Planning • Building

### MEMORANDUM

TO: Laramie County Planning Commission
FROM: Bryce Hamilton, Associate Planner
DATE: August 1, 2023
TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for Zoannea Estates, a subdivision located in the E1/2 of the E1/2 of the NE1/4 of the NE1/4 of Section 26 and the NW1/4 of the NW1/4 of Section 25, T14N, R61W of the 6th P.M., Laramie County, WY.

## **EXECUTIVE SUMMARY**

Y2 Consultants, on behalf of Graves Empire, LLC has provided a Subdivision Permit and Plat application for Zoannea Estates. The intent is to subdivide 50 acres into five (5) 10-acre tracts. It is located along Road 159, approximately .37 of a mile north of Road 211, which also serves as a frontage road along Interstate I-80. The property is west of Pine Bluffs Airport. The land is within the LU – Land Use Zoning District.

## BACKGROUND

The property proposed to be subdivided has one vacant dwelling, located on the west side of Road 159.

Pertinent Laramie County Land Use Regulations which apply include:

Section 2-1-101 (a-e) governing the criteria for a subdivision permit and plat. Section 1-2-104 governing public notice. Section 4-2-114 governing the LU – Land use Zoning District.

#### **DISCUSSION**

The property has an elevation drop off approximately 15 to 20 feet from north to located on its southern portion and has approximately 17.3 acres of 100-year floodplain. Any development within this area is subject to Laramie County Floodplain Regulations.

The property also has a navigation hazard easement located in its southeast portion. It is associated with the clear zone area required by Federal Aviation Administration for the Pine Bluffs Airport. No development is allowed within the easement. The Pine Bluffs Airport was contacted by staff; the airport has no issues with the proposed subdivision.

The Laramie County Comprehensive Plan identifies the area as RAI – Rural Ag Interface on the west side of Road 159. Rural residential uses are primarily associated in these areas. Density of uses is considered important, based upon availability and access to water. The eastern side of Road 159, which contains four (4) proposed tracts, is shown as URI – Urban Rural Interface within the Comprehensive Plan. The Comprehensive Plan anticipates that these areas may change and develop over time.

Water and sewage disposal will be provided by individual well and septic systems. With all lots being over 6 acres, the minimum Environmental Health requirements for septic system permits are met.

Access to the four tracts on the east side of Road 159 will be by a private easement. Access to the existing dwelling on the west side of Road 159 will be by the existing access point.

The property is within AMEC Zone 2. This means the tract size of 10 acres each surpasses the minimum recharge area of 5 acres as indicated by the AMEC Memo. It also surpasses the 5.25 acres as indicated by the development standards.

Agency review comments are attached. Concerns included minor items related to the plat, surveying, and the private easement proposed for the subdivision. A second-round review revealed one additional item to fix prior to plat recordation related to the layout of the private easement on the plat. This correction of this issue was recommended as a condition of approval by the Planning Commission in its vote for recommendation of approval. This issue has been rectified subsequent to the Planning Commission meeting, and staff believes no conditions are necessary for Board approval.

Public notice through sign posting, a legal ad and certified mail was provided through Section 1-2-104 of the Land Use Regulations. Staff received one (1) public comment on July 18<sup>th</sup> from an adjacent landowner which accompanies this report as an attachment.

## **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.
- **b)** This application meets the requirements of Public Notice through Section 1-2-104 of the Laramie County land Use regulations.
- c) This application meets the requirements of the LU Land use Zoning District through Section 4-2-114 of the Laramie County Land Use Regulations.

#### and that the Board approve the Subdivision Permit and Plat for Zoannea Estates.

#### **PROPOSED MOTION**

I move to adopt the finding of facts a, b, and c of the staff report and to approve the Subdivision Permit and Plat for Zoannea Estates.

#### **ATTACHMENTS**

- 1. Project Map
- 2. Project Narrative
- 3. Public Agency Review with Applicant Response
- 4. Public Agency Second Round Review Comments
- 5. Public Comment Received 7.18.23
- 6. Plat Revised 7.24.23
- 7. Resolution





May 9, 2023

Delivery via email

Justin Arnold, Program Manager Laramie County Planning and Development 3966 Archer Parkway Cheyenne, WY 82009 justin.arnold@laramiecountywy.gov (307) 633-4523

#### RE: Narrative Letter – Graves Empire, LLC (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec 25 and E<sup>1</sup>/<sub>2</sub> E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec 26, T14N, R61W)

Dear Mr. Arnold,

The goal of this project is to subdivide the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec 25 and E<sup>1</sup>/<sub>2</sub> E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec 26, T14N, R61W into five lots, with four of the lots being in the portion in Section 25, being known as Zoannea Estates. Each lot will be 10 acres, more or less, with an access road being along the north boundary of the four lots in Section 25.

Please contact me if you have any questions and I would be happy to discuss the project further.

Respectfully,

Gary N Grigsby

Gary N. Grigsby, PE PLS #9283 Operations Manager

#### <u>PZ-23-00069 - Zoannea Estates</u> Subdivision Permit (25 Lots or Less) – Ist Round Review

# Sent to applicant 6/7/23

<u>Combined Communications Center:</u> Combined Communications Center, No Comments Acknowledged

<u>County Assessor:</u> County Assessor, Dawn Lanning No Comments Acknowledged

<u>County Attorney:</u> County Attorney, LC Attorney's Office Sizes of lots are in compliance with the AMEC memo Lot size is in compliance with Small Wastewater Regulations Acknowledged

Lots do fall in the Floodplain, need to ensure that when building starts this is taken into consideration Acknowledged

Newspaper notice and the letter to neighbors has the comment date as August 1, 2023. Is there a reason as to why the comment date is not prior to the planning commission meeting? undefined

<u>County Conservation District:</u> County Conservation District, Shaun Kirkwood No Response Acknowledged

## County Engineer: County Engineer, Scott Larson

Engineer Review

1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study since this development will have negligible impact on both. Acknowledged

2. The plat should clearly call out that this plat is dedicating the 80' ROW for Emmylou Way to the public and the lot/property lines should not be shown going through the ROW. In addition, the ROW for Emmylou Way should include a cul-de-sac or hammerhead on the east end for emergency vehicle turnaround until the roadway is extended to the east (if it ever gets extended). Added to Plat

3. The line type used for the flood plain is very similar to others in the Legend, but it is not called out in the Legend. Added to Plat

4. Per State Statutes 18-5-306, the plat needs to include the following words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM", "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM", and "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE". Added to Plat

#### Surveyor Review

1. Typically the LEGAL DESCRIPTION of the property being subdivided is part of or attached to the DEDICATION. There is no LEGAL DESCRIPTION of the property being subdivided within the DEDICATION or within any other official documentation on the plat. The Title Block does meet the requirement of indicating the tract or parcel of which the subdivision is a part, including section, township and range from the 6th principal meridian, county and state, but the Title Block is not generally considered as being part of the DEDICATION.

#### Added to Plat

2. There are no Wyoming State Plane field observation coordinates provided for the public land survey corners on the plat. The only coordinate shown is for CONTROL POINT "B1" and there are no survey ties shown from "B1" to any other corners on the plat.

#### Added to Plat

3. Is EMMYLOU WAY dedicated to the public or is it a private road intended solely for the use of the landowners in the subdivision. The DEDICATION states "do hereby grant any and all easements as hereon shown for the purposes indicated". The purpose of the EMMYLOU WAY R-O-W, dedicated to the public or private road, is not clearly indicated on the plat.

#### Added to Plat

4. The LEGEND OF SYMBOLS & ABBREVIATIONS contains 6 line types that are all dashed lines, 4 of which are very similar in appearance. Distinguishing the subtle differences between these line types and determining their exact intended representation may be a little challenging. Acknowledged

5. There is a note describing a "PRESCRIPTIVE EASEMENT WIDTH UNKNOWN HIGH WEST ENERGY", located just west of the northwest corner of TRACT 1. Is there a recorded document confirming the legal authority of this easement, such as a Court Document or a Register's Book and Page number.

There is no record with the county nor with High West Energy.

**County Public Works Department:** County Public Works Department, Molly Bennett 1. All comments from the review engineer and surveyor shall be addressed. Acknowledged

2. With this development action, Road 159 and the proposed EmmyLou Way shall be built and/or brought up to current County Standards. A right-of-way/grading permit will be required.

Acknowledged

2a. All roadways shall be designed and constructed to LCLUR, and the design plans shall be submitted to the County for review and approval. Acknowledged

3. Any tracts accessing a publicly dedicated right-of-way shall submit an access permit application through Public Works and meet the current Laramie County Land Use Regulations. Call (307-633-4302) or email (permits@laramiecountywy.gov) Public Works for more information. Acknowledged

4. Any work taking place within the boundaries of the designated floodplain and/or floodway will require an approved "Floodplain Development Permit" through the Laramie County Planning and Development office. Acknowledged

5. A note shall be added to the plat indicating "there will be no public maintenance of EmmyLou Way." Added to Plat

<u>County Real Estate Office:</u> County Real Estate Office, Laura Pate No Comments Acknowledged

<u>County Treasurer</u>: County Treasurer, Tammy Deisch Comments Attached 05/23/2023 As of 05/23/23 - 2022 taxes paid in full <u>Acknowledged</u>

**Emergency Management:** Emergency Management, Matt Butler Comments Ensure proper turn radius(cul-de-sac)are in place for dead end roads to allow emergency services, fire/ems/LE, the correct amount of room to turn around. Acknowledged Environmental Health: Environmental Health Department, Jennifer Escobedo WASTEWATER PERMITS ARE REQUIRED FOR EACH LOT. ALL SMALL WASTEWATER SYSTEMS MUST HAVE A 50' SETBACK FROM ALL PROPERTY LINES AND INTERMITTENT BODIES OF WATER I.E. DRAINAGES AND FLOODPLAINS. A FEMA 100 YEAR FLOODPLAIN RUNS THROUGH SUBDIVISION. SEPTIC SYSTEMS CAN'T BE INSTALLED ON GRADES GREATER THAN 15%. A SIGNED FINAL PLAT PRIOR TO APPLICATION FOR ANY PERMITS. A 2ND FILING WILL REQUIRE A DEQ LETTER AND CHAPTER 23 REPORT. Added to Plat

Intraoffice: Planners, Cambia McCollom No Comments Acknowledged

Laramie County Weed & Pest: Laramie County Weed & Pest, Brett Nelson No Response Acknowledged

Planners: Planners, Michael Surface

This is a 5 tract subdivision in the Land Use Zoning District. All lots are 10 acres each. Floodplain on southern portion of property. Avigation easement present. One dwelling on west side of state road. Road is to be private.

Acknowledged

<u>Sheriff's Office:</u> Sheriff's Office, Amber Shroyer No Response Acknowledged

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

**WYDOT:** WYDOT, Taylor McCort No Response Acknowledged

**Wyoming DEQ:** Wyoming DEQ, Colin McKee No Response Acknowledged

**Wyoming Game & Fish Dept:** Wyoming Game & Fish, Wyoming Game and Fish Dept No Response Acknowledged

<u>High West Energy:</u> High West Energy, David Golden No Response Acknowledged <u>Fire District No 5:</u> Fire District No. 5, Derek Walls No Response Acknowledged

Laramie Co School Dist No 2: Laramie Co School Dist. No. 2, Kim Nelson No Response Acknowledged

#### **Bryce Hamilton**

From:	Scott Larson <scottl@benchmarkengineers.com></scottl@benchmarkengineers.com>
Sent:	Thursday, June 29, 2023 9:10 AM
То:	Bryce Hamilton
Subject:	PZ-23-00069 Zoannea Estates 2nd Plat Review

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

Bryce,

Here are my comments for the 2<sup>nd</sup> review of the above referenced application:

"All previous comments have been adequately addressed with the revised plat drawing. No further comments at this time."

Let me know if you have any questions.

#### Thanks,

Scott D. Larson, P.E., President BME | BenchMark Engineers, PC Quality minded, community spirited benchmarkengineers.com Cheyenne Office: t. 307.634.9064 | f. 307.778.8010 1920 Thomes Avenue | Suite 320 (NEW) | Cheyenne, Wyoming 82001 Fort Collins Office: t. 970.232.3335 155 E. Boardwalk Drive | Suite 400 - #451 | Fort Collins, Colorado 80525

### **Bryce Hamilton**

From:	Scott Larson <scottl@benchmarkengineers.com></scottl@benchmarkengineers.com>
Sent:	Wednesday, July 5, 2023 11:21 AM
То:	Molly Bennett; Bryce Hamilton
Cc:	Justin Arnold; Catherine Cundall
Subject:	RE: 2nd Round Review - Zoannea Estates - PZ-23-00069

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

Molly,

I apologize I forgot to copy all when I sent Bryce an email last week indicating they have adequately addressed my comments and I had no further comments at this time.

#### Thanks,

Scott D. Larson, P.E., President BME | BenchMark Engineers, PC Quality minded, community spirited benchmarkengineers.com Cheyenne Office: t. 307.634.9064 | f. 307.778.8010 1920 Thomes Avenue | Suite 320 (NEW) | Cheyenne, Wyoming 82001 Fort Collins Office: t. 970.232.3335 155 E. Boardwalk Drive | Suite 400 - #451 | Fort Collins, Colorado 80525

From: Molly Bennett <Molly.Bennett@laramiecountywy.gov>
Sent: Wednesday, July 5, 2023 11:18 AM
To: Bryce Hamilton <Bryce.Hamilton@laramiecountywy.gov>
Cc: Justin Arnold <justin.arnold@laramiecountywy.gov>; Catherine Cundall <catherine.cundall@laramiecountywy.gov>; Scott Larson <scottl@benchmarkengineers.com>
Subject: Re: 2nd Round Review - Zoannea Estates - PZ-23-00069

All,

Please see our comments below.

- 1. All previous comments provided by Public Works have been acknowledged and/or addressed.
- 2. Ensure the hammerhead layout meets LCLUR Figure D103.1 on Page 185. It does not appear to meet those standards as presented.

Scott - if you have any follow up and/or additional comments, please make sure and copy us so we can be on the same page with comments.

Thanks,

# **Molly Bennett**

#### Director

Laramie County Public Works

13797 Prairie Center Circle

Cheyenne, WY 82009

Office: 307-633-4302

Cell: 307-369-7195

From: Michael Surface <<u>michael.surface@laramiecountywy.gov</u>>

Sent: Tuesday, June 27, 2023 11:03 AM

To: Scott Larson <<u>scottl@benchmarkengineers.com</u>>; Molly Bennett <<u>Molly.Bennett@laramiecountywy.gov</u>> Cc: Bryce Hamilton <<u>Bryce.Hamilton@laramiecountywy.gov</u>>; Justin Arnold <<u>justin.arnold@laramiecountywy.gov</u>>; Catherine Cundall <<u>catherine.cundall@laramiecountywy.gov</u>>; Maxwell Waite <<u>mwaite@y2consultants.com</u>> Subject: 2nd Round Review - Zoannea Estates - PZ-23-00069



Hi Scott and Molly, Zoannea Estates is being folded into <u>Smart.Gov</u>.

Attached is a second round review for a Revised Plat as well as the applicants' response to the first round review.

Please provide your comments by end of day on July 5<sup>th</sup>. The staff report should capture any concerns that you raise, and there is a tight deadline.

Also, please send your comments to Bryce Hamilton who is taking over the project. My last day here at the Archer Center is this Friday.

Thank you kindly, Michael Michael Surface Senior Planner Laramie County Planning and Development 3966 Archer Parkway Cheyenne, WY 82009 Direct Line: 307-775-7451 www.laramiecountywy.gov I am an adjacent property owner, and I would prefer not to have a subdivision in my neighborhood. Water is at a premium in this area and a number of new houses will further deplete our water supply.

-Lois Fornstrom

# ACKNOWLEDGEMENT

THE STATE OF WYOMING COUNTY OF LARAMIE

The foregoing instrument was acknowledged before this

\_\_\_\_ day of \_\_\_\_\_ 2023, by Nathan Graves, Owner, Graves Empire, LLC

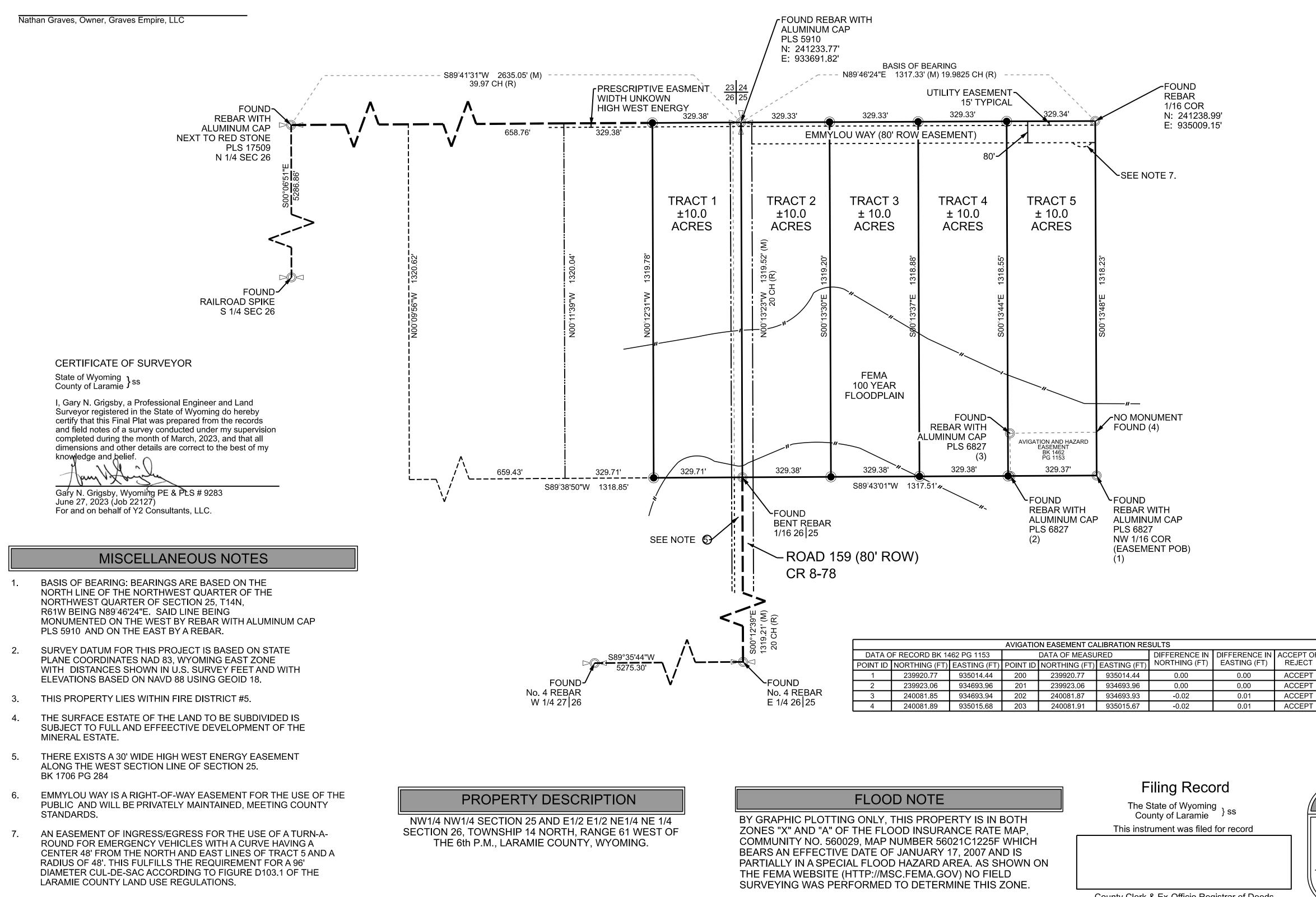
Notary Public, Laramie County, Wyoming

DEDICATION

Know All Persons by These Presents

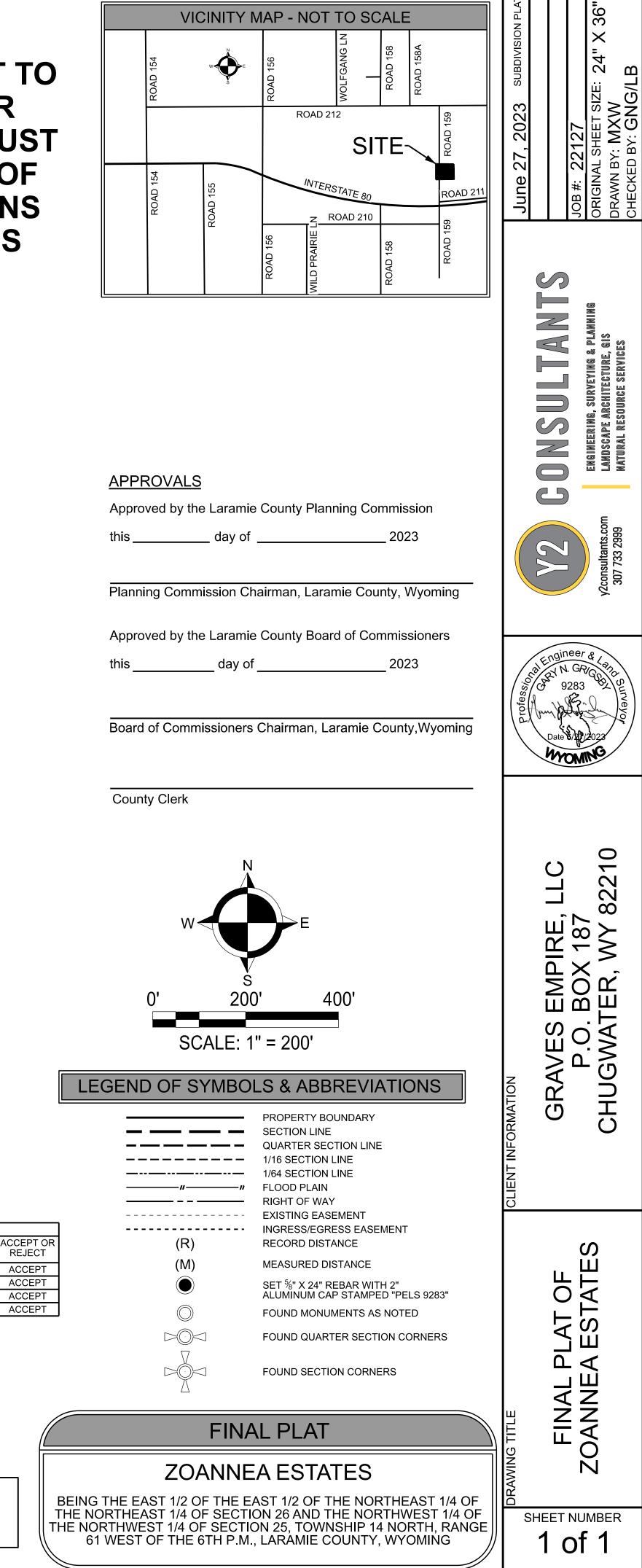
Graves Empire, LLC, owner in fee simple of the Northwest 1/4 Northwest 1/4 Section 25 and East 1/2 East 1/2 Northeast 1/4 Northeast 1/4 Section 26, Township 14 North, Range 61 West of the 6th P.M., Laramie County, Wyoming has caused the sameto be surveyed, platted, and known as ZOANNEA ESTATES and does hereby declare the subdivision of said land as it appears on this plat, to be their free act and deed and in accordance with their free and voluntary wishes and desires and do hereby grant any and all easements as hereon shown for the purposes as indicated

Nathan Graves, Owner, Graves Empire, LLC



NO CENTRAL WATER SYSTEM OR SEWER SYSTEM ARE PROPOSED FOR THE PROPERTY. THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE. WASTEWATER PERMITS ARE REQUIRED FOR EACH LOT. ALL SMALL WASTEWATER SYSTEMS MUST HAVE A 50' SETBACK FROM ALL PROPERTY LINES AND INTERMITTENT BODIES OF WATER I.E. DRAINAGES AND FLOODPLAINS. A FEMA 100 YEAR FLOODPLAIN RUNS THROUGH SUBDIVISION. SEPTIC SYSTEMS CANNOT BE INSTALLED ON GRADES **GREATER THAN 15%.** 

County of Laramie } ss This instrument was filed for record



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#### RESOLUTION NO.

#### A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR LAND LOCATED IN THE E1/2 OF THE E1/2 OF THE NE1/4 OF THE NE1/4 OF SECTION 26 AND THE NW1/4 OF THE NW1/4 OF SECTION 25, RANGE 61W OF THE 6<sup>TH</sup> P.M., LARAMIE COUNTY, WY, TO BE PLATTED AND KNOWN AS "ZOANNEA ESTATES'.

WHEREAS, WS §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 Zoannea Estates.

### **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 Zoannea Estates located in the E1/2 of the E1/2 of the NE1/4 of the NE1/4 of Section 26 and the NW1/4 of the NW1/4 of Section 25, Range 61W of the 6<sup>th</sup> P.M., Laramie County, WY., while adopting the findings

PRESENTED, READ, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Troy Thompson, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office