



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Nancy M. Trimble, Associate Planner

DATE: December 4, 2018

TITLE: Review and action on a Subdivision Permit and Plat for Northern Heights, 2nd Filing, located in a portion of the N1/2 Section 18, T.15N., R.66W., of the 6th PM, Laramie County, WY.

EXECUTIVE SUMMARY

AVI PC, on behalf of GB Builders, has submitted a Subdivision Permit and Plat application for Northern Heights, 2nd Filing, located northeast of Roads 124 and 218, at 2430 Channell Drive. The application has been submitted to subdivide approximately 57 acres into 10 single-family residential lots.

BACKGROUND

The subject property has a residence and associated structures located in the northwest portion of the property, which will remain on Tract 1 of the new subdivision. The surrounding area consists of rural residential and agricultural properties of varying acreage. On September 27, 2018, the Laramie County Planning Commission voted 3–0 to acknowledge the Preliminary Development Plan with 1 recommendation.

Pertinent Regulations

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 Rural Ag Interface (RAI). Rural residential uses are primarily anticipated in these areas. The subject property is located outside the PlanCheyenne and zoned boundaries.

Water and sewage disposal will be provided by individual well and septic systems. With an average lot size of 5.70 acres, the minimum requirements for septic system permits are met.

The State Engineer's Office issued a "generally supportive" letter for approval of this subdivision on November 16, 2018, and confirmed that well spacing requirements for property within the Conservation Area are indicated at one well per lawfully subdivided lot or one per ten acres of any other legal parcel of land.

A subdivision of more than 5 lots requires submittal of a Chapter 23 study to the Wyoming Department of Environmental Quality (DEQ). On November 19, 2018, Wyoming DEQ issued a "Non-Adverse Recommendation" letter regarding this proposed subdivision, and stated there were no requirements for any notes to be added to the final plat.

Access to the subdivision will be primarily from Channell Drive, which is a county-maintained road. The County Engineer has concurred with requests for waiver of the drainage and traffic studies since the development will have minimal impacts to both.

Agency review comments were received regarding minor clerical corrections to the plat, small wastewater system requirements, and required DEQ approval of the subdivision.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. Neighbor comments were received regarding fencing, property lines, and neighbor letters not being delivered. Staff responded that fencing placement in relation to property lines was a matter to be resolved between property owners, and that no undelivered mail had been returned to the Planning office.

A public hearing of this application was held on November 8, 2018 by the Laramie County Planning Commission. No public comment was received. The Planning Commission voted 4 – 0 to recommend approval of the application to the Board with two conditions. Both conditions have been met with receipt of the DEQ recommendation letter and a revised plat dated November 26, 2018.

The attached resolution shall serve as the subdivision permit upon approval by the Board.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff 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.

and that the Board approve the Subdivision Permit and Plat for Northern Heights, 2nd Filing with no conditions.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for Northern Heights, 2nd Filing and adopt the findings of fact a of the staff report.

ATTACHMENTS

- Attachment 1: Location Map**
- Attachment 2: Aerial Map**
- Attachment 3: Comprehensive Plan Map**
- Attachment 4: Agency Comments Report**
- Attachment 5: Neighbor Concern Letter**
- Attachment 6: State Engineer's Office Letter - November 16, 2018**
- Attachment 7: WYDEQ "Non-Adverse Recommendation" Letter – November 19, 2018**
- Attachment 6: Plat – November 26, 2018**
- Attachment 7: Resolution**

Laramie County, Wyoming





**Northern Heights,
2nd Filing
Subdivision
Permit and Plat**

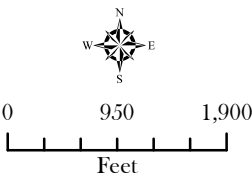
PZ-18-00240

Location Map

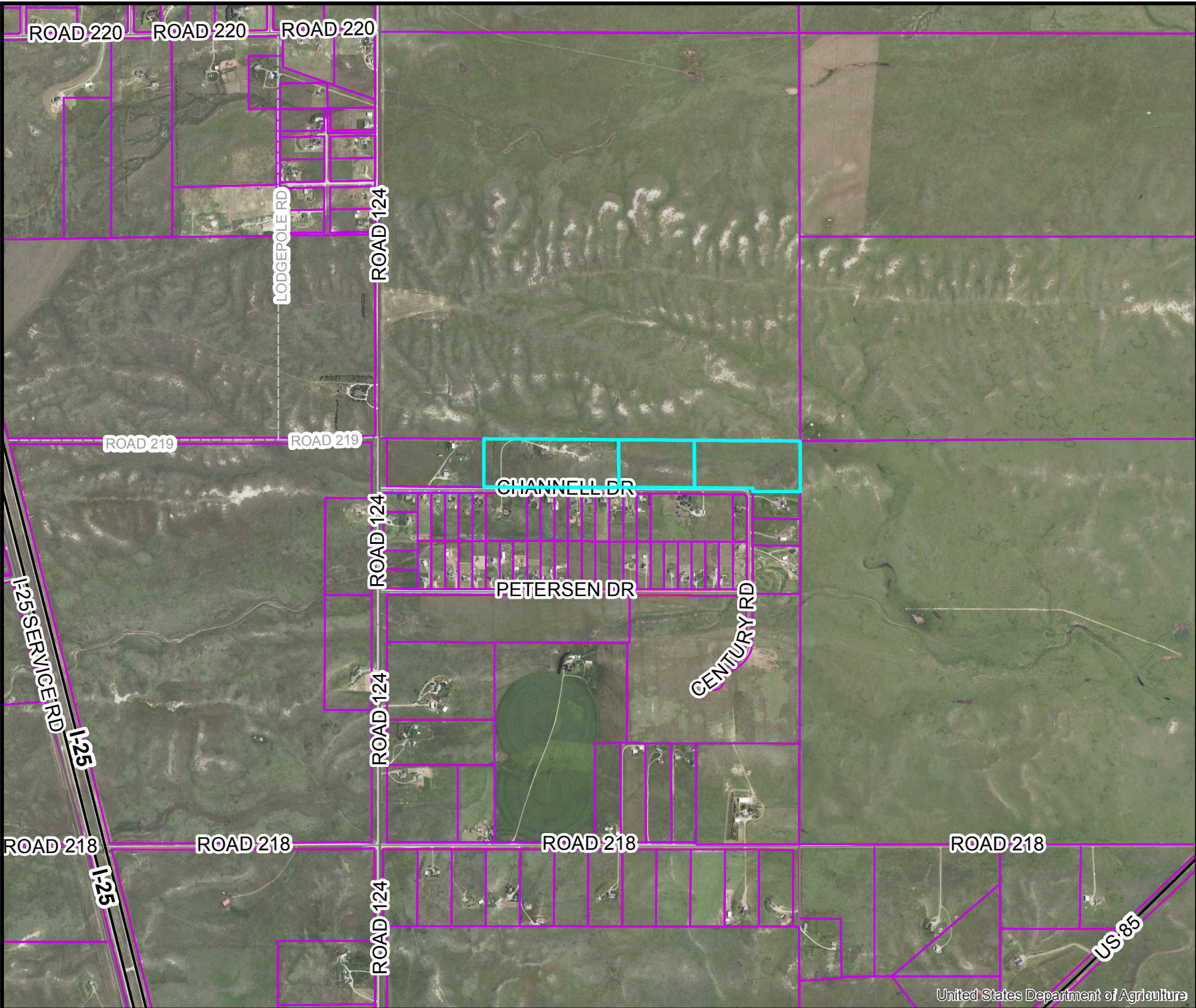
Legend

-  Property Lines
-  Subject Property

Printed on Oct 2, 2018



United States Department of Agriculture



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




Northern Heights,
2nd Filing
Subdivision
Permit and Plat

PZ-18-00240

Aerial Map

Legend

-  Property Lines
-  Subject Property

Printed on Oct 2, 2018



0 300 600
Feet

United States Department of Agriculture


Laramie County, Wyoming



**Northern Heights,
2nd Filing
Subdivision
Permit and Plat**

PZ-18-00240

**Comprehensive
Plan Map**

 Subject Property

Legend

 Property Lines

Future Land Use Districts

OTHER

 Rural Ag Interface (RAI)

Printed on Oct 2, 2018



0 300 600
Feet

United States Department of Agriculture

County Engineer: Scott Larson COMMENTS ATTACHED 10/19/2018

Engineer Review

1. I concur with the requests for a waiver of a detailed Traffic Study and Drainage Study since this development will have minimal impacts to both.
2. I have no comments regarding the plat drawing.

Surveyor Review

1. The adjoining road names are shown on the Plat however, the Vicinity Map would be easier to read and it would be more useful to the 'lay public' if one were to add some information such as, at a minimum, the Section, Township and Range data with enough detail to indicate the location of the subdivision within the Section.
2. It would be helpful to identify the registration numbers stamped on the "FOUND ALUMINUM CAPS".

Environmental Health Department: Roy Kroeger COMMENTS ATTACHED 10/09/2018

Laramie County Small Wastewater System Regulations

DEQ Subdivision report shall be completed and submitted to this office prior to the issuance of any small wastewater system permits.

Small wastewater system permit is required on each lot. Any commercial development will require a commercial small wastewater system permit designed by a licensed Wyoming Professional Engineer.

A copy of the signed final plat shall be submitted to this office prior to the issuance of any small wastewater system permit.

Small wastewater systems shall be located 50' from any property line or drainage.

Planners: Nancy Trimble COMMENTS ATTACHED 10/19/2018

Proof of DEQ Chapter 23 Study submittal was not provided with application package.

Applicant shall provide clarification as to status of the study submittal.

Agencies responding with No Comment: County Assessor, County Real Estate Office, County Public Works Dept., Laramie County School District No. 1, Sheriff's Office, Building Dept.

Agencies not responding: County Treasurer, County Conservation District, Wyoming State Engineer's Office, Wyoming DEQ, Combined Communications Center, Emergency Management, Fire District No. 2, Black Hills Energy, CenturyLink, Charter Cable Services.

Planning

From: Dave Brownlow <wyo2gus@gmail.com>
Sent: Sunday, October 07, 2018 4:12 PM
To: Planning
Subject: PZ-18_00201 / Northern Heights 2nd

I am writing to point out a property boundary discrepancy between the over-head photo and what has been our known boundary for the past 40 years.

I am the owner (2 1/2 yrs now) of the property directly West of the original Channell property, which is now set to be sub-divided by GB Builders. The overview photo clearly shows the Western boundary to be well onto my land.

The original land owner of my property is still around and has told me about his building of the boundary fence that bordered the Channell property on what is now my East boundary, as well as when Dial planted the tree line. This has been an undisputed property line for all these years, with the Channells actually building off said fence line to fence his southern boundary/driveway gate line.

Additionally, I would point out that the registered letter sent to "adjacent land owner" was post marked the 27th of Aug., with a reply date of Sept 16, allowing not even 10 days to respond. I would also point out that several landowners never even got that letter. Pretty darn shady if you ask me.

I have spoken to Buck Holmes about this situation and he recommended I put my concerns in writing and address them to the Planning Department. I spoke to Seth at the Planning Dept. on Oct.1, via phone, and he said he would pass my concerns on, and he also recommended this letter.

You may contact me via email or my phone.

Dave Brownlow
North Yellowstone Garage L.L.C.

307 287 3450



State Engineer's Office

MATTHEW H. MEAD
GOVERNOR

PATRICK TYRRELL
STATE ENGINEER

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002
(307) 777-7354 FAX (307) 777-5451
seoleg@seo.wyo.gov

November 16, 2018

Laramie County Board of Commissioners
309 W. 20th Street
Cheyenne, WY 82001

RE: Northern Heights 2nd Filing Subdivision, Laramie County, WDEQ Application #18-396

Dear Commissioners:

The State Engineer's Office – Ground Water Division received application material related to the Northern Heights 2nd Filing Subdivision from the Wyoming Department of Environmental Quality, requesting information and advice to the Water Quality Division. Our office reviewed the referenced submittal in compliance with W.S. 18-5-306(c)(i).

The proposed subdivision is to be located in parts of the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 18, T15N, R66W, Laramie County, Wyoming. Water supply is proposed to be provided by individual on lot wells. Based upon the review of both the subdivision application and a preliminary search of the agency's water rights database, the State Engineer's Office offers the following:

1. If any new wells are proposed, they must be constructed in accordance with 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.
2. The procurement of the necessary and appropriate State Engineer water right permit allows the applicant to attempt to develop a water supply adequate to meet the proposed needs, and is no guarantee that any water will be physically available.
3. Any well not to be used must be properly plugged and abandoned as outlined in the above referenced rules and regulations.
4. Any wells developed for uses that do NOT fall within the definition of domestic or stock use require adjudication by the Board of Control.
5. The proposed subdivision area falls within the Conservation Area designated in the 2015 State Engineer's Order for the Laramie County Control Area. As such, any Application to Appropriate Ground Water for domestic and/or stock uses, which are typical with subdivision on lot wells, received by the State Engineer's Office is subject to a well spacing requirement as follows per Section 4.c.i. of the Order:

For stock and domestic use wells, and miscellaneous use wells appropriating less than or equal to five (5) acre-feet per year, no more than one well for stock use, or one well for domestic use, or one well for stock and domestic use, or one well for miscellaneous use per each lawfully subdivided lot, or per each ten (10) acres of any other legal parcel of land.

6. The proposed subdivision area also falls within the North Cheyenne Study Area. Any Permit granted in this area has specific Conditions and Limitations attached to it regarding the construction of a well. These conditions and limitations may include but are not limited to the following:

The appropriator shall construct this well such that there is at least 60 feet of perforated casing in the bottom portion of the well and at least 100 feet of water above the uppermost casing perforations.

7. The water right search revealed that there are no subject existing water rights of record that attach to the subdivision lands. If this is the case, further action on the part of the subdivider or his agent in addressing Wyoming Statute 18-5-306 (a) (xi) would not be required.

In summary, the State Engineer's Office is generally supportive of approving the development of the proposed action.

In all correspondence regarding this application, please reference "State Engineer Subdivision Review Number 2018-30-2".

If you have any questions, please feel free to contact me at (307) 777-6166, or if you prefer email, at markus.malessa@wyo.gov. Thank you for the opportunity to comment on the subdivision application.

Sincerely,



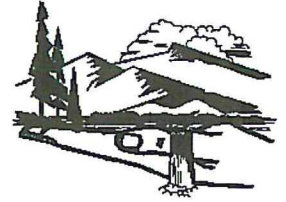
Markus Malessa
Natural Resources Analyst

Cc: Paul Lohman, P.E., Southeast District Engineer, DEQ, 200 West 17th Street, Cheyenne, WY 82002
Lisa Lindemann, Administrator, Ground Water Division
Lee Arrington, Administrator, Surface Water Division
Cheryl Timm, Administrator, Board of Control Division
Brian Pugsley, Superintendent, Water Division I
Adam Skadsen, Hydrographer/Commissioner, Water Division I, District 1



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

November 19th, 2018

Laramie County Board of Commissioners
309 West 20th Street
Cheyenne, Wyoming 82001

RE: **Non-Adverse Recommendation**
Northern Heights 2nd Filing Subdivision, Laramie County
WDEQ/WQD Application 18-396

Dear Commissioners:

The Wyoming Department of Environmental Quality has completed its review of the proposed Northern Heights 2nd Filing Subdivision located in the **N½ of Section 18, Township 15 North, Range 66 West**, in Laramie County, Wyoming, (area of Lat: 41.2752, Long: -104.8186). The Northern Heights 2nd Filing Subdivision is 56.99 acres in size and will create 10 residential lots with nine lots being approximately 5.3-acres each and the 10th lot being 9.24-acres in size. The information was submitted by Mr. Frederick Rinne, a Wyoming Licensed Engineer employed with AVI, p.c., with analysis of the geological and hydrogeologic setting underlying the subdivision having been performed by Bern Hinckley, a Wyoming Licensed Geologist with Hinckley Consulting, on behalf of GM Builders, LLC. This letter represents the recommendations of the Wyoming Department of Environmental Quality as required by W.S. 18-5-306(c).

Findings as to the safety and adequacy of the proposed sewage system:

Individual small wastewater treatment systems (on-site septic tanks and leach fields) are proposed for use on each subdivision lot. Each system will be permitted by and constructed to Wyoming Department of Environmental Quality Water Quality Rules and Regulations and the standards contained in the Laramie County Small Wastewater Systems regulations that govern Individual Sewage Disposal Systems. The information submitted addresses the safety and adequacy of the proposed sewage systems provided compliance with the statements indicated in the **“Notes required to be added to the final plat and other pertinent documents”** is maintained.

Findings as to the safety and adequacy of the proposed water system:

Water for the proposed subdivision will be supplied by individual wells. Each lot will have a well that will likely be screened in the Ogallala and/or Arikaree formations of the High Plains Aquifer. The information submitted addresses the safety and adequacy of the proposed water system, provided compliance with the statements indicated in the **“Notes required to be added to the final plat and other pertinent documents”** is maintained.

Laramie County Board of Commissioners
November 19, 2018
WDEQ/WQD Application No. 18-396
Page 2 of 2

Notes required to be added to the final plat, and other pertinent documents:

DEQ does not require that notes be added to the final plat.

Conclusions:

The Department of Environmental Quality has “No Adverse” recommendations applicable to the Northern Heights 2nd Filing Subdivision.

Disclaimer:

The Non-Adverse recommendation provided above has nothing to do with, nor has any bearing on the water rights associated with the Northern Heights 2nd Filing Subdivision. Any questions or concerns about the water rights for the Northern Heights 2nd Filing Subdivision should be directed to the State Engineer’s Office.

Nothing in Department of Environmental Quality recommendations or comments regarding GB Builders proposal for the Northern Heights 2nd Filing Subdivision shall be construed to relieve GB Builders of the obligation to obtain any permits or additional approval from any local, state or federal agencies as required by law, rules, regulations, or ordinances. Nothing in these recommendations commits the Department of Environmental Quality or Laramie County to the issuance of required permits for construction, operation, or modification of water supply or sewage systems.

Sincerely,

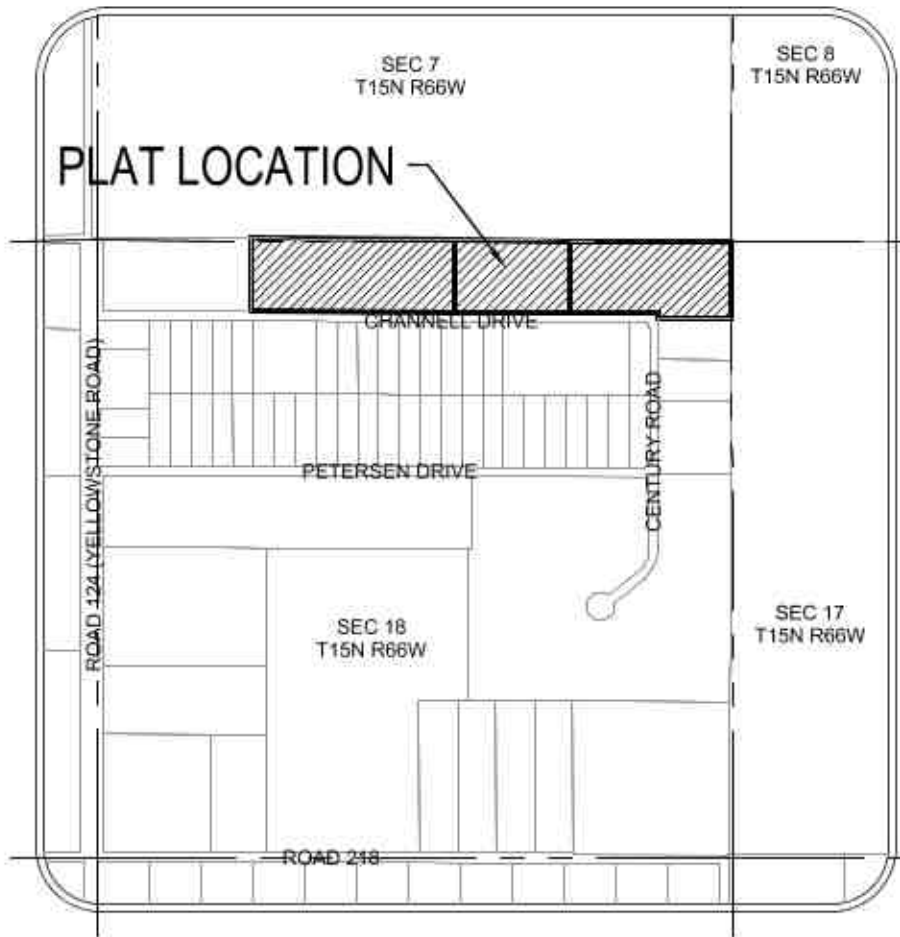
A handwritten signature in blue ink, appearing to read "Paul Lohman", with a horizontal line extending from the end of the signature.

Paul Lohman, PE.
Southeast District Engineer
Water & Wastewater Program, Water Quality Division

cc: GB Builders, LLC, 1637 Morningstar Road, Cheyenne, Wyoming 82009
Frederick Rinne, P.E., AVI p.c., 1103 Old Town Lane – Suite 101, Cheyenne, Wyoming 82009

VICINITY MAP

NOT TO SCALE

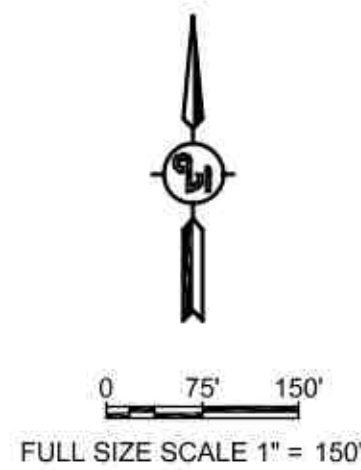


NOTES:

- NORTHERN HEIGHTS 2ND FILING CONTAINS 57.03 ACRES ± AND 10 TRACTS.
- NO FLOOD HAZARD AREAS ARE WITHIN THE PROPOSED SUBDIVISION AS SHOWN ON THE INSURANCE RATE MAPS FOR LARAMIE COUNTY PANEL 815 OF 1650, MAP NOS. 56021C0815F WITH AN EFFECTIVE DATE OF JANUARY 17, 2007.
- FIRE PROTECTION WILL BE PROVIDED BY LARAMIE COUNTY FIRE DISTRICT #2.
- NO PUBLIC WATER SYSTEM
- NO PUBLIC SEWER SYSTEM

LEGEND

- FOUND ALUMINUM CAP
- SET 2" ALUMINUM CAP AVI PC PLS 12045
- EXISTING LOT BOUNDARY
- (M) MEASURED DATA AVI PC SURVEY AUGUST 2018
- (R1) RECORD DATA FROM NORTHERN HEIGHTS FINAL PLAT
- (R2) RECORD DATA FROM GRADY SUBDIVISION FINAL PLAT
- (R3) RECORD DATA FROM NORTH STAR NORTH FINAL PLAT

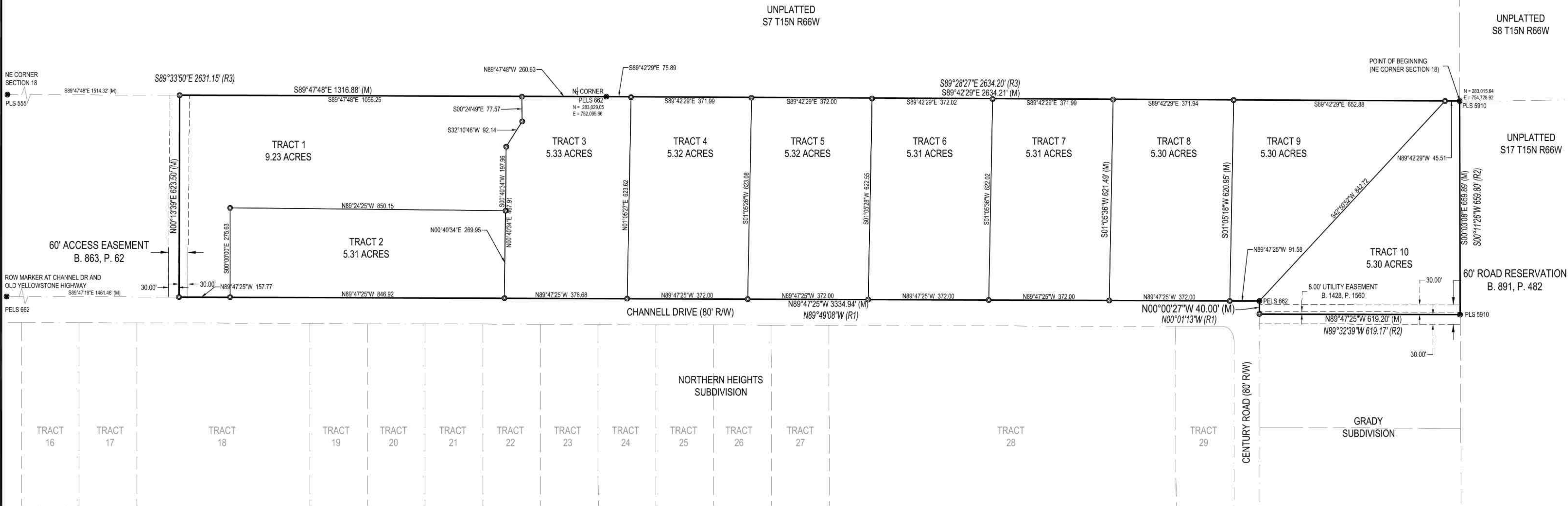


LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTH ONE-HALF OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPLE MERIDIAN, LARAMIE COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST SECTION CORNER OF SAID SECTION 18, THENCE S00°03'08"E A DISTANCE OF 659.89 FEET TO A FOUND ALUMINUM CAP, THENCE N89°47'25"W A DISTANCE OF 619.20 FEET TO A POINT, THENCE ALONG THE EAST RIGHT OF WAY LINE OF CENTURY ROAD N00°00'27"W A DISTANCE OF 40.00 FEET TO A FOUND ALUMINUM CAP, THENCE ALONG THE NORTH RIGHT OF WAY LINE OF CHANNEL DRIVE N89°47'25"W A DISTANCE OF 3334.94 FEET TO A POINT, THENCE N00°28'36"E A DISTANCE OF 623.51 FEET TO A POINT, THENCE S89°47'48"E A DISTANCE OF 1316.88 FEET TO A POINT; THENCE S89°42'129E A DISTANCE OF 2634.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 57.03 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS OF RECORD.



APPROVALS

APPROVED BY THE LARAMIE COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.

PLANNING COMMISSION CHAIRMAN

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LARAMIE COUNTY, WYOMING, THIS _____ DAY OF _____, 2018.

BOARD CHAIRMAN

COUNTY CLERK

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT: THE UNDERSIGNED, GB BUILDERS, OWNER IN FEE SIMPLE OF THE LANDS EMBRACED IN THIS PLAT OF "NORTHERN HEIGHTS 2ND FILING", DOES HEREBY DECLARE THIS PLAT OF SAID LANDS TO BE THEIR FREE ACT AND DEED IN ACCORDANCE WITH THEIR DESIRE, DO HEREBY GRANT THE EASEMENTS SHOWN HEREON FOR THE PURPOSES INDICATED ON THIS PLAT.

GARTH BURESH
OWNER, GB BUILDERS

ACKNOWLEDGEMENTS

STATE OF _____)
COUNTY OF _____) JSS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY GARTH BURESH, OWNER, GB BUILDERS THIS _____ DAY OF _____, 2018, WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

BASIS OF BEARINGS:

GROUND COORDINATES SHOWN ARE BASED ON US STATE PLANE 1983, WYOMING STATE PLANE EAST, FIPZONE 4901.

TO CONVERT TO STATE PLANE COORDINATES ADD 200,000 FT TO THE NORTHING AND 700,000 FT TO THE EASTING AND MULTIPLY BY A PROJECT SCALE FACTOR OF 0.999652030.

EXAMPLE:
GROUND NORTHING = 82493.598
GROUND EASTING = 54294.301
STATE PLANE NORTHING = (82493.598+200000)*SF = 282395.299
STATE PLANE EASTING = (54294.301+700000)*SF = 754031.830

ORIGINAL FIELD SURVEY BY: AVI PC AUGUST 2018

FILING RECORD

CERTIFICATE OF SURVEYOR

I, ADAM E. DESCHLER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM OFFICIAL PLATS AND DEEDS OF RECORD AND FROM FIELD NOTES OF A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



FINAL PLAT FOR NORTHERN HEIGHTS 2ND FILING

BEGING A PORTION OF THE N₁/₂ SECTION 18,
TOWNSHIP 15 NORTH, RANGE 66 WEST OF THE 6TH
PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING

PREPARED OCTOBER 2018

DATE	
REVISION	
NO.	
PREPARED FOR: GB BUILDERS LLC 1637 MORNINGSTAR ROAD CHEYENNE, WY 82009 (307) 630-9333	
PROJECT: NORTHERN HEIGHTS 2ND FILING	DRAWING TITLE: FINAL PLAT
307.637.6017 1103 OLD TOWN LANE, SUITE 101 CHEYENNE, WY 82009 AVI@AVIPC.COM	
DATE:	Nov 26, 2018
DRAWN BY:	CJW
DESIGNED BY:	
CHECKED BY:	AED
JOB NO.:	4164
DRAWING NO.	1 OF 1

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
NORTHERN HEIGHTS, 2ND FILING, LOCATED IN A PORTION OF THE
N1/2 SECTION 18, T.15N., R.66W., OF THE 6TH PM, 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 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 Northern Heights, 2nd Filing.

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 Northern Heights, 2nd Filing.

**PRESENTED, READ AND ADOPTED THIS _____ DAY OF
_____, 2018.**

LARAMIE COUNTY BOARD OF COMMISSIONERS

K.N. Buck Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Mark T. Voss, Laramie County Attorney