each. The remaining part of the 51.05-acre property is to remain unplatted.

BACKGROUND

The property to be subdivided is open land and vacant. The dwelling on the larger portion of the property will remain on unplatted land.

Pertinent regulations of the Laramie County Land Use Regulations which apply include the following:

Section 2-1-101 (a-e) governing the criteria for a subdivision permit and plat.
Section 1-2-104 governing public notice.

DISCUSSION

The Laramie County Comprehensive Plan identifies the area as RAI – Rural Ag Interface. Rural residential uses are primarily associated in these areas. Density of uses is considered important, based upon availability and access to water.

Water and sewage disposal will be provided by individual well and septic systems. With an average lot size of 7.39 acres, the minimum requirements for septic system permits are met.

Access to the four tracts will be from Road 217. The property is within the LU – Land Use Zoning District.

The property is within AMEC Zone 2. This means the tract size of 7.39 acres each surpasses the minimum recharge area of 5 acres as indicated by the AMEC Memo. It also surpasses the 5.25 acres as dictated by the development standards.

Public agency review comments included: right-of-way width, Road 217 being brought up to current County Road Standards adjacent to the development, addressing, septic tank requirements, and cosmetic issues on the plat. The owner has agreed to a 70-foot right-of-way, with land being provided on the south side of Road 217. The additional footage making an 80-foot right-of-way is to come from the north side, at some time in the future if development occurs. The owner has been notified that Road 217 may be required to bring Road 217 up to County Road Standards. There is no agreement at this time.

Public notice through sign posting, a legal ad and certified mail was provided per Section 1-2-104 of the Land Use Regulations. An email from the public was received on the day of the Planning Commission meeting. The public comment and the staff response are attached.

The Planning Commission held a public hearing on this application December 22, 2022. The Planning Commission voted 4 – 0 to recommend approval of the subdivision permit and plat to the Board of County Commissioners with two (2) conditions. Three people made comments during the public hearing. Concerns expressed included how the right-of-way was to be achieved, covenants, access, county road standards, utilities and the character of the neighborhood.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff and the Planning Commission recommends the Board 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 right-of-way width of Road 217 is to be upgraded to 70 feet.
- c) The necessity of Road 217 being brought up to County Road Standards shall be resolved between the developer and County Public Works.

Staff and the Planning Commission recommend the Board approve the Subdivision Permit and Plat for Bailey Crossing to the Board of County Commissioners with the following conditions:

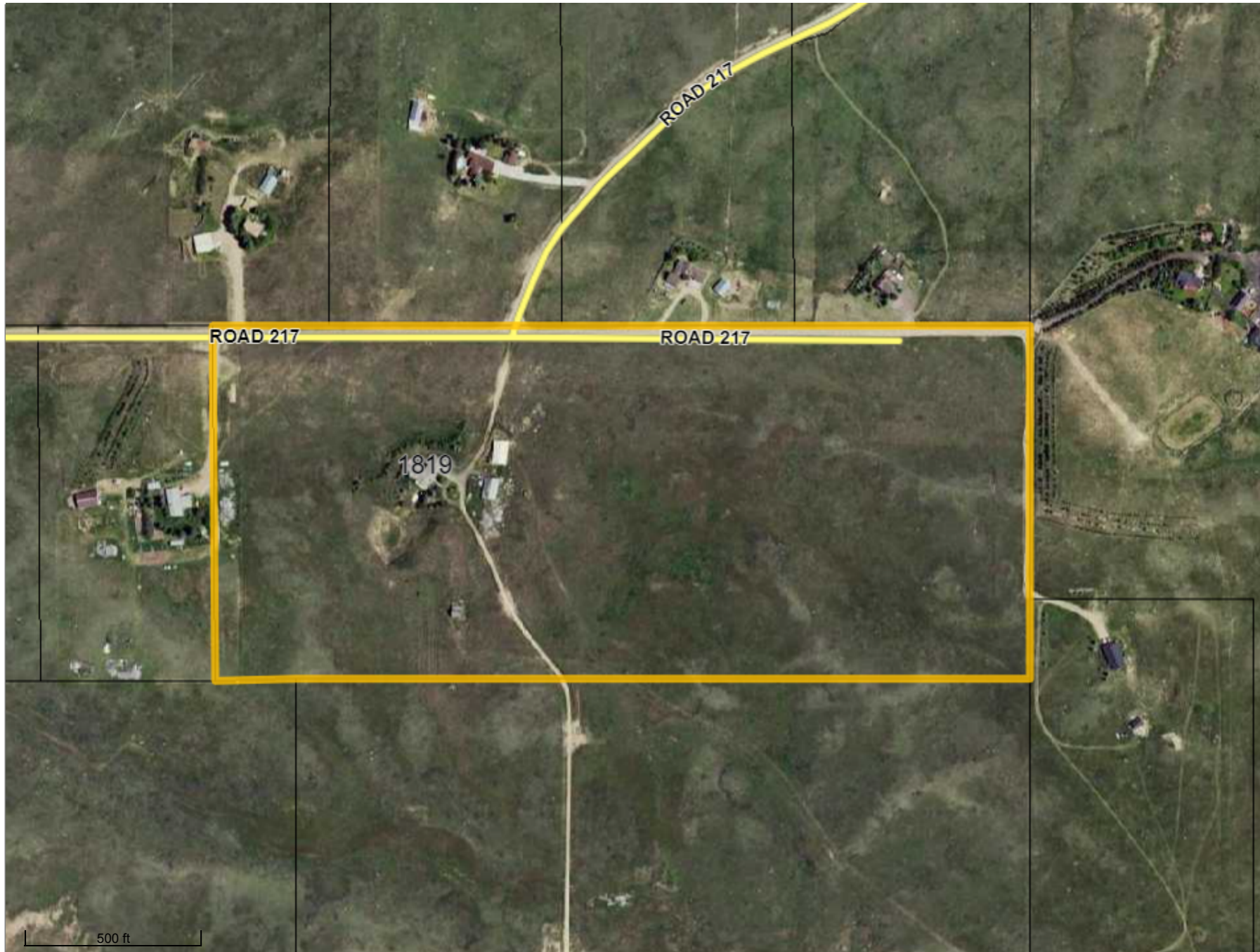
1. The right-of-way width for Road 217 shall be shown as 70 feet prior to plat recordation in front of the four tracts being created.
2. The necessity of Road 217 being brought up to County Road Standards shall be resolved prior to plat recordation with Laramie County Public Works. Should Road 217 be required to be brought up to County Road Standards, no building permit shall be issued until the required upgrade has been approved and accepted by Laramie County Public Works.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for Bailey Crossing and adopt the findings of fact and b, as well as the two (2) conditions of the staff report.

ATTACHMENTS

- Attachment 1: Project Master Map
Aerial and Vicinity
Zoning
County Comprehensive Plan
Fire District 2
AMEC Zone 2**
- Attachment 3: Agency Comments Report/Response from Steil Surveying**
- Attachment 5: Narrative Letter**
- Attachment 6: Public Comment and Staff Response**
- Attachment 7: Draft Resolution**
- Attachment 8: Plat**



PROJECT MAP

PZ- 22 - 00306

Bailey Crossing

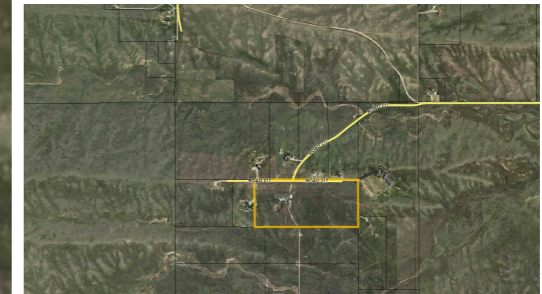
A four tract subdivision with
each parcel being 7.39 acres

Zoning: LU - Land Use District

County Comprehensive Plan :
RAI - Rural Ag Interface

AMEC Memo - Zone 2

Fire District: Laramie County
Fire Authority



PZ-22-00306 Bailey Crossing Subdivision
Subdivision Permit (25 Lots or Less)

Intraoffice: Planners, Cambia McCollom

The name in the dedication does not match that in the title block.

Addressing in this area is complicated situation.

County Assessor: County Assessor, Kaycee Eiselee

As this parcel was apart of Faass Tracts, the title block should include that information.

County Attorney: County Attorney, Mark Voss No Response

County Conservation District: County Conservation District, Shaun Kirkwood No Response

County Engineer: County Engineer, Scott Larson

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. This plat should dedicate 10' of additional ROW for Road 217 to ultimately achieve an 80' ROW (the other 10 would be from the north side).
3. Note 5 indicates "A Portion of this plat falls within a FEME 100year SFHA...". I believe it should say "No portion of this plat falls within..." because I do not see a flood plain located within this platted area.

Surveyor Review

1. The legal description provided in the DEDICATION is not the legal description of the boundary of the subdivision, although the boundary of the subdivision appears to fit within the boundary of the legal description provided in the DEDICATION. It would clarify the intent of the platted subdivision boundary and make the legal description more helpful to future users of the plat if the legal description included In the DEDICATION was the legal description of the boundary of the subdivision.
2. There are 5 easements along the east boundary of TRACT 4 (a 30' ACCESS EASEMENT B1348- P817, a 30' UTILITY EASEMENT B1464-P2, a 16' TELEPHONE EASEMENT BB1087-P481, a 16' UTILITY EASEMENT B1168-P133, and a 40' INGRESS/EGRESS EASEMENT "C3". Are all of the easement holders aware of the chronological creation of the overlapping easements and in agreement as far as the terms and conditions of said easements are concerned?
3. There are 2 north-south easement lines shown north of and at the northwest corner of TRACT 1. Do these easement lines indicate RD 217 traversing north?

County Public Works Department: County Public Works Department, Molly Bennet

1. All comments from the review engineer and surveyor shall be addressed.

2. With this development action, Road 217 shall be built and/or brought up to current County Standards. A right-of-way/grading permit will be required.
3. Due to Road 217 being dedicated to the public, access permit applications through Public Works will be required for each tract. Call (307-633-4302) or email (permits@laramiecountywy.gov) Public Works for more information.
4. Access locations onto Road 217 from each tract shall meet the current Laramie County Land Use Regulations.

County Real Estate Office: County Real Estate Office, Laura Pate No Comments

County Treasurer: County Treasurer, Trudy Eisele No Response

Emergency Management: Emergency Management, Matt Butler No Response

Environmental Health: Environmental Health Department, Tiffany Gaerter 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. Keep septic systems out of easements. Signed final plat must be submitted to Environmental Health Office prior to application for permits.

Planners: Planners, Michael Surface

This is a four tract subdivision that does not require review by WYDEQ. A traffic and drainage waiver have accompanied the application. It is in the LU-Land Use Zoning District. Tracts average 7.39 acres each.

Sheriff's Office: Sheriff's Office, Amber Shroyer No Response

WY State Engineer's Office: Wyoming State Engineer's Office, Lisa Lindemann No Response \

Laramie County Fire Authority: Laramie County Fire Authority, Manuel Muzquiz No Comments

PZ-22-00306
Subdivision Permit (25 Lots or Less)

Intraoffice: Planners, Cambia McCollom Comments Attached 11/14/2022
The name in the dedication does not match that in the title block. **CORRECTED**

Addressing in this area is complicated situation.

County Assessor: County Assessor, Kaycee Eisele Comments Attached 11/03/2022
As this parcel was apart of Faass Tracts, the title block should include that information.
ADDED

County Engineer: County Engineer, Scott Larson Comments Attached 11/14/2022
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. **THANK YOU**
2. This plat should dedicate 10' of additional ROW for Road 217 to ultimately achieve an 80' ROW (the other 10 would be from the north side). **EXISTING COUNTY ROAD – APPEARS TO MEET COUNTY ROAD STANDARDS AS IS – FURTHER DEVELOPMENT IN THIS AREA IS HIGHLY UNLIKELY. ALL OTHER PROPERTIES ARE DEVELOPED AND THE ADDITION OF ROW FROM THE NORTH SIDE IS ALSO HIGHLY UNLIKELY. THE ADDITIONAL 10 FEET OF ROW FROM THIS PLAT DOES NOT APPEAR NECESSARY.**
3. Note 5 indicates “A Portion of this plat falls within a FEME 100year SFHA...”. I believe it should say “No portion of this plat falls within...” because I do not see a flood plain located within this platted area. **CORRECTED**

Surveyor Review

1. The legal description provided in the DEDICATION is not the legal description of the boundary of the subdivision, although the boundary of the subdivision appears to fit within the boundary of the legal description provided in the DEDICATION. It would clarify the intent of the platted subdivision boundary and make the legal description more helpful to future users of the plat if the legal description included In the DEDICATION was the legal description of the boundary of the subdivision.

CORRECTED

2. There are 5 easements along the east boundary of TRACT 4 (a 30' ACCESS EASEMENT B1348- P817, a 30' UTILITY EASEMENT B1464-P2, a 16' TELEPHONE EASEMENT BB1087-P481, a 16' UTILITY EASEMENT B1168-P133, and a 40' INGRESS/EGRESS EASEMENT “C3”. Are all of the easement holders aware of the chronological creation of the overlapping easements and in agreement as far as the terms and conditions of said easements are concerned? **EXISTING EASEMENTS – IN PLACE BEFORE THIS PLAT**

3. There are 2 north-south easement lines shown north of and at the northwest corner of TRACT 1. Do these easement lines indicate RD 217 traversing north? **NO - 217 COMES INTO THE SHOWN PORTION OF 217 FURTHER TO THE WEST – THOSE LINES ARE PROPERTY LINES AND A QUARTER SECTION LINE**

County Public Works Department: County Public Works Department, Molly Bennett
Comments Attached 11/14/2022

1. All comments from the review engineer and surveyor shall be addressed.

ADDRESSED

2. With this development action, Road 217 shall be built and/or brought up to current County Standards. A right-of-way/grading permit will be required. **APPEARS TO MEET COUNTY ROAD STANDARDS AS IS (EXISTING 60' R/W)**

3. Due to Road 217 being dedicated to the public, access permit applications through Public Works will be required for each tract. Call (307-633-4302) or email (permits@laramiecountwy.gov) Public Works for more information. **OWNER IS AWARE**

4. Access locations onto Road 217 from each tract shall meet the current Laramie County Land Use Regulations. **OWNER IS AWARE**

Environmental Health: Environmental Health Department, Tiffany Gaertner Comments
Attached 11/15/2022
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. Keep septic systems out of easements. Signed final plat must be submitted to Environmental Health Office prior to application for permits. **OWNER IS AWARE**

Planners: Planners, Michael Surface Comments Attached 11/01/2022

This is a four tract subdivision that does not require review by WYDEQ. A traffic and drainage waiver have accompanied the application. It is in the LU-Land Use Zoning District. Tracts average 7.39 acres each.

Laramie County Fire Authority: Laramie County Fire Authority, Manuel Muzquiz No
Comments 11/14/2022



December 2, 2022

Laramie County Planning & Development Office
3966 Archer Parkway
Cheyenne, WY 82007
(307) 633-4303

InRe: LETTER OF JUSTIFICATION - BAILEY CROSSING

Steil Surveying Services, agent for the owner, intends to subdivide a portion of SEC 30, T1 S N, R67W, into FOUR (4) 7.39 acre tracts.

The overall density of the subdivision is 29.56 acres. The Proposed subdivision will consist of FOUR (4) tracts of 7.39 acres.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Michael L. Hansen". The signature is written in a cursive style with a large, stylized initial "M".

Shane Hansen

Director Planning and Development
Steil Surveying Services, LLC

Public Comment
12/22/22

From: Wayne Shenefelt <wrshenefelt@hotmail.com>

Sent: Thursday, December 22, 2022 1:35 PM

To: Planning <planning@laramiecountywy.gov>; Brian Shenefelt <bshenefelt@bresnan.net>

Subject: Subdivision Project #PZ-22-00306 - Public Comments (Neighbor)

Attention: This email message is from an **external(non-County)** email address. Please exercise caution and/or verify authenticity before opening the email/attachments/links from an email you aren't expecting.

Good Afternoon,

From what I understand the public hearing for this project is this evening. Unfortunately, I will be unable to attend, but I did want to express my concerns. I assume that it won't matter, but I thought I would voice them anyways.

When I sold this property to AJ Bailey, it was to be for his residence and not for subdividing. It wasn't in writing, but the only reason I sold him the land was because he wanted it for his primary residence and he needed the 50 acres so that he could have a place to shoot his shotguns and rifles. Now I see that he is trying to place 4 small plots into the East half of his property. Well, that is the opposite of what he told me he was going to use the land for, but I guess it is his now.

Anyways, I wanted to express my discontent with the plan. Placing 4 small 7 acre (plus or minus) lots in this location does not fit in with the rest of the parcels out here. The parcels out here are 20 plus acres and to place 4 small lots in the middle of everything just doesn't fit.

My brother (Brian Shenefelt) also lives directly South of these proposed lots and he doesn't want to stare at 4 houses out his back window. If we all wanted to live in town and be right next to neighbors, we would.

Thirdly, I have heard from most of the other neighbors out in this area, and none of them want this plan either. This places more homes utilizing County Road 217, more septic systems, more wells tapping into the aquifer, and more houses tying to our already weak power grid.

Anyways, I would assume that most of these subdivision plans just get approved and asking for public comment is just a formality, but I thought I should at least go on record for not wanting more small acre plots in such close proximity to me. I can only hope that there is a chance that the planning department really does care about the neighbors out here. I don't think it would bother any of us out here near as much if it was just going to be one 20 plus acre lot, but the fact that it will be 4 very small lots, doesn't fit well out here.

Thanks for taking the time to hear my concerns.

Thanks again,
Wayne Shenefelt
1638 Road 118A
Cheyenne, WY 82009

Staff Response
12/27/22

Michael Surface

To: bshenefelt@bresnan.net
Cc: Justin Arnold
Subject: RE: Subdivision Project #PZ-22-00306 - Public Comments (Neighbor)

Hello Mr. Shenefelt,

I apologize for not getting back to you sooner. I was out of the office last Thursday and Friday. I received your email this morning.

Your concerns about the character of the area, utilities and septic tanks are appreciated. Please note that planning staff is required to follow the Laramie County Land Use Regulations when making a recommendation about subdivision permits and plats. It is the best method to ensure fairness and equity. Numerous subdivision permit and plat applications receive conditions for approval.

There are two conditions associated with Bailey Crossing. These are:

1. The right-of-way width for Road 217 shall be shown as 70 feet prior to plat recordation in front of the four tracts being created.
2. The necessity of Road 217 being brought up to County Road Standards shall be resolved prior to plat recordation with Laramie County Public Works. Should Road 217 be required to be brought up to County Road Standards, no building permit shall be issued until the required upgrade has been approved and accepted by Laramie County Public Works.

Also, please note that any septic system is required to be permitted through Laramie County Environmental Health. Wells for domestic water consumption are required to be permitted through the State of Wyoming.

I thank you for your email. Note there is a public hearing on this proposal before the Board of County Commissioners at 3:30 pm on Jan. 3, 2023. The hearing is to be held in the Old Courthouse located at 310 West 19th Street in Cheyenne, Suite 310, if you would like to attend.

Respectfully,
Michael Surface
Senior Planner
Laramie County
Planning and Development
307-775-7451
12/27/22

From: Catherine Cundall <catherine.cundall@laramiecountywy.gov>
Sent: Tuesday, December 27, 2022 10:00 AM
To: Michael Surface <michael.surface@laramiecountywy.gov>
Subject: FW: Subdivision Project #PZ-22-00306 - Public Comments (Neighbor)

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
A PORTION OF TRACT A, FAAS TRACTS SITUATED IN SECTION 30, T.15N.,
R.67W., OF THE 6TH P.M., LARAMIE COUNTY, WY,
TO BE PLATTED AND KNOWN AS "BAILEY CROSSING".**

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

WHEREAS, this resolution is the subdivision permit for Bailey Crossing.

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.

And the Board approves the Subdivision Permit and Plat for Bailey Crossing with the following conditions:

1. The right-of-way width for Road 217 shall be resolved prior to plat recordation with Laramie County Public Works. If the width is to be increased, then that shall be corrected and reviewed prior to plat recordation.
2. The necessity of Road 217 being brought up to County Road Standards shall be resolved prior to plat recordation with Laramie County Public Works. Should Road 217 be required to be brought up to County Road Standards, no building permit shall be issued until the required upgrade has been approved and accepted by Laramie County Public Works.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

_____, 2023.

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

UNPLATTED
UNPLATTED

KNOW ALL PERSONS BY THESE PRESENTS THAT: Arther D. Bailey, Jr. Living Trust dated June 28, 2019, owner in fee simple of a portion of Section 30, Township 15 North, Range 67 West of the 6th P.M., as recorded in Book 2627, Page 1465, also known as Parcel A, Faass Tracts, per Record of Survey recorded November 2, 2017 in Book 2563, Page 1940, Cheyenne, Laramie County, Wyoming, being a portion of said Book 2627, Page 1465, more particularly described as follows:

Has caused the same to be surveyed, platted and known as BAILEY CROSSING and does hereby declare the subdivision of said land as it appears on this plat, to be it's free act and deed and in accordance with it's desires and does furthermore dedicate the easements as shown hereon for the purposes indicated.

Arther D. Bailey, Jr., Trustee, Arther D. Bailey, Jr. Living Trust dated June 28, 2019

STATE OF WYOMING)
) SS
COUNTY OF LARAMIE)

Notary Public, Laramie County, Wyoming

My Commission Expires: _____

Approved by the Laramie County Planning Commission this
 ____ day of _____, 2022.

Chairman

Approved by the Board of Commissioners of Laramie County,
Wyoming this ____ day of _____, 2022.

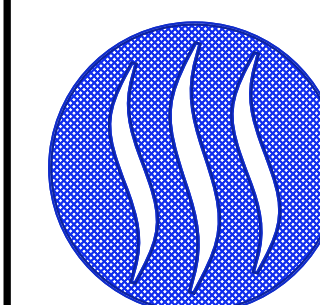
Chairman

ATTEST: _____
County Clerk



A SUBDIVISION OF
A PORTION OF TRACT A, FAAS TRACTS,
SITUATE IN SECTION 30,
T.15N., R.67W., OF THE 6TH P.M.,
LARAMIE COUNTY, WYOMING

PREPARED OCTOBER 2022



1102 WEST 19th ST. CHEYENNE, WY. 82001 ○ (307) 634-7273
756 CULCHRIST ST. WHEATLAND, WY. 82201 ○ (307) 322-9789

www.Steilsurvey.com info@Steilsurvey.com

REVISED: 10/3/2022
22379 PLAT.DWG

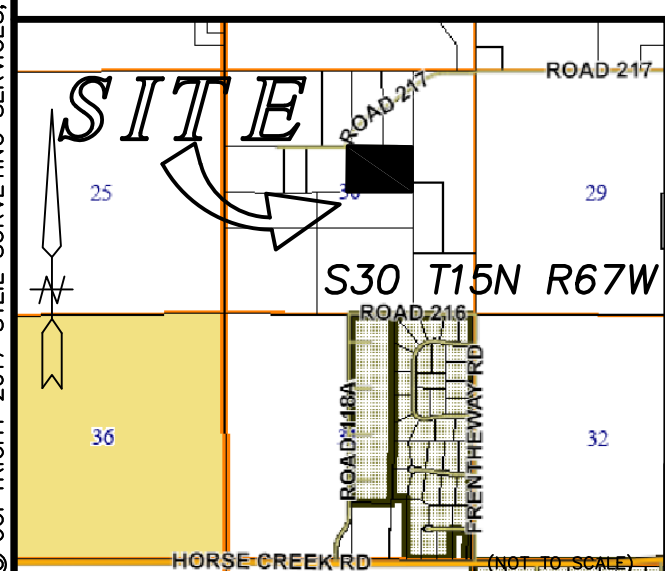
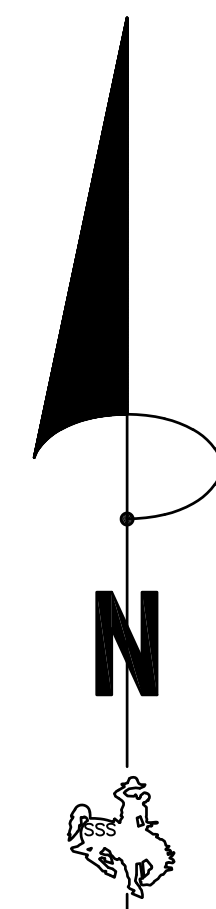
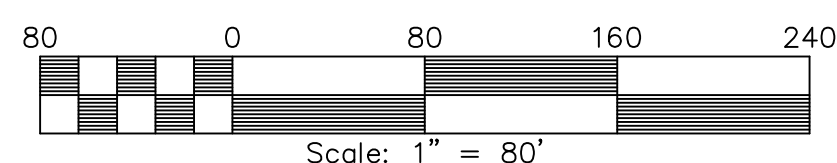
TRACT 4
7.39 AC. GROSS
7.09 AC. NET

PARCEL C FAAS TRACTS BOOK
2565, PAGE 650

1. BASIS OF BEARINGS: SOUTH LINE OF THAT PARCEL RECORDED IN BOOK 2563, PAGE 1940, BEING N89°55'38"W. WYOMING STATE PLANE COORDINATES NOTED AS WYO-EAST.
2. ALL UNMUNIONMENTED TRACT CORNERS, ANGLE POINTS AND CURVE POINTS TO BE MUNIONMENTED WITH A 1½" ALUMINUM CAP STAMPED "SSS PLN 5910" SET ¾" x 24" REBAR.
3. CWPP NOTE - THE SUBJECT PARCEL FALLS IN THE CWPP. LOW - CWPP FUEL LOADS MAP B
4. ALL WELLS AND SEPTIC SYSTEMS SHALL COMPLY WITH ALL APPLICABLE ORDINANCE(S), RULES AND REGULATIONS.
5. NO PORTION OF THIS PLAT FALLS WITHIN A FEMA 100-YEAR SFHA PER F.I.R.M. PANEL #60602C1060F; DATED JANUARY 17, 2007.
6. ALL EXISTING EASEMENTS TO REMAIN.

- SET 5/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- ⊕ FOUND 3" ALUMINUM CAP STAMPED "P.L.S. 2927"
- ⊗ FOUND 1 1/2" ALUMINUM CAP STAMPED "L.S. 558"
- ⊙ FOUND 1 1/2" ALUMINUM CAP STAMPED "L.S. 3047"
- ⊖ FOUND 1/2" IRON PIPE
- ⊕ FOUND 5/8" REBAR

I, Jeffrey B. Jones, A Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.



FILING RECORD

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