LARAMIE COUNTY CLERK BOARD OF COUNTY COMMISSIONERS AGENDA ITEM PROCESSING FORM

1.	DATE OF PROPOSED ACTION:	January 7, 2014				
2. [[[AGENDA ITEM: Contracts/Agreements/Leases Proclamations Public Hearings/Ru Resolutions Other	Bids/Purchases Claims ants X Land Use: Variances/Board App/Plats Rules & Reg's Reports & Public Petitions				
3.	DEPARTMENT: Planning & Developme	ent Office				
	PLICANT: Clarence Steege	AGENT: Steil Surveying Services				
4.	DESCRIPTION:					
Consideration of a Subdivision Permit and Plat for Blessed Hope First Filing located within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N, R. 62 W, of the 6th P.M., Laramie County, WY. RECEIVED AND APPROVED AS TO FORM ONLY BY THE LARAMIE COUNTY ATTORNEY Amount \$ From						
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LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Dan Cooley, Interim Planning and Development Director

DATE: January 7, 2014

TITLE: Review and action of a Subdivision Permit and Plat for Blessed Hope

Subdivision, located within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N. R. 62 W. of the 6th P.M., Laramie County.

WY.

EXECUTIVE SUMMARY

Steil Surveying Services, on behalf of Clarence Steege, has submitted a Subdivision Permit application and Plat for approval of Blessed Hope Subdivision, situated within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N, R. 62 W, of the 6th P.M., Laramie County, WY, located at the SE corner of State Highway 213 and Road 216. The purpose of the application is to create a single 10-acre parcel for a future church, revised from a previously proposed 5-acre parcel, with 164.97 acres remaining unplatted property with an existing home on the south portion. The Laramie County Planning Commission heard this application on December 12, 2013, and voted (3-0) to recommend approval.

BACKGROUND

The applicant would like to subdivide a 10-acre lot from the existing 174.97-acre parcel for the use of a future church, with 164.97 acres remaining unplatted upon which the existing residence shall remain. The original submittal was for a 5-acre parcel to be divided off the main property. That first application was brought before the Planning Commission on September 26, 2013, where - due to the lack of an approved motion - it was recommended for denial. Major concerns were with size of the property needed for a septic system and well spacing requirements. The applicant has revised the submittal to a 10-acre split to address these concerns. The 10-acre parcel plat was recommended for approval by the Planning Commission on December 12, 2013.

Pertinent Regulations

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

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

AGENCY REVIEWS (Dated September 9, 2013)

County Engineer

- 1. I concur with the request for a waiver of a detailed drainage study and traffic study. These two items can be addressed during the site plan review process for this property/project.
- 2. The plat appears to meet the requirements and I have no comments.

County Public Works Department

At time of construction, or Site Plan review, comments based on new information and configuration will be required.

Environmental Health Department

Per Laramie County Small Wastewater Systems Regulations, an application for Commercial Wastewater System Permit shall be applied for.

WYDOT

Drainage and traffic impact studies may be necessary at the time of site development. Traffic impact study would be limited to the determination of the need for turn lanes on WY 213.

Agencies Responding with No Comments: County Assessor, Combined Communications Center.

Agencies Not Responding: County Real Estate Office, County Treasurer, Wyoming State Engineer's Office, US Post Office, Emergency Management, Fire District No. 6, Sheriff's Office, Cheyenne Light Fuel & Power, High West Energy, RT Communications.

AGENCY REVIEWS Based on the 10-acre Plat (Dated December 3, 2013)

Environmental Health Department

No additional comments based on the revised plat.

State Engineer's Office

No additional comments received to date. Additional comments anticipated.

DISCUSSION

The property is outside the zone boundary and PlanCheyenne area. The Laramie County Comprehensive Plan (2001) describes this property as best suited for Low Density Rural/Agricultural uses. This category provides for residential development with a minimum average density of one dwelling unit per 10 - 35 acres, convenience commercial centers, and agricultural activities. The Plan encourages the clustering of residential uses in these areas. The plat provides for a 10-acre parcel for the church, and the remaining unplatted property with an existing home would remain well above the minimum density requirement. Therefore, staff finds this subdivision permit and plat to be in conformance with the plans and policies of the Laramie County Comprehensive Plan.

Adjacent land uses are agricultural and residential uses on large lots. The proposed lot is smaller than adjacent uses, but should not negatively impact the surrounding properties. Mitigation of any such impacts would be addressed during the Site Plan review, which is a requirement before construction on site. The proposed parcel would take access from Road 216; the remaining property has existing access from State Highway 213. Staff finds the Subdivision Permit and Plat for Blessed Hope Subdivision to be in conformance with the plans and policies of the Laramie County Land Use Regulations 2-1-101 governing subdivisions.

The original application of Blessed Hope Subdivision Permit and Plat was for a 5-acre lot for the future church. This application was heard by the Planning Commission on September 26, 2013, where lack of an approved motion resulted in a recommendation for denial to the Laramie County Board of Commissioners. Concerns about the 5-acre size were a major concern given the requirements for a commercial septic system and the minimum lot size for wells in the Eastern Laramie County Control Area. The applicant revised the plat to a 10-acre parcel to address these concerns and asked to come before the Planning Commission again to solicit comments and a recommendation.

The revised plat was sent to two key agencies – Environmental Health and the State Engineer's Office (SEO) – for a second review. The Environmental Health Department had no additional comments. The SEO sent a letter on December 6, 2013, which is "generally supportive" of the proposed subdivision. The letter calls out a rate of 25 gallons per minute (or 2 acre-feet) for a water well as the threshold. Additional information will be needed if proposed usage is higher than this threshold, given the 1-mile proximity to two other high-producing permitted wells. The applicant is aware of this threshold and additional requirements, to be more closely reviewed at time of the Site Plan establishing the layout of the church facility and utilities location and sizing. Based on this information, staff recommends approval of the application. Previous review comments received on this subdivision application refer to the future site plan application requirements.

RECOMMENDATION and FINDINGS

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

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

and that the Board approve the Subdivision Permit and Plat for Blessed Hope Subdivision with the following condition:

1. The title block of the plat shall be changed to add "Final Plat of" prior to recordation.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for Blessed Hope Subdivision with condition 1, and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

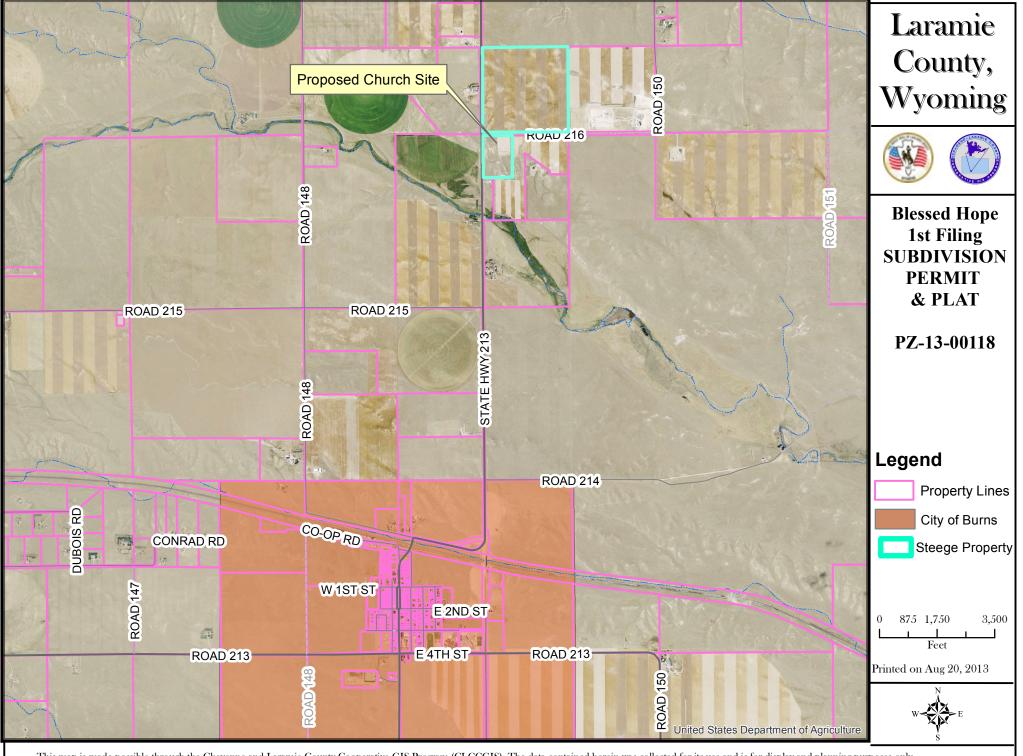
Attachment 1: Aerial Map

Attachment 2: Comprehensive Plan Map

Attachment 3: Planning Commission Minutes – 9/26/13 Attachment 4: Planning Commission Minutes – 12/12/13

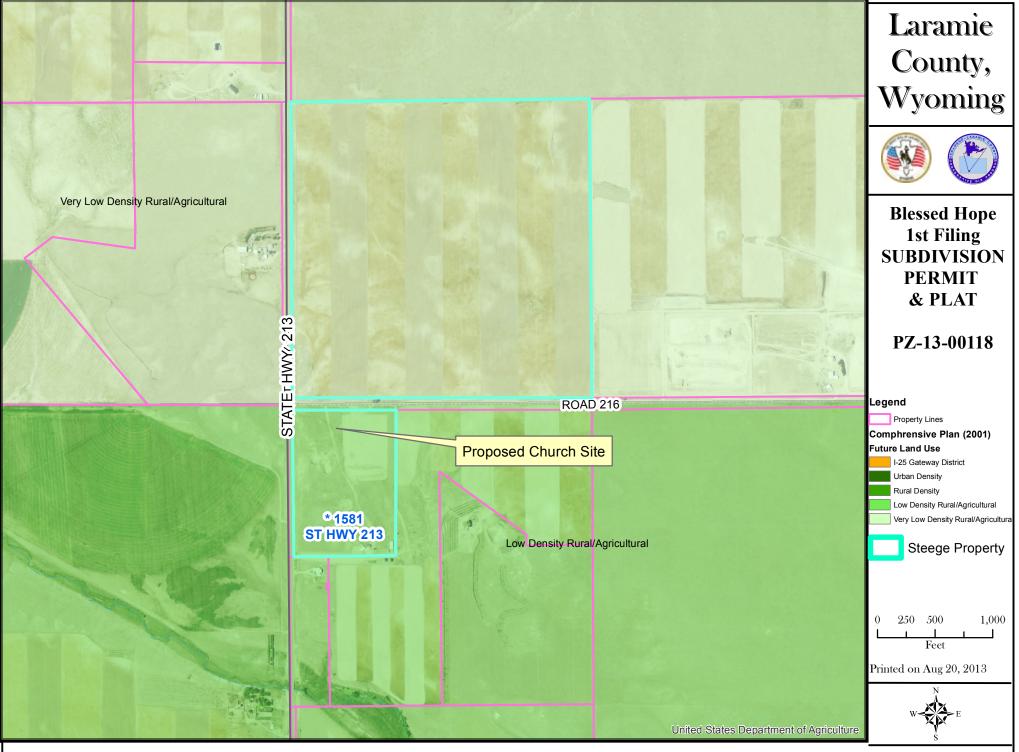
Attachment 5: State Engineer's Office Letter

Attachment 6: Plat – 10/16/13 Attachment 7: Resolution



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Minutes of the Proceedings Blessed Hope First Filing Laramie County Planning Commission Prepared by the Laramie County Planning & Development Office Laramie County Wyoming

Thursday, September 26, 2013

130926 00 The Laramie County Planning Commission met in regular session on Thursday, September 26, 2013, with the meeting beginning at 3:45 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole and Bert Macy; Gary Kranse, Planning Director; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Amber Dancliff, Recording Secretary.

The meeting register was signed by: Edward Ernste, JEI Contractors, 1807 Capitol Ave, Suite 108, Cheyenne; Mark Eisele, King Ranch, 10333 Happy Jack Road, Cheyenne; Casey Palma, Steil Surveying, 1102 W 19th St, Cheyenne; Bill Edwards, 506 Shoshoni, Cheyenne; Linda Heath, 4031 Winterset Dr, Burns; Mark Sutherland, 1706 Treadway Trail, Cheyenne; John Sayers, Edwards Development, 506 Shoshoni, Cheyenne; Bobby Allbaugh, 506 Shoshoni, Cheyenne; Jim Siler, Wyoming Livestock Board, Cheyenne; Brad Emmons, 1103 Old Town Lane, Cheyenne; Leone Medin, 1802 Girard Ave So, Minneapolis, MN; Joe and Mia Patterson, 3420 Hales Ranch Rd, Cheyenne; Boyd Wiggam, Wyoming Liberty Group, Cheyenne; Steve Hrkach, 4109 E 14th St, Cheyenne; Karalyn Wayt, 3490 Hales Ranch Rd, HR Homeowners Assoc, Cheyenne; Jeannie Wilson, 620 Spring Beauty Trail, Cheyenne.

04 Review and action of a Subdivision Permit and Plat for Blessed Hope First Filing located within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N, R. 62 W, of the 6th P.M., Laramie County, WY.

Ms. Kloth introduced the application and Casey Palma, Steil Surveying, as the applicant. Mr. Palma stated the purpose of the subdivision was to donate 5 acres for the construction of a church facility, and concerns had been expressed regarding the acreage of the proposed subdivided lot. He was working with the State Engineer's Office to address the concerns.

Commission Cole stated the SEO letter received regarding the Blue Ribbon Subdivision referenced an approximate acreage of 8.5, and asked how this proposed 5 acre lot would meet that standard.

Mr. Palma responded there was not going to be significant development outside of this one lot subdivision.

Ms. Kloth gave an overview of the staff report. The purpose of this subdivision application was to create one 5-acre parcel for the establishment of a church. The property was located outside the zoned boundary and PlanCheyenne area. The proposed lot size of 5-acres is a sufficient size for

a septic system, but may not be sufficient for a new well, especially given the "commercial" permit required by Environmental Health. The applicant has been advised to contact the State Engineer's Office directly to determine if the 5-acre lot is sufficient, given the property is in the Eastern Laramie County Control Area. Staff found the subdivision to be in conformance with the Laramie County Land Use Regulations. Staff recommended approval with the 2 conditions as noted in the staff report.

Commissioners Clark and Cole mentioned they found clerical errors in the staff report, referencing the density requirement and the incorrect subdivision name within the Discussion section, and requested those items be corrected.

Commissioner Clark asked if the State Engineer's Office would permit a well for this 5-acre parcel? Ms. Kloth responded there was no indication whether the well would be permitted or not, and added the septic system would need to be a commercial septic system, per the Laramie County Small Wastewater Systems Regulations.

Commissioner Macy asked that if the current comp plan stated a minimum average density of 10 acres, why was this subdivision even being considered. Ms. Kloth responded the plan provides for an average density, but if consideration was given to the remaining approximate 170 acres, the average density would calculate at higher than 10 acres.

Commissioner Clark asked what the difference was between a residential septic system and a commercial one. Mr. Palma responded the difference would be the size of the drain field. Commissioner Clark questioned if the well would have to be larger, also. Ms. Kloth stated only a commercial septic system would need to be installed, but this did not necessarily require a larger lot. Mr. Palma said the commercial septic system would require a larger leach field and drainage area to support the system, and discussion was being held with the applicant about possibly creating a larger parcel.

Ms. Kloth reiterated that the property was not within a zone district, so there was no requirement as to the lot size.

Commissioner Clark opened the hearing for public comment. As there were no comments, the public portion of the hearing was closed.

Commissioner Cole moved to recommend approval with conditions 1 and 2, as noted in the staff report. There was no second to this motion, and the motion failed with a vote of 1-2. Commissioners Clark and Macy supported their denial vote with the explanation that there was more land to donate to the proposed subdivided parcel, and the minimum lot size requirement should be met.

Minutes of the Proceedings Blessed Hope Subdivision Laramie County Planning Commission Prepared by the Laramie County Planning & Development Office Laramie County Wyoming

Thursday, December 12, 2013

131212 00 The Laramie County Planning Commission met in regular session on Thursday, December 12, 2013 at 3:30 p.m.

Members in attendance were: Commissioner Jim Ward (as acting Chairman); Commissioners Frank Cole and Bert Macy; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Phil Griggs, 5219 Danielle Court, Cheyenne, WY; J.E. Elias, 2101 O'Neil, Cheyenne, WY; Joe Dougherty, 322 West Lincolnway, Cheyenne, WY; Linda Heath, 4031 Winterset, Burns, WY; Dan Cooley, 3966 Archer Pkwy, Cheyenne, WY; Nancy Olson, 2101 O'Neil, Cheyenne, WY; Jeff Jones, 1102 W. 19th St., Cheyenne, WY; Tom Mason, 2101 O'Neil, Cheyenne, WY.

01 Review and action of a Subdivision Permit and Plat for Blessed Hope First Filing located within a portion of the SW1/4 of Section 29, plus a portion of Section 32, T. 15 N, R. 62 W, of the 6th P.M., Laramie County, WY.

Jeff Jones, Steil Surveying, came forward as agent for the applicant. He explained the subject property was located north of Burns, and the proposed subdivision was to establish a single 10-acre parcel for a new church facility. The lot size was changed to 10 acres from 5 acres, to meet the water well requirements from the State Engineer's Office.

Barbara Kloth, Associate Planner, gave a summary of the staff report. Due to a lack of motion at the September 26, 2013 Planning Commission public hearing, which resulted in a recommendation for denial, the proposed lot size was revised to 10 acres to return to the Planning Commission today for a recommendation for approval. A second review was performed on the 10-acre plat by Environmental Health and the State Engineer's Office. Environmental Health's review resulted in no additional comments. A letter was received from the State Engineer's Office on December 9, 2013, copies of which were hand-carried to today's meeting due to time constraint. Providing the requirements noted in the letter were met, the State Engineer's Office was generally supportive of approval of the development of the subdivision. Staff found the application to be in conformance with the plans and policies of the Laramie County Comprehensive Plan and the Laramie County Land Use Regulations, and recommended approval with the one condition listed in the staff report.

Commissioner Cole commented that the State's letter should have been addressed to the agent or applicant, and copied to the Planning office.

Commissioner Ward opened the hearing to the public. Linda Heath, 4031 Winterset, Burns, WY, came forward to support the application. The church had been in the Burns area for a short time, and had outgrown their rented space. She expressed the church was a wonderful addition to the area, and had participated in a project to help needy families in the Burns area. She endorsed approval on the expansion and relocation of the church.

Hearing no further comment, the public portion of the hearing was closed.

Commissioner Cole moved to recommend approval of the application to the Board with condition 1; Commissioner Macy seconded the motion, and it passed with a vote of 3-0.



State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002 (307) 777-7354 FAX (307) 777-5451 seoleg@state.wy.us DAVE FREUDENTHAL GOVERNOR

PATRICK T. TYRRELL STATE ENGINEER

29 November 2013

Barbara Kloth Laramie County Planning & Development 3966 Archer Parkway Cheyenne, WY 82009

RE: Blessed Hope Subdivision

Dear Ms. Kloth:

State Engineers Office staff has reviewed the information pertaining to the Blessed Hope Subdivision. Currently proposed for development is one 10 acre lot. As a part of this review, a preliminary water right search was conducted. Based upon a review of the information submitted, we offer the following comments:

- Wells 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.
- 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.
- Any well not to be used must be properly plugged and abandoned as outlined in the above referenced rules and regulations.
- 4. The proposed development is within the Laramie County Control Area, and as such the following additional Temporary Order Well Spacing, and Formation well permit conditions and limitations would apply.
 - If the proposed water supply is less than 25 gallons per minute. No more than one domestic and/or stock watering use well per lawfully subdivided lot, or one well per ten acres of any other parcel of land. Domestic and stock watering wells completed within the High Plains aquifer system are limited to a maximum volumetric quantity of 1 acre-foot of water to be developed and beneficially used per calendar year.
 - If the proposed water supply is less than 25 gallons per minute. Miscellaneous use wells completed within the High Plains aquifer system shall be a minimum of one mile distant from any other miscellaneous use well completed within the High Plains aquifer system and are limited to a maximum volumetric quantity of 2 acre-feet of water to be developed and beneficially used per calender year.
 - If the proposed water supply is more than 25 gallons per minute. The proposed subdivision is located within a mile of several high capacity irrigation (>25 gpm) wells located in the High Plains aquifer therefore according to the temporary order adopting well spacing requirements within the Laramie County Control Area if the proposed subdivision desires a high capacity well (greater than 25 gallons per minute and/or 2 acre-feet per year) the following guidelines must be met. 1.b. (see attached order) For all wells other than stockwatering, domestic, and miscellaneous identified in paragraph 1.a. (see attached order), a vertical well spacing requirement is hereby adopted which requires these wells to be completed exclusively within the Lance Formation or Fox Hills Sandstone. Water appropriation from the High Plains aquifer system is prohibited for wells completed under this subsection. Wells completed under this subsection shall be a minimum of one mile distant from any other well completed within the Lance Formation or Fox Hills Sandstone.
 - Production of water from these wells shall be limited to either the Lance Formation or the High Plains aquifer (i.e. Ogallala and White River Formations). Dual completions in the Lance Formation and the High Plains aquifer will

not be allowed and filter (gravel or sand) pack must not extend across the formation boundary. If the well penetrates through the High Plains aquifer into the Lance Formation, the applicant must select one of the following two options:

- a) Seal off the Lance Formation by filling that part of the borehole that contacts the Lance Formation with grout, and complete the well only in the High Plains aquifer, thus effectively eliminating water production from the Lance Formation; OR
- b) Seal off the High Plains aquifer with blank (non-perforated) casing and grout in the annulus from the top of the Lance Formation to the surface. Cement must be used to grout the annulus through the bottom 10 feet of the High Plains aquifer but bentonite may be used above that interval to the land surface. (See Policy Memo, dated June 27, 2006).
- The applicant must obtain written consent from the State Engineer prior to perforating or producing any ground water from any geologic formation other than the Lance Formation or the High Plains aquifer.
- The State Engineer may, upon written request, waive all or any portion of these conditions and limitations.
- 5. Lastly, a cursory search of the State Engineer's records indicated that no subject existing water rights of record are appurtenant 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 [reference WDEQ Chapter 23, Section 8 (vi)].

Therefore in summary, subject to the above referenced Rules and Regulations, Temporary Order Well Spacing Requirements, and other applicable Well Permit Conditions and Limitations, the State Engineers Office is generally supportive of approving the development of the proposed subdivision, if all the aforementioned requirements are met. However, be advised that any number of events could occur at some point in the future which may preclude the State Engineer from issuing new permits for this type of activity.

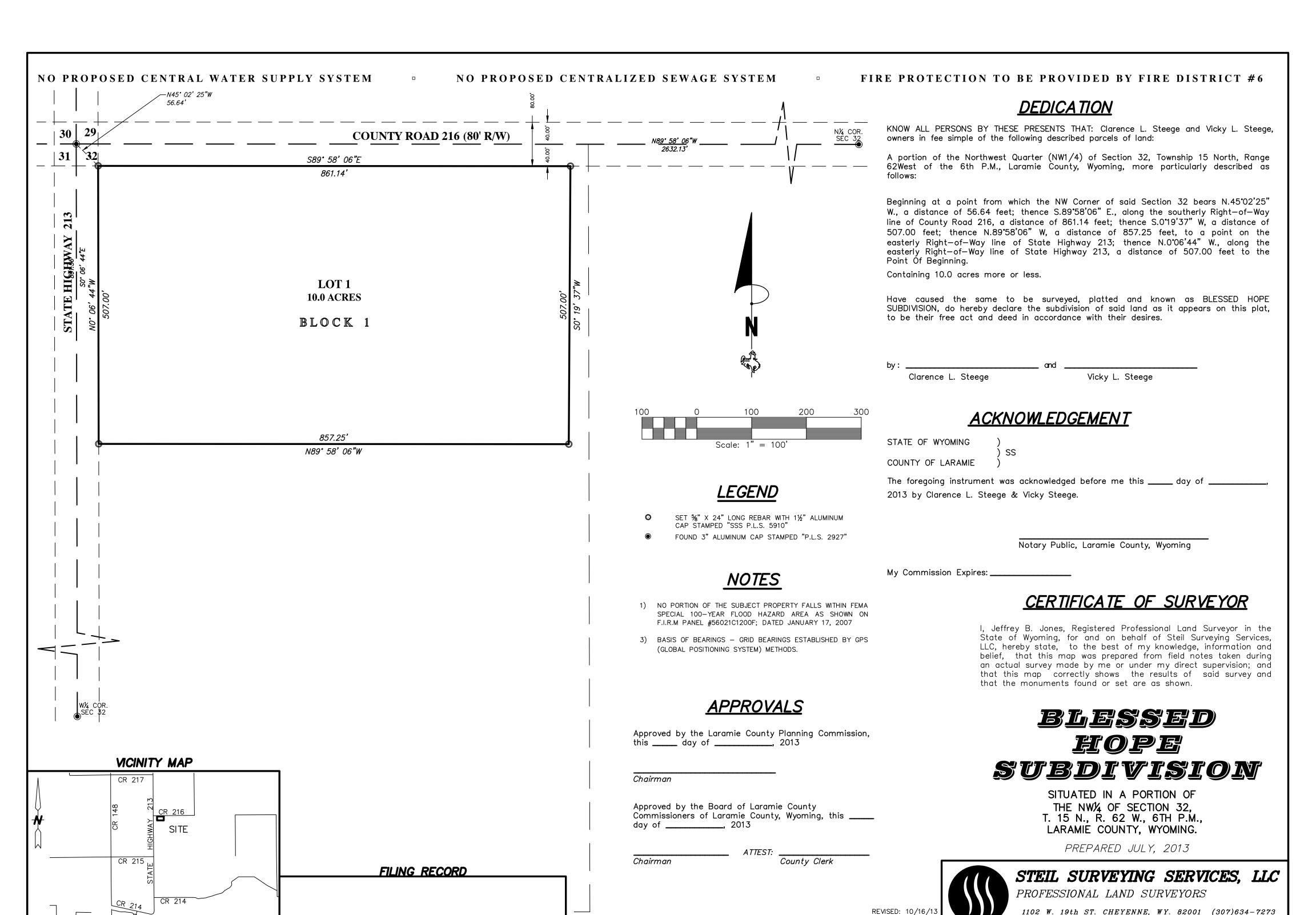
In all correspondence regarding this application please reference the State Engineers Office Filing Number 2013-19-2. If you have any questions, please feel free to contact me at (307) 777-6164, or if you prefer email, my address is ryan.mower@wyo.gov.

Sincerely

Ryan Mower

Natural Resources Analyst

Cc: Greg Lanning, Acting Administrator, Surface Water Division
Lisa Lindemann, Administrator, Ground Water Division
Allan Cunningham, Administrator, Board of Control Division
Brian Pugsley, Superintendent, Water Division I
Scott Ross, District 1 Hydrographer-Commissioner
Laramie County Planning Department, 309 East 20th Street, Cheyenne, WY 82001



(NOT TO SCALE)

756 GILCHRIST ST. WHEATLAND, WY. 82201 (307)322-9789

\2013 DWG\13199 BLESSED HOPE\FINAL.DWG

RESOLUTION NO.	

ENTITLED: A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR BLESSED HOPE SUBDIVISION LOCATED WITHIN A PORTION OF THE SW1/4 OF SECTION 29, PLUS A PORTION OF SECTION 32, T. 15 N, R. 62 W, OF THE 6^{TH} P.M., 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 is in accordance with section 2-1-101 (a-d) of the Laramie County Land Use Regulations; and

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

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Laramie County Board of Commissioners finds that:

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

And that the Board approves the Subdivision Permit and Plat for Blessed Hope Subdivision with the following condition:

1. The title block of the plat shall be changed to add "Final Plat of" prior to recordation.

PRESENTED, READ AND ADOPT	TED THIS	DAY () F
, 2014.			
	LARAMIE COU	NTY BOARD OF C	OMMISSIONERS
ATTEST:	Diane Humphre	y, Chairman	
Debra K. Lathrop, Laramie County Cle	erk		
Reviewed and approved as to form: Mark Woss, Laramie County Attorn	<u>ey</u>		