



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Marissa Pomerleau, Associate Planner

DATE: December 21, 2021

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for CR136 Subdivision, located in a portion of the SW1/4 Section 19, T.15N., R.64W., of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

AVI PC, on behalf of Drake William Jorns of 1717 Road 136, has submitted a Subdivision Permit and Plat application for CR136 Subdivision, located at 1717 Road 136. The application has been submitted to subdivide approximately 48 acres into 8 single-family residential tracts.

BACKGROUND

The subject property is unplatted, with a residence and associated structures located on the south half of the property, which will remain. The surrounding area consists of rural residential and agricultural properties of varying acreage.

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 Ag & Range Land (AGR). Properties within the AGR designation are generally located on the outlying portions of the county with public utilities being absent, and limited road access. This land use category discourages freestanding residential uses not associated with agricultural purposes. The property is located outside both the Plan Cheyenne and Zoned boundaries.

Water and sewage disposal shall be provided by individual well and septic systems. With an average lot size of 6 acres, the minimum requirements for septic system permits are met.

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

A subdivision of more than 5 lots requires submittal of a Chapter 23 study to the Wyoming Department of Environmental Quality (DEQ). The DEQ submitted a letter to the County Commissioners with their Non-Adverse Recommendation for the subdivision. DEQ states that "WYDEQ requires for this subdivision that all septic systems be constructed with advanced Nitrogen removal technology approved by the WYDEQ, Presby Advanced enviro-Septic System" is required to be added as a note on the plat.

The applicant states the subdivision will be accessed primarily from Road 136, an 80-foot right-of-way which is controlled and maintained by the County. The plat shows an 80-foot access easement at the south boundary of the development as an access point for Tract 2. Proof of legal access to this tract is still needed from the applicant. Letters requesting waiver of traffic impact and drainage studies were submitted with the application. The County Engineer has concurred with the waiver requests based on the information provided and the scope of the development.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. No public comment has been received.

Agency review comments were received regarding minor clerical errors on the plat, small wastewater system requirements, the required DEQ recommendation and access issues.

On May 13, 2021, this Planning Commission voted 4 – 0 to acknowledge the Preliminary Development Plan for this subdivision with 3 recommendations. On November 18, 2021 the Planning Commission recommended approval of this application with 4 conditions. As of December 14, 2021, the applicant has not provided proof of legal access to Tract 2 or shown sufficient ROW for construction of Road 136.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Board find that:

- a) This application *does not* meet 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 postpone the Subdivision Permit and Plat for CR136 Subdivision until such time that the following Preliminary Development Plan condition and Subdivision Permit & Plat condition have been addressed:

1. Access to proposed Tract 2 must be clarified and shown on the Plat at the time of submittal.
2. Sufficient Right-of-Way must be shown on the plat to construct Road 136 to County standards while accommodating for existing appurtenances prior to the December 21st BOCC Public Hearing.

PROPOSED MOTION

I move to postpone the Subdivision Permit and Plat for CR136 Subdivision with two conditions.

ATTACHMENTS

- Attachment 1: Location Map**
- Attachment 2: Aerial Map**
- Attachment 3: Comprehensive Plan Map**
- Attachment 4: SEO Control Area Map**
- Attachment 5: AMEC Memo Map**
- Attachment 6: WYDEQ “Non-Adverse Recommendation” Letter – November 09, 2021**
- Attachment 7: Agency Comments Report**
- Attachment 8: Traffic and Drainage Study Waiver Request Letter**
- Attachment 9: Plat – Revised November 9, 2021**
- Attachment 10: Resolution**

Laramie County, Wyoming



**CR136
Subdivision**

**Subdivision
Permit & Plat**

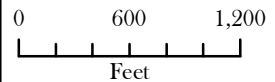
PZ-21-00306

Location Map

**Subject
Property**



November 2021



Legend

Property Lines

Streets

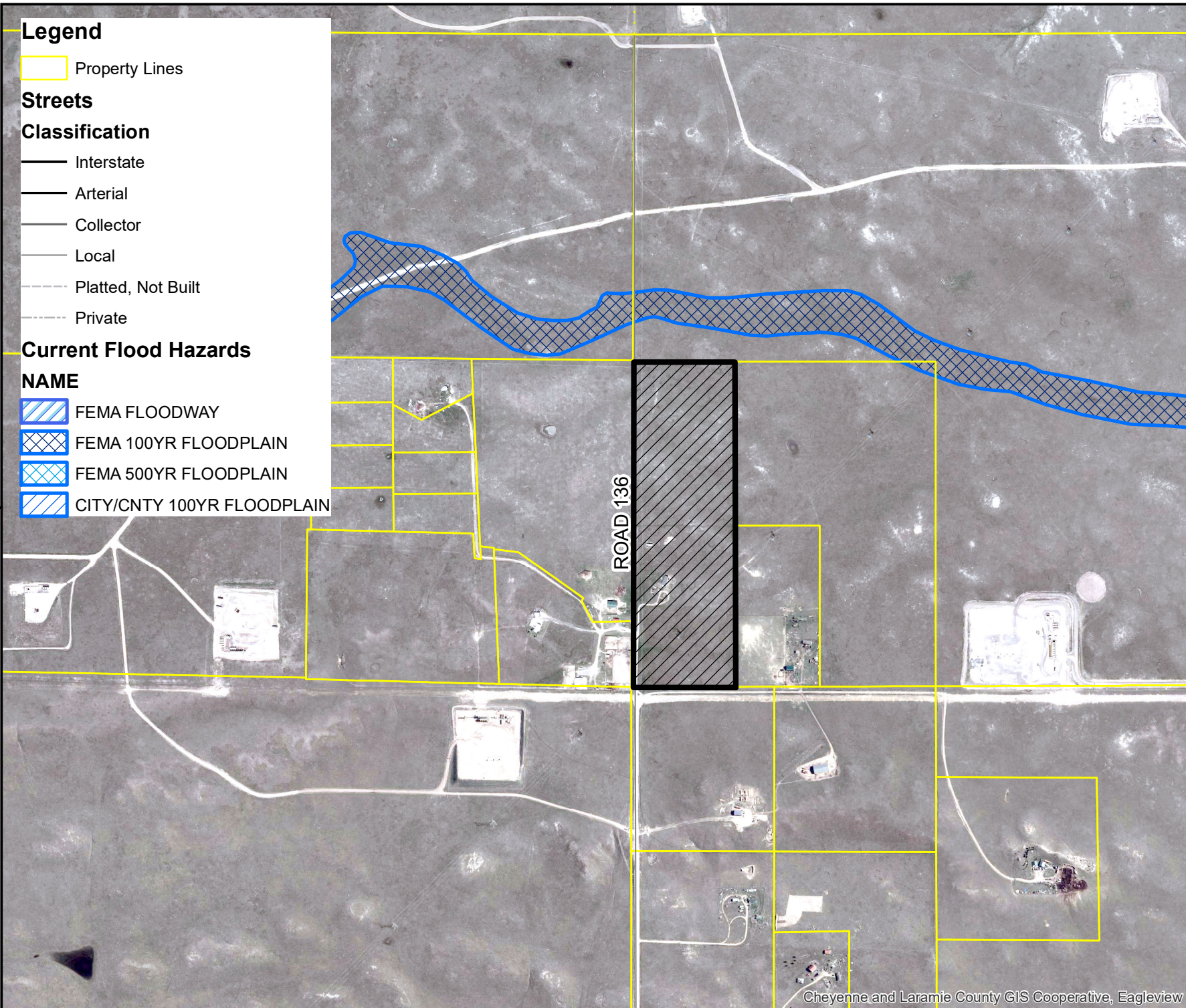
Classification

- Interstate
- Arterial
- Collector
- Local
- Platted, Not Built
- Private

Current Flood Hazards

NAME

- FEMA FLOODWAY
- FEMA 100YR FLOODPLAIN
- FEMA 500YR FLOODPLAIN
- CITY/CNTY 100YR FLOODPLAIN



Cheyenne and Laramie County GIS Cooperative, Eagleview

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Laramie County, Wyoming



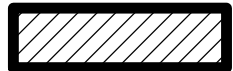
**CR136
Subdivision**

**Subdivision
Permit & Plat**

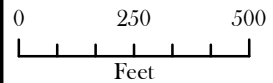
PZ-21-00306

Aerial Map

**Subject
Property**



October 2021



Legend

Property Lines



Cheyenne and Laramie County GIS Cooperative

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Laramie County, Wyoming



**CR136
Subdivision**

**Subdivision
Permit & Plat**

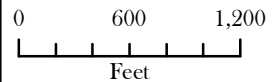
PZ-21-00306

**Comprehensive
Plan Map**

**Subject
Property**



November 2021



Legend

Property Lines

Future Land Use Districts

OTHER

Urban-Rural Interface (URI)

Rural Metro (RM)

Rural Ag Interface (RAI)

Ag & Range Land (AGR)

Streets

Classification

Interstate

Arterial

Collector

Local

Platted, Not Built

Private

Current Flood Hazards

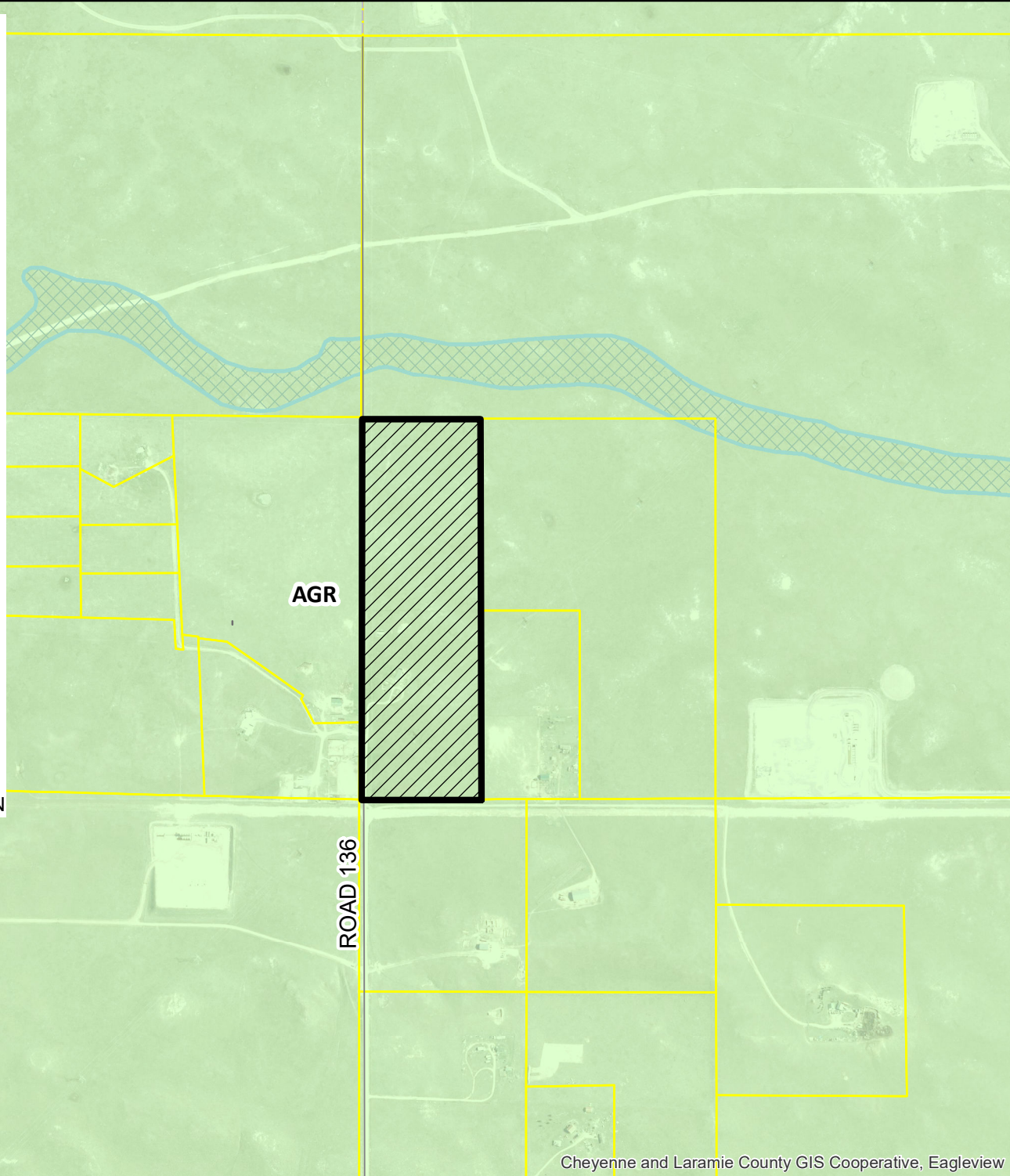
NAME

FEMA FLOODWAY

FEMA 100YR FLOODPLAIN

FEMA 500YR FLOODPLAIN

CITY/CNTY 100YR FLOODPLAIN



Cheyenne and Laramie County GIS Cooperative, Eagleview

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Laramie County, Wyoming



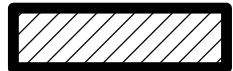
**CR136
Subdivision**

**Subdivision
Permit & Plat**

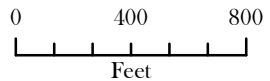
PZ-21-00306

**SEO Control
Area Map**

**Subject
Property**




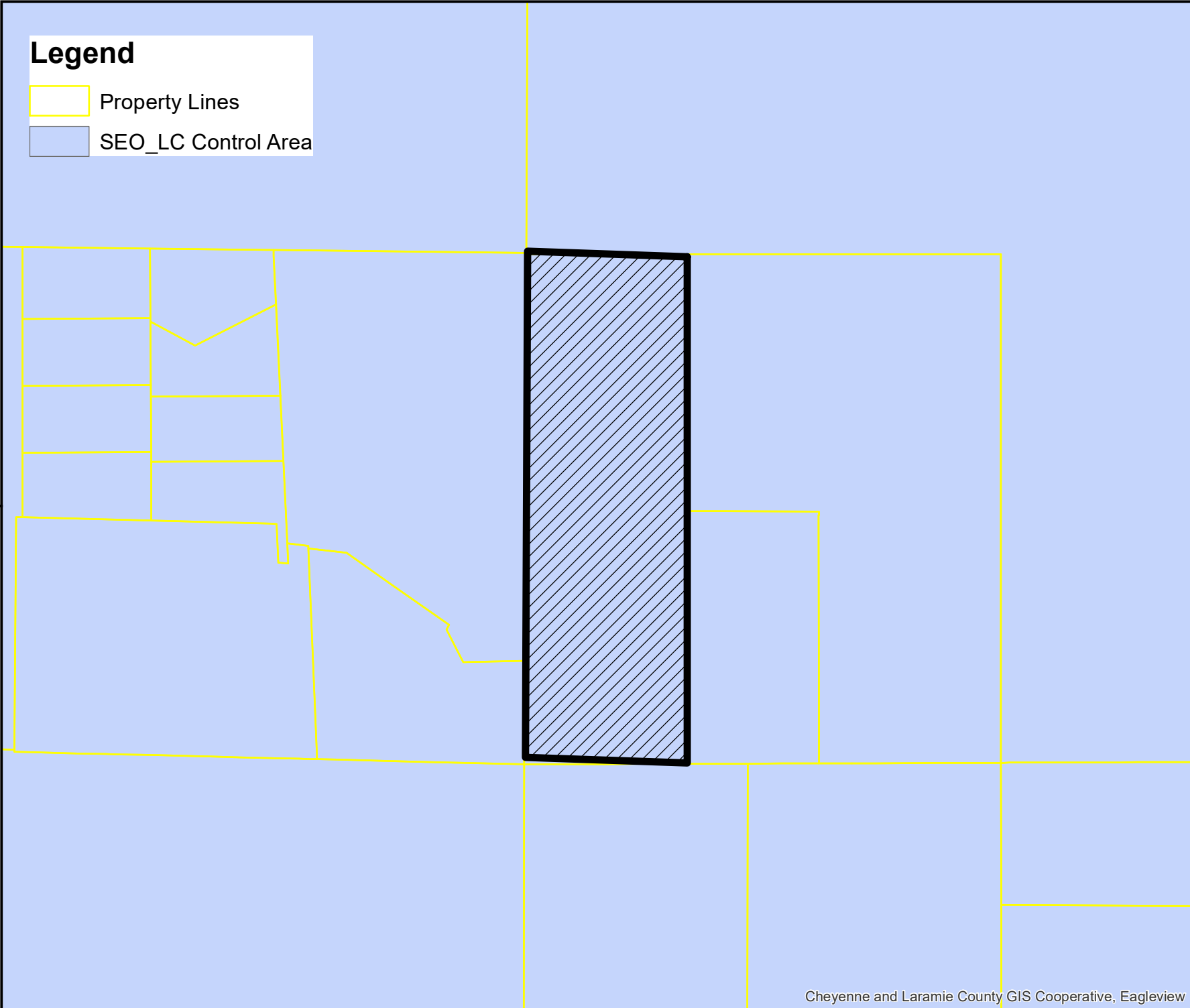
December 2021



Legend

 Property Lines

 SEO_LC Control Area



Cheyenne and Laramie County GIS Cooperative, Eagleview

Laramie County, Wyoming



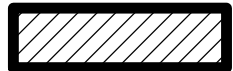
**CR136
Subdivision**

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Permit & Plat**

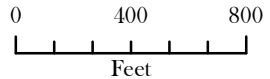
PZ-21-00306

**AMEC Memo
Map**

**Subject
Property**



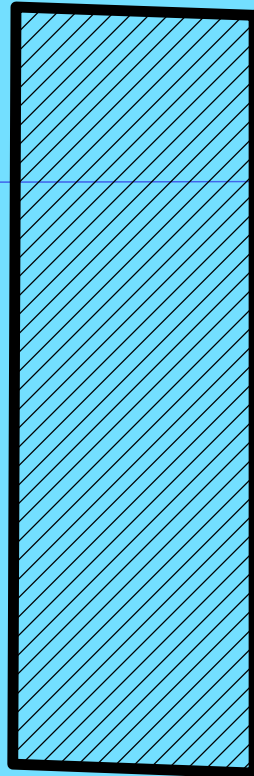
December 2021



Legend

memo_zone

-  1
-  2
-  3
-  4
-  5
-  Property Lines



2

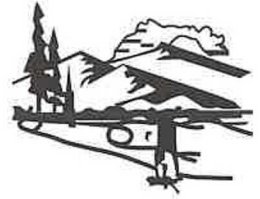
Cheyenne and Laramie County GIS Cooperative



Mark Gordon, Governor

Department of Environmental Quality

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



Todd Parfitt, Director

November 9, 2021

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

RE: **Non-Adverse Recommendation,**
County Road 136 Subdivision, Laramie County
WDEQ/WQD Application #2021-384

Dear Commissioners:

The Wyoming Department of Environmental Quality has completed the review of the proposed County Road 136 Subdivision located in the SW ¼ and SW ¼ of Section 19, T15N, R64W, 6th P.M., in Laramie County, Wyoming. The County Road 136 Subdivision will create 8 lots out of approximately 50.51 acres. The information was submitted by Taft Love, Western Professional Hunters, LLC, signed by, Jerry Hunt, PE and Ben Jordan PG, Wyoming Licensed Engineer and Wyoming Professional Geologist. 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:

The proposed sewage system is the use of individual on-site septic tanks and leach fields permitted by and constructed to Wyoming Department of Environmental Quality Water Quality Rules and Regulations and the standards established by the Cheyenne/Laramie County Environmental Health Division. The information submitted addresses the safety and adequacy of the proposed sewage system, provided the statements indicated in the “**Notes required to be added to the final plat**” are adhered to.

Per the Chapter 23 report submitted the use of systems to increase the reduction of effluent nitrate concentrations to 30 mg/L using enhanced septic systems is proposed. This will result in cumulative nitrate loading that is less than 10.0 mg/L. DEQ-WQD has approved the Presby Environmental Advanced Enviro-Septic® system for daily wastewater flows less than 550 gpd.

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

The proposed water system is the use of individual water supply wells completed on each lot. Each well must be permitted by and constructed to the Wyoming State Engineer’s Office standards. 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.

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

WYDEQ requires for this subdivision that all septic systems be constructed with advanced Nitrogen removal technology approved by the WYDEQ, Presby Advanced enviro-Septic System.

Conclusions:

The Department of Environmental Quality has "No Adverse" recommendations applicable to the County Road 136 Subdivision.

Disclaimer:

The Non-Adverse recommendation provided above has nothing to do with, nor has any bearing on the water rights associated with the County Road 136 Subdivision. Any questions or concerns about the water rights for the County Road 136 Subdivision should be directed to the State Engineer's Office.

Nothing in Department of Environmental Quality recommendations or comments regarding the proposal for the County Road 136 Subdivision shall be construed to relieve Taft Love, Western Professional Hunters, LLC, 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,



Dennis Lewis, PE.
Southeast District Engineer
Water & Wastewater Program, Water Quality Division

DL/

cc: Taft Love, Western Professional, Hunters, LLC, millirontj@aol.com
Jerry Hunt, PE, Weston Engineering, laramieoffice@westonengineering.com
Ben Jordan, PG, Weston Engineering, laramieoffice@westonengineering.com
Laramie County Planning & Development Office, 3966 Archer Pkwy,

Laramie County Board of Commissioners

November 9, 2021

Page 3

Cheyenne, Wyoming 82009

Cheyenne/Laramie County Environmental Health Division, 100 Central Avenue

Cheyenne, Wyoming 82007

Markus Malessa, SEO via email, markus.malessa@wyo.gov

County Assessor: County Assessor, Kaycee Eisele Comments Attached 10/15/2021
As of 10/08/2021 the owner of record, in the Clerk's office, for the parcel being platted is JORNS, DRAKE W and JORNS, TAMARAH RUTH. The Warranty Deed provided was the signature from when the Jorns received the parcel. Please submit the deed of when Taft Love/Western Professional Hunters LLC took title for clarification. Otherwise, both JORNS, DRAKE W and JORNS, TAMARAH RUTH would need to sign off on this plat

Our office suggests this plat have a different name from the street it is located adjacent to.

County Attorney: County Attorney, Joe Chenchar Comments Attached 10/22/2021
Please include deed where ownership was transferred to Western Professional Hunters LLC c/o Taft Love.

County Engineer: County Engineer, Scott Larson Comments Attached 10/26/2021
Engineer Review

1. The application is not signed by the owner. The owner listed on the application is not the same owner as listed on the plat. According to the County GIS, the owner of the property is Drake W. Jorns and not Western Professional Hunters, LLC. The correct owner should be signing both the application and the plat.
2. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study since this development will have a negligible impact on both.
3. The Environmental Impact Report indicates the schools to serve this subdivision are Saddle Ridge, Dildine, Carey Jr. High and East High School. However, this subdivision is in LCSD2 and not LCSD1. The report needs to be corrected to reflect this.
4. There is no access for Tract 2 shown. The plat cannot be recorded if the proposed access is "TBD". An access needs to be established for Tract 2 as part of the plat so it is not landlocked when recording of the plat is completed.
5. I would recommend removing the names and address information for the adjacent property from the plat map. This information is not required or recommended on a plat since it could change in the future.
6. In the Legend, it calls out "ROW Easement", however, the drawing is calling it a ROW and not an easement. In addition, under the notes it indicates that the roadways will be dedicated to the public.
7. The Legend has a line type called out for "Section Line" which actually appears to be used for the easements.
8. The ninth bullet item in the Notes indicates "Contours are from Contours of City of Cheyenne Topography NAVD 29", however there are no contours shown and no contours are required for a plat map.
9. Per State Statute 18-5-306 (d), plats are required to include the note "THE SURFACE

ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE”.

10. Road 136 shall be designed and constructed to the north end of Tract 8 to the LCLUR standards. Designs for the roadway shall be submitted to the County for review and approval. Any existing mailboxes, etc. that are currently located at the end of the existing Road 136 that are within the ROW for 136 shall be relocated if they conflict with the design and construction of the extension of Road 136.

Surveyor Review

1. There are no boundary ties shown for the 125' UTILITY EASEMENT - BOOK 749 PG 565.

County Real Estate Office: County Real Estate Office, Laura Pate Comments
Attached 10/26/2021

The owners of record for this property is Drake W Jorns and Tamarah Ruth Jorns. The property owners need to sign the plat or complete a Deed transferring ownership to Western Professional Hunters LLC.

Dept of Energy (WAPA): Department of Energy (WAPA), Tracy Rogers No Response
10/28/2021

WAPA has no conflict with this subdividing of parcel at 1717 Road 136.

Environmental Health: Environmental Health Department, Roy Kroeger Comments
Attached 10/18/2021

Comments:

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. A DEQ letter and Chapter 23 report must be submitted to this office along with the signed final plat prior to application for any permits.

Intraoffice: Planners, Marissa Pomerleau Comments Attached 11/01/2021

1. Legal access must be shown/provided to Tract 2 on the plat.
2. A notary acknowledgment block for approval signatures is missing from the plat.
3. The application must be signed by the property owner immediately.
4. A new copy of the warranty deed must be submitted. The deed that was originally submitted is incomplete and only shows part of it.
5. Curve Data for turnaround is missing.

6. The property is not currently listed as being owned by Taft Love or Western Professional Hunters, LLC. The current owners must be listed on the plat and sign the application.
7. Please show Road 136 as continuing south from the proposed subdivision. It appears on the plat that the road ends.
8. A revised PDP map is required to be submitted addressing all concerns on the PDP/Land Analysis Map (PZ-21-00250). This was a condition of approval on the PDP that the Planning Commission made.

Intraoffice: Planners, Cambia McCollom Comments Attached 10/29/2021
Tract 2 has no clear access.

AGENCIES WITH NO COMMENT

Combined Communications Center
Wyoming Game & Fish Dept

AGENCIES WITH NO RESPONSE

CenturyLink
County Clerk
County Conservation District
County Public Works Department
County Treasurer
Emergency Management
Fire District No 6
High West Energy
Sheriff's Office
US Post Office
WY State Engineer's Office
WYDOT
Wyoming DEQ

CR132 Subdivision Preliminary Development Plan

Friday, August 13, 2021

Page 1 of 1

Enter Project #



August 13, 2021

4532

Marissa Pomerleau, Laramie County Planning

3966 Archer Parkway

Cheyenne, WY 82009

RE: CR136 Subdivision Preliminary Development Plan - Drainage & Traffic Study Waiver Request

Dear Mrs. Pomerleau,

We would like to request a waiver for providing a Drainage and Traffic Plan at this time. The reason being the proposed development will be 8 single-family rural residential tracts in a remote area. Impacts to the existing terrain, roadways and traffic patterns will be minimal, with most of the grading to occur for the residential structures, associated structures. All pertinent Floodplain Development Permits, Right-of-Way and GESC Permits will be submitted to the Laramie County Planning and Development Office prior to the start of construction.

If you have any questions or would like to discuss this project in greater detail, please contact our office.

Sincerely,

A handwritten signature in blue ink that reads 'Mustaffa Raja'.

Mustaffa Raja

A.V.I. PROFESSIONAL CORPORATION

\\avisrvdcpf\projects\library_reference\forms\avi\avif0004_correspondence_letters\avif0004_avi_40_itrhd.docx

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
A PORTION OF THE SW1/4 SECTION 19, T.15N., R.64W.,
OF THE 6TH PM, LARAMIE COUNTY, WY,
TO BE RE-PLATTED AND KNOWN AS "CR136 SUBDIVISION".**

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 CR136 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-e) of the Laramie County Land Use Regulations.

And the Board approves the Subdivision Permit and Plat for CR136 Subdivision with two conditions:

1. Access to proposed Tract 2 must be clarified and shown on the Plat prior to recordation.
2. Sufficient Right-of-Way must be shown on the plat to construct Road 136 to County standards while accommodating for existing appurtenances prior to recordation.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

_____, 2021.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Gunnar Malm, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney's Office