



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Kelly Schroeder, Planner

DATE: January 4, 2022

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for Komodo Subdivision, being a replat of Tracts 2, 3, & 4, Titus Tracts, Laramie County, WY.

EXECUTIVE SUMMARY

John J. Studley, PLS, on behalf of Komodo Construction, LLC, has submitted a Subdivision Permit and Plat application for Komodo Subdivision, located northwest of Road 212 and Road 142. The application has been submitted for the purpose of subdividing the properties into five residential-use tracts.

BACKGROUND

The subject properties consist of three vacant residential tracts totaling 29.06 acres. 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 Rural Ag Interface (RAI). Within this area, rural residential uses are primarily anticipated. Limited service commercial and retail

uses are anticipated at major intersections. The plan does not identify minimum lot sizes but suggests that density shall be foremost based on availability and access to water.

The subject properties are located outside of both the PlanCheyenne and zoned boundaries and therefore is not impacted by these regulations.

According to the AMEC Memo dated January 31, 2014, the property lies within Zone 2 of the study area. The memo states that lots within this zone shall be a minimum of 5 acres in order to sufficiently recharge groundwater after withdraws from a pumping well.

Water and sewage disposal for each proposed tract will be provided by individual well and septic systems. With all tracts shown to be greater than 5.25 acres, the minimum requirements for septic system permits are met, as are the minimum requirements based on the AMEC Memo.

A letter requesting waiver of traffic and drainage studies was submitted by the applicant, a copy of which is attached. The County Engineer has concurred with this request based on the justification provided in the letter. Agency comments pertained to access sizing and utility easements needed, as well as clerical corrections to the plat.

On December 21, 2021 the applicant submitted a revised plat that has addressed all agency comments. A letter requesting a modified access easement of 66' rather than 80' and a waiver of design plans for the access easement was also submitted. The County Engineer has concurred with the adjusted access easement size, but has recommended denial of the request to waive road design plans.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. Comments were received that expressed concerns over water, traffic, and neighborhood character. Copies of each public comment letter are attached.

A public hearing of this application was held on December 9, 2021 by the Laramie County Planning Commission. Public comment was made regarding concerns for lot sizing, water, traffic and road conditions, emergency services, and drainage. The Planning Commission voted 4 – 0 to recommend denial of the application to the Board based the proposed lot sizes not matching the surrounding area's lot sizes. The Planning Commissioners agreed that while the minimum lot size requirements are understood, these requirements need to be increased.

Two conditions were required of the applicant before today's Board meeting, both of which have been met with the receipt of a revised plat dated December 21, 2021.

Staff finds this application is in conformance with the plans and policies of Laramie County. 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 Komodo Subdivision with one condition:

- 1. Road Construction design plans for the proposed 66' wide access easement and roadways, that meet County Standards, shall be submitted and agreed upon by the Public Works and Planning Departments, prior to recordation.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for Komodo Subdivision 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: AMEC Zone Map**
- Attachment 5: Applicant Traffic/Drainage Study Waiver Request**
- Attachment 6: Agency Comments Report**
- Attachment 7: Public Comment Letters**
- Attachment 8: Applicant Access Easement Modification Request**
- Attachment 9: Plat Revised 12.21.21**
- Attachment 10: Resolution**

Laramie County, Wyoming



**Komodo
Subdivision**

**Subdivision
Permit & Plat**

PZ-21-00318

Location Map

**Subject
Property**



December 2021



0 400 800
Feet

Legend

Property Lines

Streets

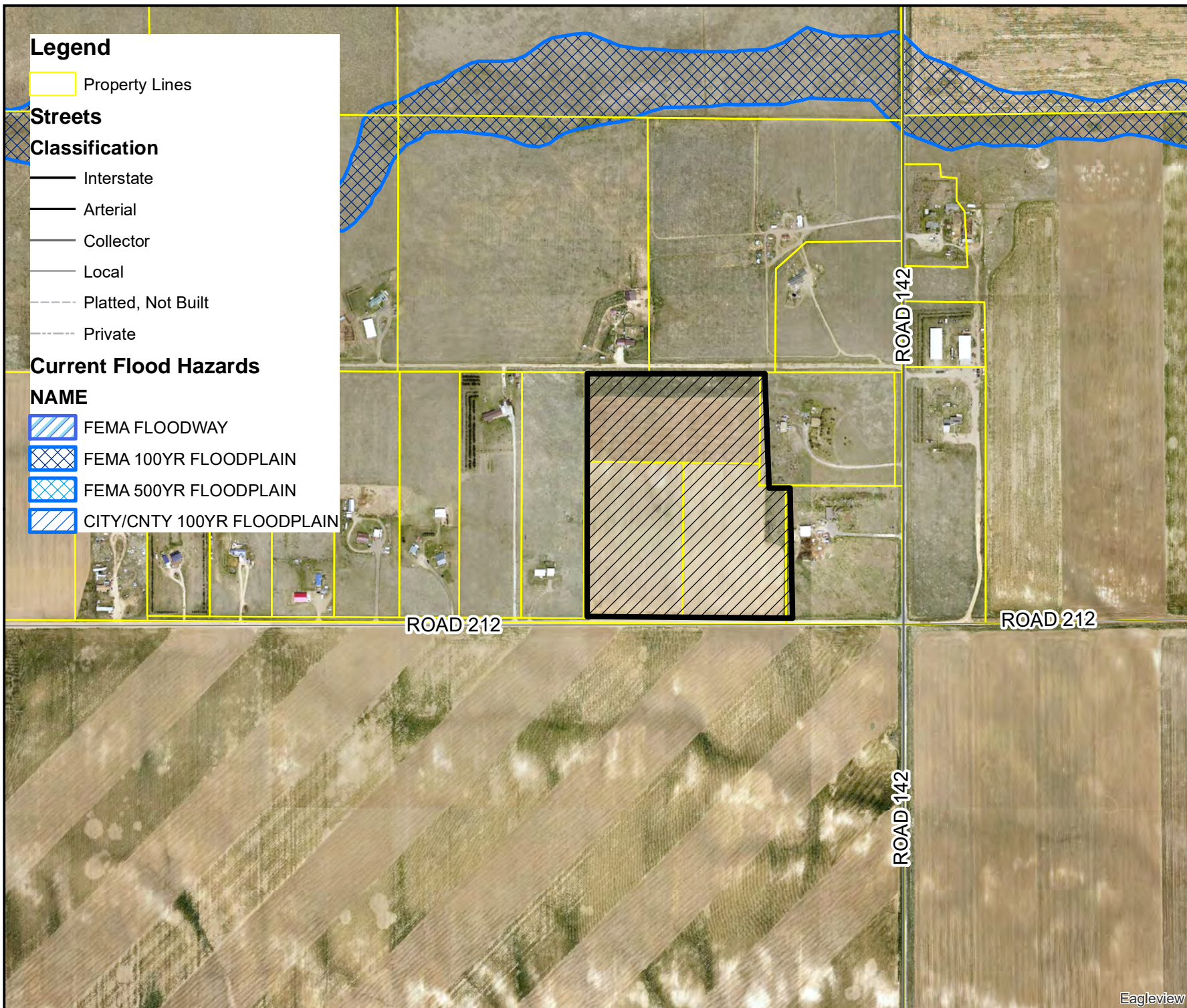
Classification

Interstate
 Arterial
 Collector
 Local
 Platted, Not Built
 Private

Current Flood Hazards

NAME

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



Laramie County, Wyoming



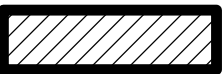
**Komodo
Subdivision**

**Subdivision
Permit & Plat**

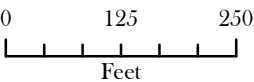
PZ-21-00318

Aerial Map

**Subject
Property**



October 2021









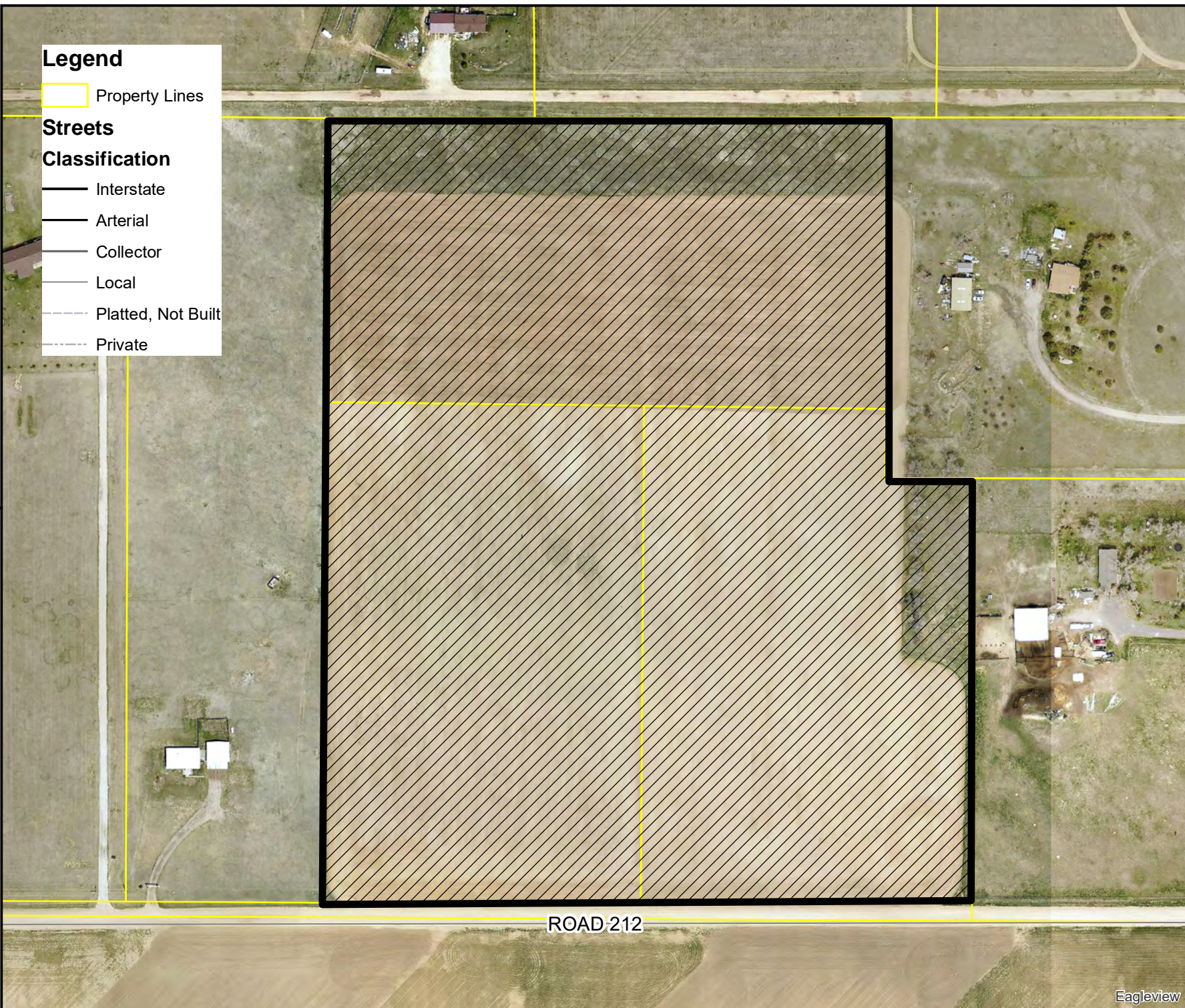
Legend

 Property Lines

Streets

Classification

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



ROAD 212

Eagleview

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



**Komodo
Subdivision**

**Subdivision
Permit & Plat**

PZ-21-00318

**Comprehensive
Plan Map**

**Subject
Property**



December 2021



0 400 800
Feet

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

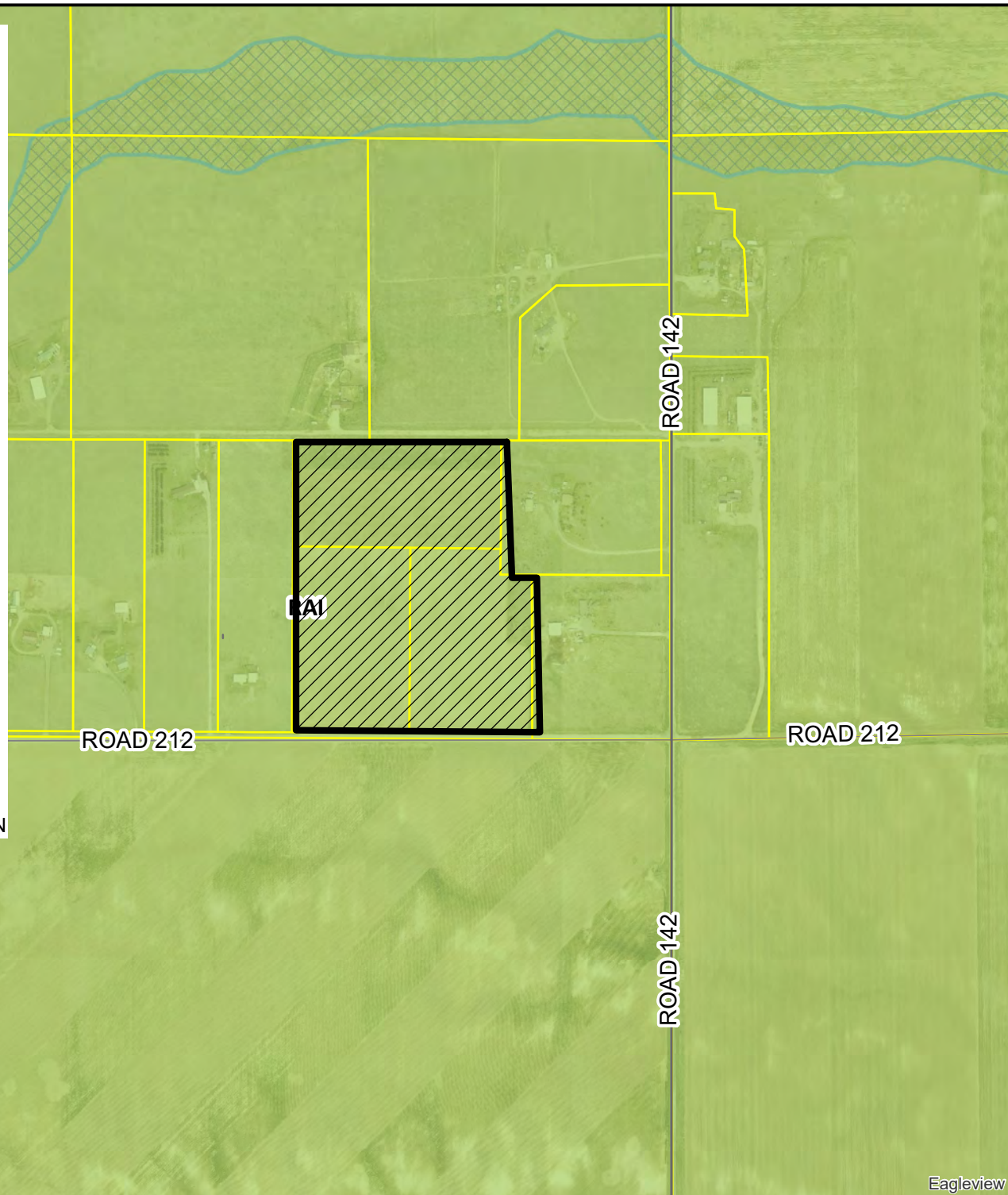
NAME

FEMA FLOODWAY

FEMA 100YR FLOODPLAIN

FEMA 500YR FLOODPLAIN

CITY/CNTY 100YR FLOODPLAIN



Eagleview

Laramie County, Wyoming



Komodo Subdivision

Subdivision Permit & Plat

PZ-21-00318

AMEC Zone Map

Subject Properties



December 2021



0 295 590
Feet

Legend

Streets

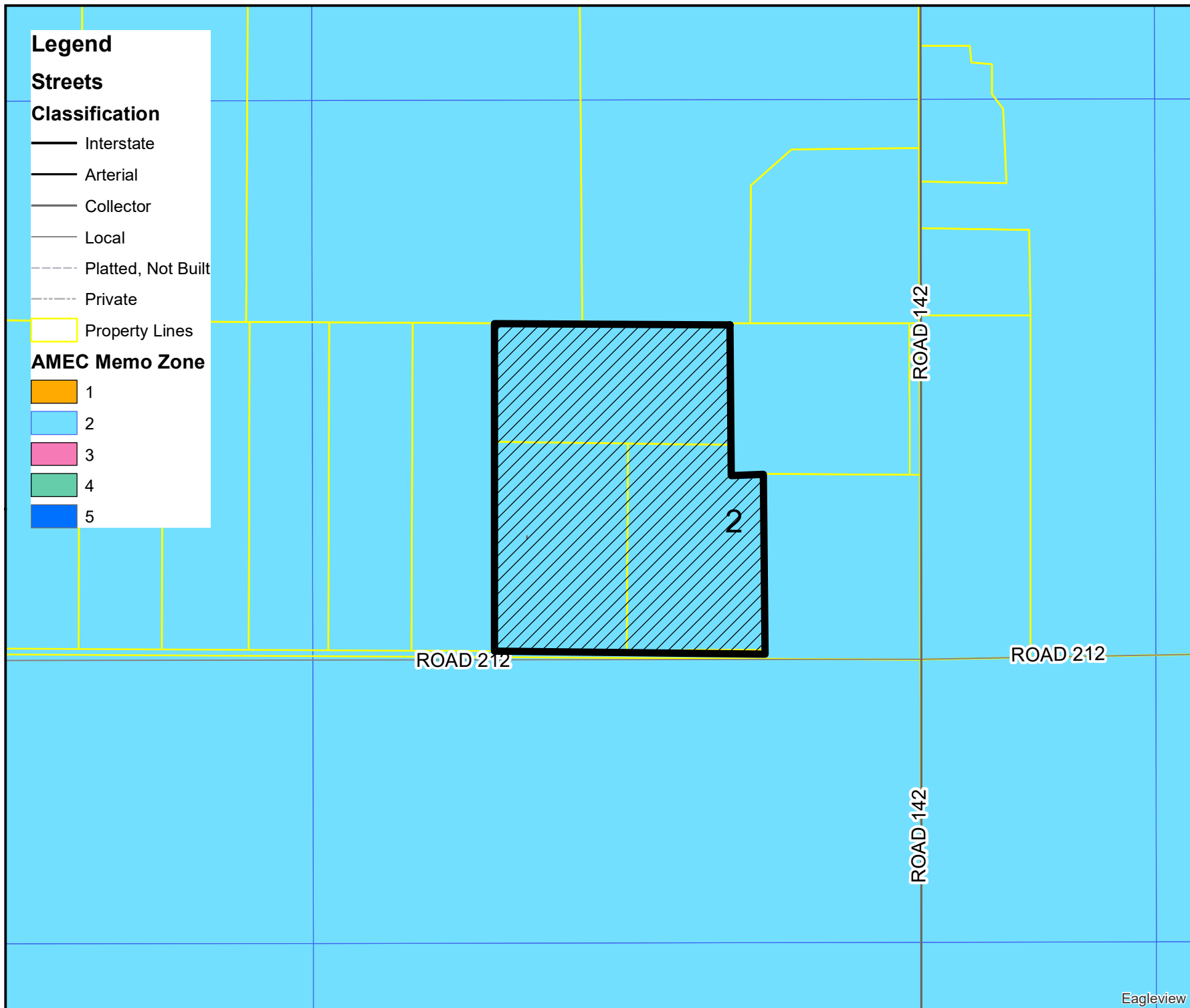
Classification

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

Property Lines

AMEC Memo Zone

- 1
- 2
- 3
- 4
- 5



Eagleview



John J. Studley, PLS

615 West Dale Blvd.

Cheyenne, Wyoming 82009

Proverbs 22: 28

Proverbs 23: 10

18 October 2021

Laramie County Planning & Development Office
3966 Archer Pkwy
Cheyenne, WY 82009

RE: KOMODO SUBDIVISION

Dear Ms. Pomerleau

Accompanying the referenced application, as agent for the applicant Komodo Construction, LLC (Taylor Carroll, Registered Agent), I would like to request that the requirements for a Traffic Study, and Drainage Study be waived.

The subject property is presently vacant, and is being developed for five single family residences.

TRAFFIC STUDY WAIVER REQUEST

Along the Southerly boundary of the proposed development is an existing County Road dedication (Road 212). The existing road is constructed in compliance with County specifications. The access off of said Road 212 into the subdivision area was previously dedicated under the plat for Titus Tracts. This existing access is to be enlarged and dedicated with a 50' Radius cul-de-sac at the North end. This development will have minimal impact upon existing traffic patterns, it is estimated that five residences will generate fewer than 50 trips per day on average. It is hereby requested that a Traffic Study be waived by the Director of Planning and Development.

DRAINAGE STUDY WAIVER REQUEST

The proposed development has sufficient drainage characteristics to allow for proper handling of possible storm events. This development will not result in a substantive increase in the historic impervious area. The development of this area is immediately adjacent to a larger drainageway that is capable of conveying the fully developed basin 100 year flood without impact to the base flood elevation. And this development is unlikely to create drainage problems. And NOTE 3 on the draft plat provides "DRAINAGE THROUGH AND AROUND THE PROPERTY IS THE RESPONSIBILITY OF THE PROPERTY OWNER." It is hereby requested of the Public Works Department to waive a Drainage Study requirement.

It is the intent of the applicant to pay all required **Community facility fees** upon review and approval of the application.

A handwritten signature in blue ink, appearing to read "John J. Studley".

John J. Studley, PLS No. 4828

County Engineer: County Engineer, Scott Larson Comments Attached 11/15/2021
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. The recorded measurement of the western property line is shown as "126.75(R)" and it should be twelve hundred something instead of 126.75.
3. The access and utility easement shown needs to be 80' wide instead of 40' wide in order to fit the roadway section and roadway ditches that are required within the easement. Just the roadway width required is 36' wide and that doesn't include the side slopes, ditches and backslopes.
4. The access roadway within the access easement needs to be designed and constructed according to the LCLUR. The design plans shall be submitted to the County for review and approval prior to construction.

Surveyor Review

1. The legal description in the DEDICATION defines the north boundary of subdivision as S89°59'40"E -- 932.89' but the plat defines that boundary (the north boundary of Tract 3) as S89°59'40"E -- 923.89'.
2. The cul-de-sac at the north end of the 40' ACCESS AND UTILITY EASEMENT should have more curve data information defining the lot boundary ties.
3. The VICINITY MAP has very small, hard to read text. The note under the North Arrow is not legible.

Environmental Health: Environmental Health Department, Tiffany Gaertner Comments Attached 11/15/2021
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. Septic systems cannot be installed in easements. Signed final plat must be submitted to Environmental Health Office prior to application for permits.

High West Energy: High West Energy, David Golden Comments Attached 11/01/2021

Attached plat shows needed electric utility easement to be added.

(see High West Energy Attachment 1)

Intraoffice: Planners, Kelly Schroeder Comments Attached 11/15/2021

1. Correct written description of scale to say 1" = 100'
2. Vicinity map is hard to read

AGENCIES WITH NO COMMENT

Combined Communications Center
County Assessor
County Attorney
County Real Estate Office
Intraoffice: Planners, Cambia McCollom
Sheriff's Office
WYDOT

AGENCIES WITH NO RESPONSE

County Clerk
County Conservation District
County Public Works Department
County Treasurer
Emergency Management
Fire District No 6
RT Communications
US Post Office
WY State Engineer's Office

CERTIFICATE OF SURVEYOR
I, John J. Stouffer, a Licensed Professional Land Surveyor in the State of Wyoming, WYO. PL.S.
NCL 4829, hereby certify, this map was prepared from field notes taken during an actual survey
conducted by me in August 2011; that to the best of my knowledge, information and belief this
map correctly shows the results of said survey and the monuments found or set as shown.

STUDY 4: 2008-2009

Dear Council,

I am writing to express my strong opposition to the zoning change proposal for project PZ-21-00318 in Hillsdale. While we may not be able to prevent development, we are strongly opposed to the current proposal of adding 5 houses into the proposed 29 acre lot area. This will destroy local wildlife habitat in the area, change weather patterns, particularly wind, and add additional noise and traffic volume to an area that is accustomed to a rural way of life.

Adding the 5 houses in a cul-de-sac arrangement within the 29 acres of land is inconsistent with the surrounding housing areas in which each house is set on at least 10 acres of land. The change could affect the property values of the homes that surround the area that are bought for the openness of the land. Should this project be approved, any potential buyers who are specifically looking for the wide open land that currently exists in this area, may look elsewhere and thereby decrease our ability to sell the homes and property for a fair value.

The addition of 5 homes within 29 acres will also create a problem for the private road that runs behind the proposed project. This road provides access to 4 separate residential homes and is the only way in or out of this area. During the winter, it is already a struggle to keep the road open with blowing snow and snow drifts that can reach up to 4 feet high. If a typical 6 foot wood fence is installed on the south side for this many homes, the new wind pattern may cause the snow to land directly on our road thereby causing drifts more often and some can be upward of 6 feet at times against any fence. Since the current road cannot be moved, this will then prevent all the residents from using this road to get to work, or prevent any emergency vehicles from accessing these home if the need arises until the road can be cleared. Currently we see this problem approximately four times a season, but the installation of any type of solid fencing in the development will increase the frequency of the issue.

The proposed area is also used by many different species of local wildlife including pronghorn, deer, rabbits, and birds. The addition of 5 homes in this area would have a significant impact on the local wildlife since a typical 6 foot wood fencing would prevent the wildlife from traveling through the area. In order to allow the wildlife to travel through the area, all of the surrounding property owners have a wire fence. This allows the wildlife to freely graze and breed in the spring. The field is also a source of food for the local hawks and owls that use the area. The increase of this many homes in one area has the potential to scare away this wildlife from the area and goes against the steps neighbors have taken to conserve the area for wildlife by planting tree lines that currently provide a shelter for the wildlife in the winter.

Another major concern that we have is the additional traffic to the area that this many new homes will bring. Currently the traffic in the area has significantly increased due to the oil and gas production in the area. The traffic on County Road 142 has become an issue with the number of fuel trucks using the road as well as the increased number of worker trucks. The addition of five houses in such a small area will increase the amount of traffic not only going into the subdivision, but also along county road 142 to the post office.

The final concern that we have is the view that will be blocked due to the number of houses that will be included in the project. With five houses in a 29 acre, we can assume that the houses will be built closer together than the current spacing that is seen throughout the area. This will cause the view from our house to significantly change from the open fields that we see around our home, to a city like feel. The reason we moved to Hillsdale was to get away from the compact living that exists in the cities. The increase in homes will also bring more noise to the

area that will affect our current way of life. We currently are able to sit on our porch and enjoy the sounds of the wildlife and the darkness of the night. The addition of 5 houses in this area will increase the noise and nighttime light that will prevent us from enjoying our property.

Thank you for your consideration

Patrick and Patricia Theriot

1234 County Road 142

Hillsdale, WY 82060

303-916-0117

pattietheriot@comcast.net

Komodo subdivision

Mark Jurek [cowboymark302@yahoo.com]

Sent: Saturday, November 13, 2021 9:46 PM

To: Planning

Laramie County Planning and Engineer,

In regards to project number PZ-21-00318

We received the unfortunate news that the 30 acres to the East of us (Tracts 2, 3, 4, Titus Tracts) has been sold and is in the process to be developed into five lots. We were very interested in that property when I retired from the military and we bought our home just over a year ago, as it would have been great to utilize for continued crops. We were not made aware of the sale of that property until we were in the final stages of purchasing our home though.

One of the main reasons as to why we bought where we did was the lack of neighbors. Another was the amazing open view of the wonderful countryside; the antelope herd grazing throughout the year. We both grew up on family farms and want our children to have that same opportunity. The country lifestyle has so much to offer, but all that will be snuffed out if that lot is divided and developed into several residential lots. Will we be forced to uproot and move again?

Productive farmland across the nation is being swallowed up faster than ever to be developed into residential and commercial use; while too many lots, already zoned residential or commercial in city limits, sit vacant and deteriorating. Investments should be in those areas, instead of dwindling the precious land that is used for feeding the world.

Traffic is a big concern of ours as we have very young children and pets. Ultimately, yes it is our responsibility as parents to keep children and pets in our yard but let's face it, any child or pet is going to push the boundaries and wander somewhat. We're already dealing with many speeding vehicles from the fiber optic crews and honestly would love to see a posted speed limit sign on this road (Road 212). Our children and pets do not go out to play unattended and are not allowed to be anywhere remotely close to the road. We're wondering how long it's going to take before one of those speeding vehicles loses control. We seen on the traffic study waiver that they figured fewer than 50 passes per day on average.....I'm sorry but to us that's a lot. Again noting one of the main reasons we chose to buy in this area.....lack of people, neighbors and traffic.

A question about the drainage study waiver.....is that just pertaining to the property itself or the roadway as well? I think it would be beneficial for you all to come take a look at this road after a heavy rain or after a big dump of snow followed by the melting of all that snow. It's a complete and total mess on the roadway right about where the proposed entrance to this cul-de-sac would be as well as all the way to the paved road of 143. I couldn't imagine more traffic on this road during those times tearing up the roadway even more.

Also, is it true that the traffic study and/or drainage study doesn't have to be completed if the proposed development area is no more than 5 houses? That would really be unfortunate if they're trying to avoid these studies by keeping the number of houses just at or below that limit. Regardless of the number of houses proposed, with the exception of 1 house, I think both studies should still be conducted to ensure proper drainage and traffic safety of the area.

Thank you for considering our concerns to the development proposed. We wouldn't be so strongly opposed to just 1 or 2 houses going in there but 5 is a bit much for our liking as we would have 3

neighbors so to speak along the property line. And in all honesty, we would still be interested in purchasing the 30 acres.

Thank you,
Mark Jurek and family
4166 Road 212

Kelly Schroeder

To: Planning
Subject: RE: PZ 21-00318 Komodo Subdivision

From: Dyna & Jim Hackett [dynajim@gmail.com]
Sent: Monday, November 29, 2021 5:56 PM
To: Planning
Subject: PZ 21-00318 Komodo Subdivision

I would like to voice my objection to changing the zoning for this subdivision to have smaller lots than the already existing lots on this road. I think the 9 +/- lots would better fit the neighborhood. I also feel that traffic and water concerns need addressed. Dyna Hackett

John J. Studley, PLS

615 West Dale Blvd.
Cheyenne, Wyoming 82009



Proverbs 22: 28
Proverbs 23: 10

17 December 2021

Laramie County Planning & Development Office
3966 Archer Pkwy
Cheyenne, WY 82009

RE: KOMODO SUBDIVISION

Dear Ms. Schroeder

Following our meeting of last week it is the applicants intent to comply with all corrections to the plat as stated in the Staff Report.

The applicant considers the request to widen the existing Access and Utility easement to eighty (80') feet is excessive, and we suggest widening the design criteria requirements fitting all travelway and easement request in a sixtysix (66') foot wide easement and 64' radius cul de sac. All other easement modifications will be complied with.

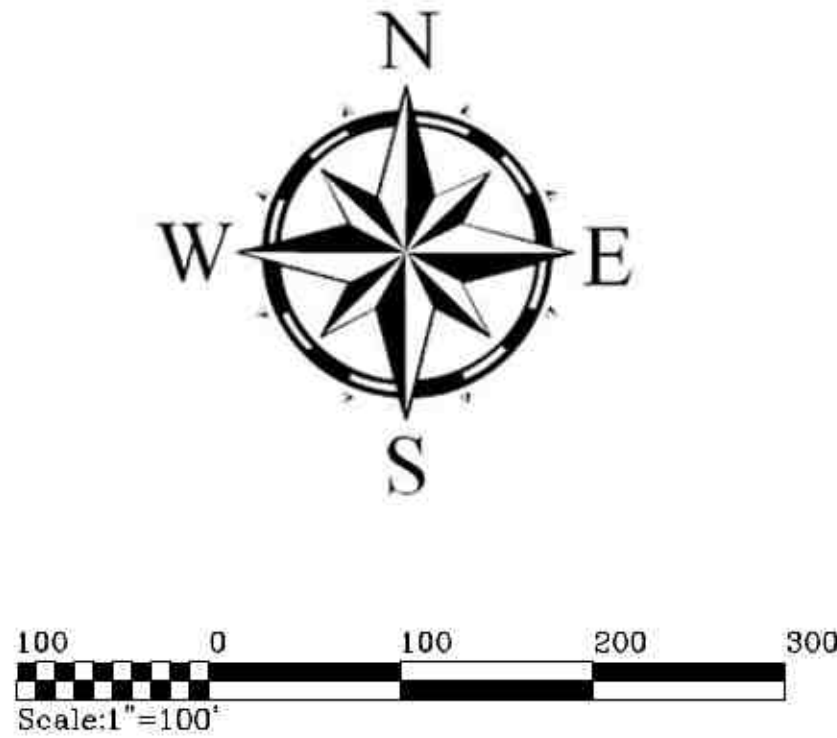
We also request that design plans for the access road not be required. This access road is on a straight grade from the cul de sac South to Road 212 and has no cut or fill requirements of any significance. The applicant is a licensed General Contractor with the equipment, resources and experience to construct this road without formal design plans. This would be an unnecessary cost requirement. And the road would be constructed under the inspection of the County personnel.

All technical corrections will be complied with on the plat.

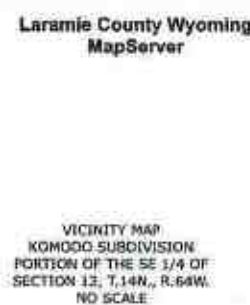
Thank you for your consideration of this application and discussion of possible resolutions to points of further consideration.

John J. Studley, PLS No. 4828

Cell: 307-287-4755 email: jackliz0318@gmail.com



FILING RECORD



- PREPARED OCTOBER 2021

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
TRACTS 2, 3, & 4, TITUS TRACTS
LARAMIE COUNTY, WY,
TO BE RE-PLATTED AND KNOWN AS "KOMODO 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 Komodo 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 Komodo Subdivision with one condition:

1. Road Construction design plans for the proposed 66' wide access easement and roadways, that meet County Standards, shall be submitted and agreed upon by the Public Works and Planning Departments, prior to recordation.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF _____, 2022.

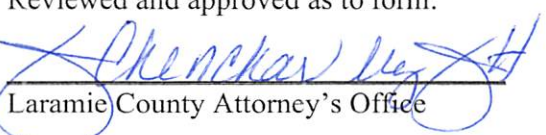
LARAMIE COUNTY BOARD OF COMMISSIONERS

Gunnar Malm, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney's Office