Planning • Building

MEMORANDUM

TO:Laramie County Board of CommissionersFROM:Marissa Pomerleau, Associate PlannerDATE:June 7, 2022TITLE:PUBLIC HEARING regarding a Zone Change from A2 to AR and a
Subdivision Permit & Pat for Four Mile Meadows Subdivision, 3rd Filing for
a portion of the E1/2 NW1/4 Section 17, T.14N., R.65W., of the 6th P.M.,
Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, LLC, on behalf of Margarete and Kenneth Dunlap, has submitted Zone Change and Subdivision Permit & Plat applications for Four Mile Meadows Subdivision, 3^{rd} Filing. The applications have been submitted to request a zone change from A2 – Agricultural to AR – Agricultural Residential and to subdivide the parcel into three (3) residential-use tracts with a 39.13-acre remainder parcel that will remain unplatted.

Both applications have been combined into one staff report for ease of presentation and discussion, with separate motions required on the two actions.

BACKGROUND

The subject property is assessed as residential vacant land. It also has an oil well pad in the center of it with a mandatory 500' building buffer on the easement. The plat does take this buffer into account and provides sufficient space for residences and their associated structures/services.

Pertinent Regulations

Section 1-2-103(b) of the Laramie County Land Use Regulations governing the criteria for a zone map amendment.

Section 4-2-100 of the Laramie County Land Use Regulations governing the AR – Agricultural Residential Zone District.

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 Metro (RM). This designation generally includes areas within the MPO boundary. Residences can have private or small, shared septic or sewer systems. The average tract size may range from 2.5 to 5 acres depending on availability of services.

PlanCheyenne designates this area as Rural Residential (RR), which encourages clustered development of single-family residences. This designation states the average density should be 5-10 acres. Secondary uses are agricultural or rural in nature, including open spaces and recreation, equestrian uses, etc.

The subject property is bordered by the A1 – Agricultural and Rural Residential zone district to the west and north as well as A2 to the east, south and west. The surrounding property acreages range from 3.01 acres to 30 acres with surrounding uses consisting of entirely residential or residential vacant land. A change in zone district from A2 to AR would allow for a smaller tract size of 5.25 acres.

According to the AMEC Memo dated January 31, 2014, the properties lie within Zone 2 of the study area. Development standards dictate that lots within this zone shall be a minimum of 5.25 acres in order to sufficiently recharge groundwater after withdraws from a pumping well.

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.

Section 1-2-103 (b) of the Laramie County Land Use Regulations specifies that in order to recommend approval of this zone change, the Planning Commission must find at least one of the following:

- i. That the zoning district map amendments or regulations are consistent with plans and policies of Laramie County; or
- ii. That the original zoning classification given to the property was inappropriate or improper; or
- iii. That there have been changes of an economic, physical or social nature within the area involved which altered the basic character of such area, and that the amendment will not detrimentally affect the area involved.

Criteria i. is met by conformance with the Laramie County Comprehensive Plan and PlanCheyenne with the type of development.

Agency review comments were received regarding clerical corrections to the zone change and plat maps, missing information and legibility. Revised zone change and plat maps were submitted to County Planning on May 29th that have addressed all review comments.

Public notice; via a legal ad, adjacent neighbor notice letters and a development notice sign was provided per Section 1-2-104 of the Land Use Regulations. Planning did not receive any public comment.

These applications were heard by the Planning Commission on May 12, 2022. The Planning Commission voted 4 - 0 to recommend approval of both the zone change and subdivision with a condition on each.

Staff finds the applications are consistent with the plans and policies of Laramie County.

RECOMMENDATION and FINDINGS

Based on evidence provided for the *zone change* request, the Planning Commission with staff recommends the Board find that:

- a. This application meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And that the Board approve a Zone Change from A2 to AR for a portion of the E1/2 NW1/4 Section 17, T.14N., R.65W., of the 6th P.M., Laramie County WY.

Based on evidence provided for the *subdivision permit & plat*, the Planning Commission with 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 is in conformance with section 4-2-100 governing the AR Agricultural Residential zone district.

And that the Board approve the Subdivision Permit and Plat for Four Mile Meadows Subdivision, 3rd Filing.

PROPOSED MOTION – ZONE CHANGE

I move to approve the Zone Change from A2 to AR for a portion of the E1/2 NW1/4 Section 17, T.14N., R.65W., of the 6th P.M., Laramie County, WY and adopt the findings of facts a and b for the *zone change*, as shown on the attached 'Exhibit A' – Zone Change Map

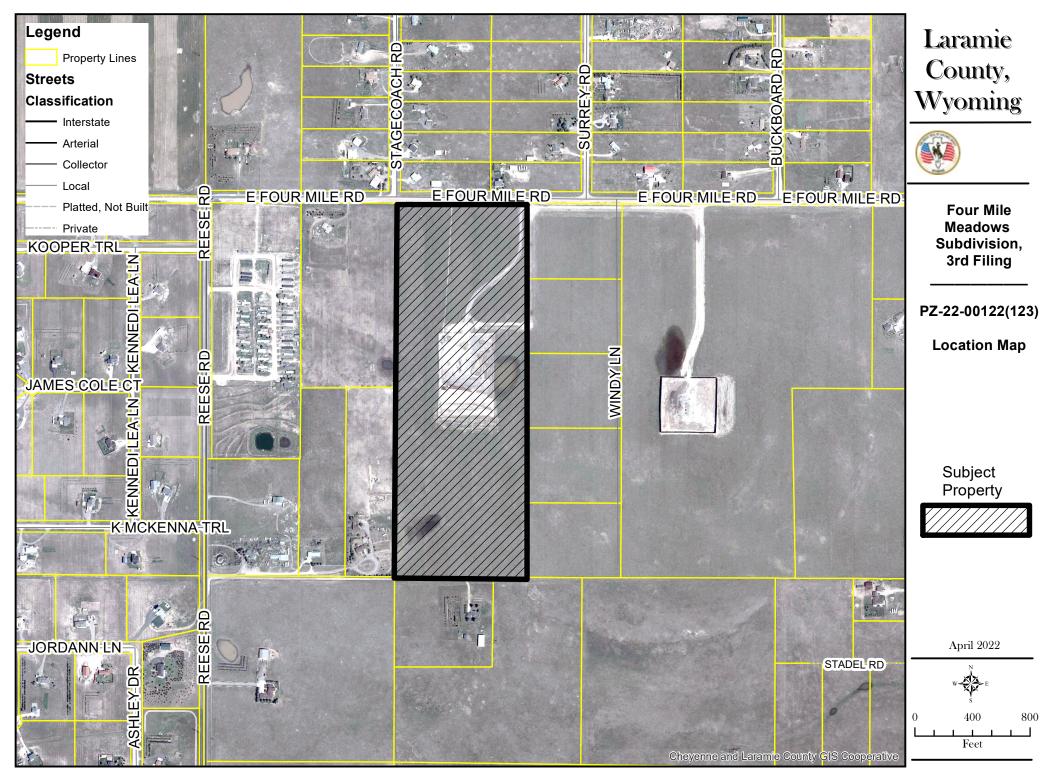
PROPOSED MOTION – SUBDIVISION PERMIT & PLAT

I move to approve the Subdivision Permit and Plat for Four Mile Meadows Subdivision, 3rd Filing and adopt the findings of facts a and b for the *subdivision permit & plat*, as shown in the staff report.

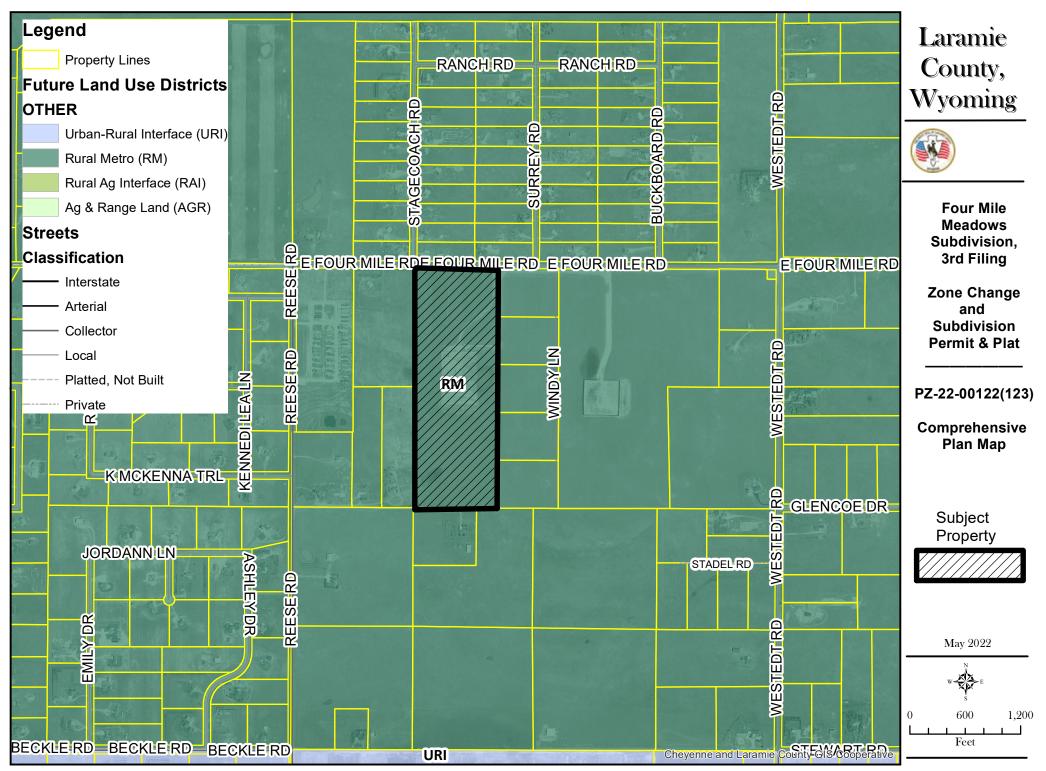
ATTACHMENTS

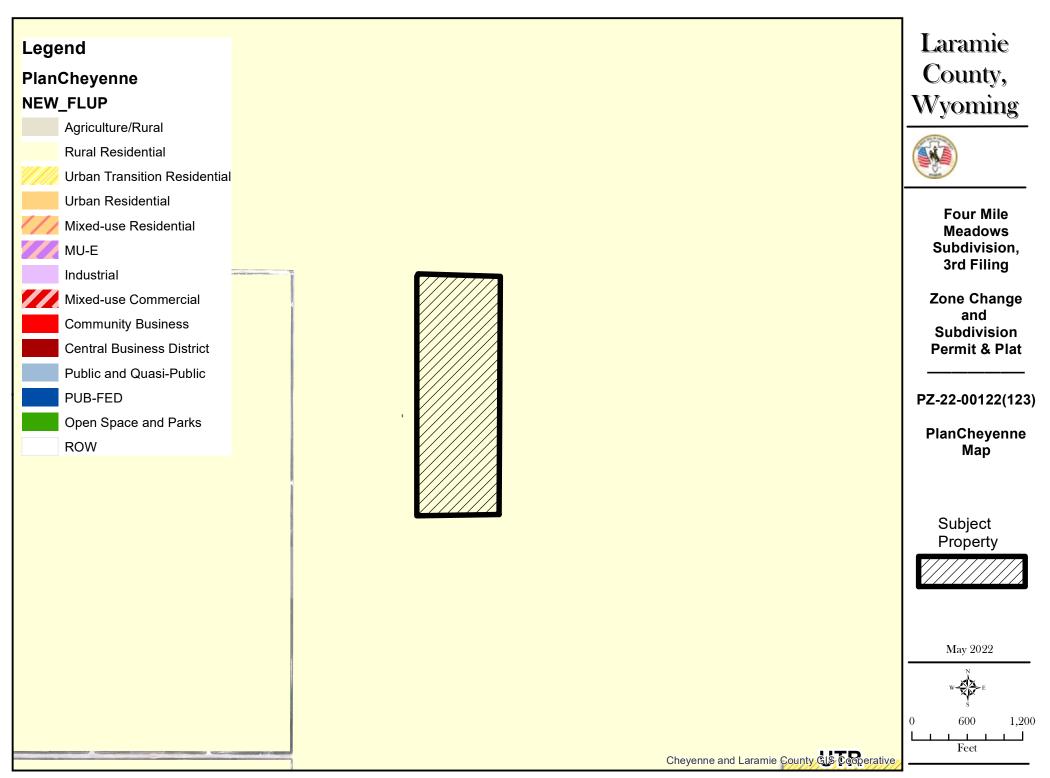
Attachment 1:	Location Map
---------------	--------------

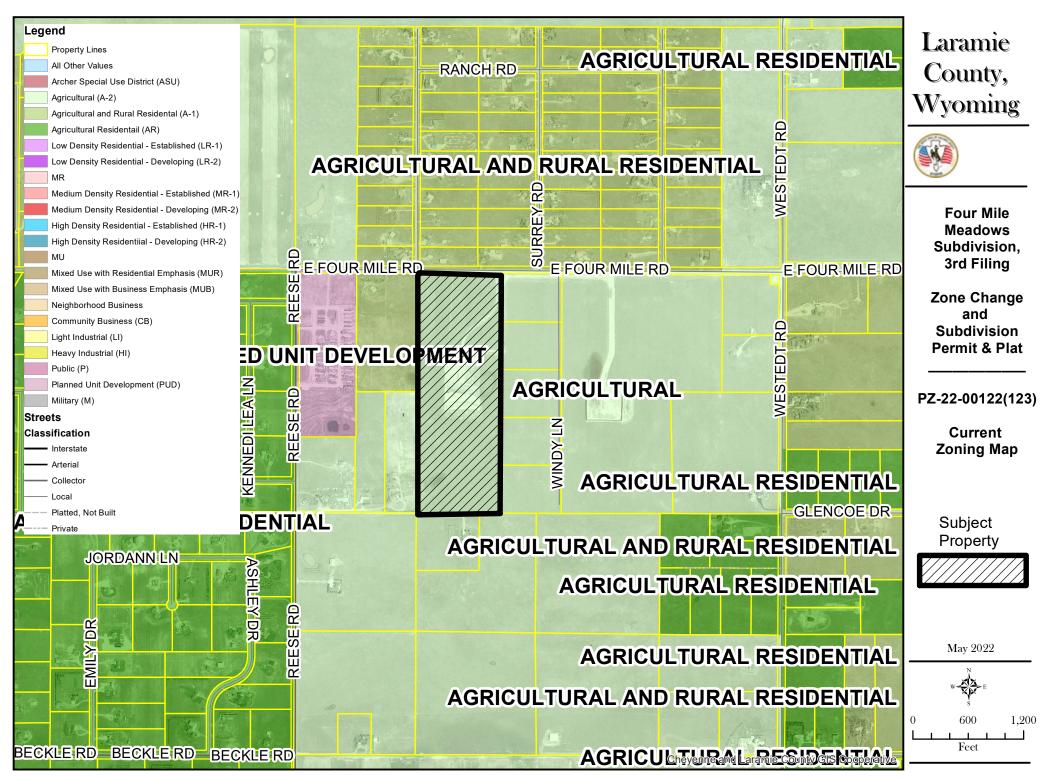
- Attachment 3: Comprehensive Plan Map
- Attachment 4: PlanCheyenne Map
- Attachment 5: Current Zoning Map
- Attachment 6: AMEC Memo Area Map
- Attachment 7: SEO Control Area Map
- Attachment 8: Combined Agency Comments Report
- Attachment 9: Resolution Zone Change
- Attachment 10: Resolution 'Exhibit A' Zone Change Map
- Attachment 11: Plat Revised May 29, 2022
- Attachment 12: Resolution Subdivision Permit & Plat

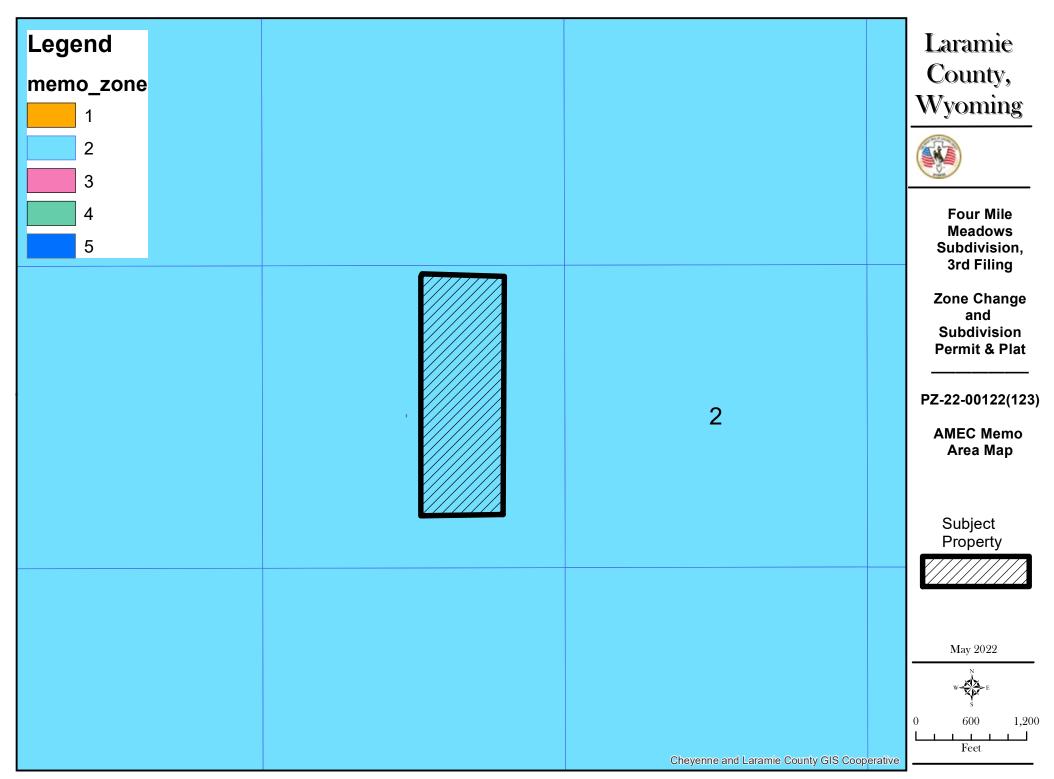


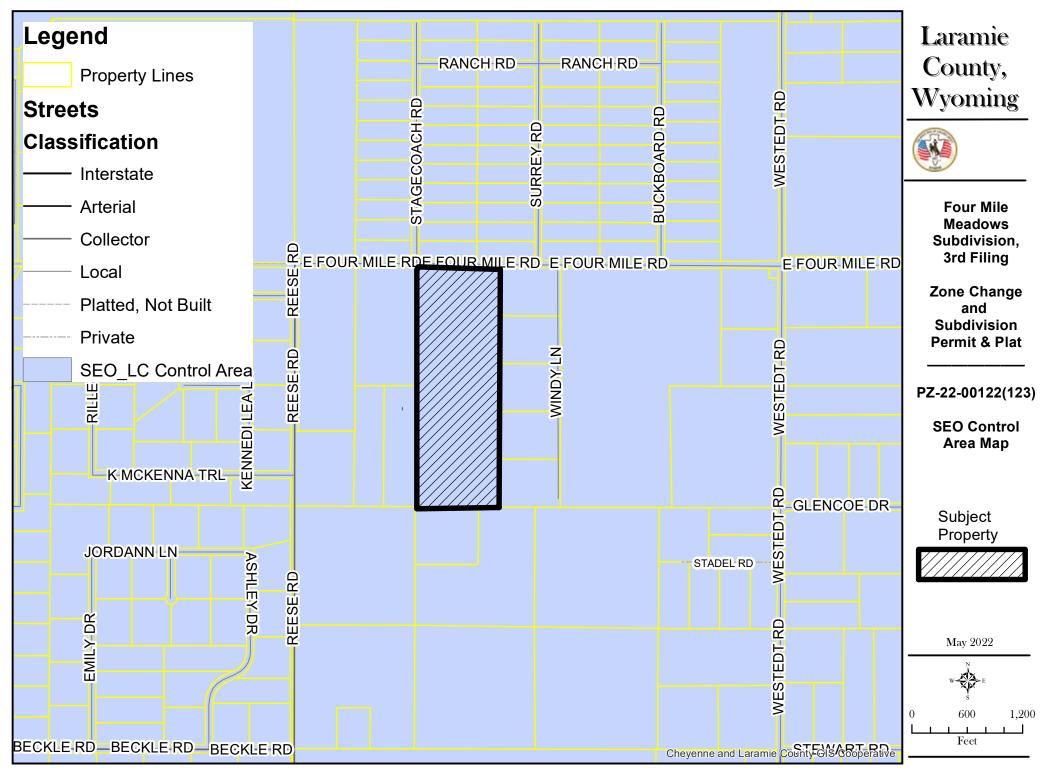












Four Mile Meadows Subdivision, 3rd Filing Zone Change

Planners: Planners, Marissa Pomerleau Comments Attached 04/27/2022

1. The tracts that are proposed with the Four Mile Meadows Subdivision, 3rd filing do not exist yet. Therefore the zone change map should not show the three tracts, but rather how it currently exists.

2. Please remove the vegetation shown on the map.

3. Please add "of the 6th P.M." to the legal description after the township and range.

4. Please remove the dedication.

5. Please remove the notes at the top of the map as they are not needed for a zone change.

6. Please add the surrounding property uses. They are all either residential or residential vacant land.

7. Please remove the filing record space.

8. Please verify overall property dimensions as there appears to be some discrepancies.

AGENCIES WITH NO COMMENTS

County Assessor, County Attorney, County Real Estate Office, Intraoffice

AGENCIES WITH NO RESPONSE

County Clerk, County Treasurer

Cheyenne MPO: Cheyenne MPO, Christopher Yaney Comments Attached 04/14/2022 1. Consider running 30' Access Easement along the eastern edge of Tract 3. To

southern property.

2. Consider shared access for Tracts 1,2 & 3.

<u>County Engineer:</u> County Engineer, Scott Larson Comments Attached 04/22/2022 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. It appears the scale on the plat is incorrect. I believe it should be 1"=100' instead of 1"=300'.

3. There is no note regarding the FEMA FIRM panel number/date associated with the platted area.

4. The adjacent property owner's names should not be included on the plat.

5. The basis of bearing is not identified on the plat drawing.

Surveyor Review

1. The public land survey system corners should be labeled so that they can easily be correlated with the public land survey system ties required on the plat.

2. There are two easements that do not show boundary ties, the 20' HW ELEC ESMT (B2562, P127) and the 30' ACCESS EASEMENT through TRACTS 2 and 3.

3. What exactly are the restrictions of the 500' BUILDING BUFFER FROM WELL PAD? The conditions and/or restrictions should be clearly spelled out on the plat.

4. The names of the streets on the VICINITY MAP are not legible.

5. The Vicinity Map would be easier to read and it would be more useful if one were to add some information such as, at a minimum, the Section, Township and Range data with enough detail to indicate the location of the subdivision within the Section.

County Real Estate Office: County Real Estate Office, Laura Pate Comments Attached 04/13/2022

In the Signature area of the Dedication please add "of the Dunlap Family Trust dated May 27, 2015" for both Kenneth and Margarete.

Environmental Health: Environmental Health Department, Tiffany Gaertner Comments Attached 04/18/2022 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 and intermittent bodies of water i.e. drainages and floodplains. Also, keep wastewater systems out of easements and buffers. This makes thirteen cumulative lots in this subdivision, so 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.

<u>High West Energy</u>: High West Energy, David Golden Comments Attached 04/19/2022 20' easement required per plat markup on one side or the other of property lines.

Planners: Planners, Marissa Pomerleau Comments Attached 04/27/2022

1. Add "of the 6th P.M." to the legal description after the township and range.

2. The fire protection must be updated to Laramie County Fire Authority.

3. Be sure to stamp the certificate of surveyor prior to mylar submittal.

4. Update the language that states "Remainder Dunlap Property" to Remainder Parcel and include the acreage of this remainder.

5. The name of the previously approved/recorded plat is Four Mile Meadows Subdivision, 1st Filing - Subdivision must be added to the title. This needs to be updated in the dedication as well.

6. The plat does not have basis of bearing/azimuth and survey ties.

7. Differences between bearings/azimuths and/or distances of adjoining record surveys or subdivisions/developments must be shown on the plat.

8. Please add specific details regarding the 500' building buffer.

9. The correct FEMA Panel with date must be shown on the plat.

10. I assume that the utility easements that board the proposed tracts are proposed, but what about the 30' Access Easement? There is no recordation, book and page information provided. It would be helpful to delineate easements in the legend.

11. As stated in the zone change map review, there appears to be some discrepancies. The remainder parcel shows measurement as 2612.11' on the east boundary and 1878.17' on the west. How is this correct?

12. If the surrounding owner information is to remain on the plat they need to be cleaned up. Why do some of them state just the owners name an others include incomplete legal descriptions? Why do some of them have a book and page number listed?

13. Rather than stating how the subdivision will not be services, the land use regulations require that how it will be serviced be included.

14. The dedication states "E1/2" in the legal description. Please add this to the title's legal description.

15. As there are two owners described in the dedication shouldn't "Has" actually be "Have" and "does" actually be "do"?

AGENCIES WITH NO COMMENTS

Building Dept, County Assessor, County Attorney, Intraoffice, Laramie County Fire Authority, WYDOT

AGENCIES WITH NO RESPONSE

CenturyLink, County Clerk, County Conservation District, County Public Works Department, County Treasurer, Emergency Management, Laramie Co School Dist No 1, Sheriff's Office, US Post Office, WY State Engineer's Office

RESOLUTION NO.

A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT FROM A2 – AGRCICULTURAL TO AR – AGRICULTURAL RESIDENTIAL FOR A PORTION OF THE E1/2 NW1/4 SECTION 17, T.14N., R.65W., OF THE 6TH 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 previously adopted the Laramie County Land Use Regulations; and

WHEREAS, the proposed zone change is in conformance with the requirements of section 1-2-103(b) of the Laramie County Land Use Regulations; and

WHEREAS, the proposed zone change is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

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 meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

And the Board approves a Zone Change from A2 to AR for a portion of the E1/2 NW1/4 Section 17, T.14N., R.65W., of the 6th P.M., Laramie County WY and adopt the findings of facts a and b as shown on the attached 'Exhibit A' – Zone Change Map.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

, 2022.

LARAMIE COUNTY BOARD OF COMMISSIONERS

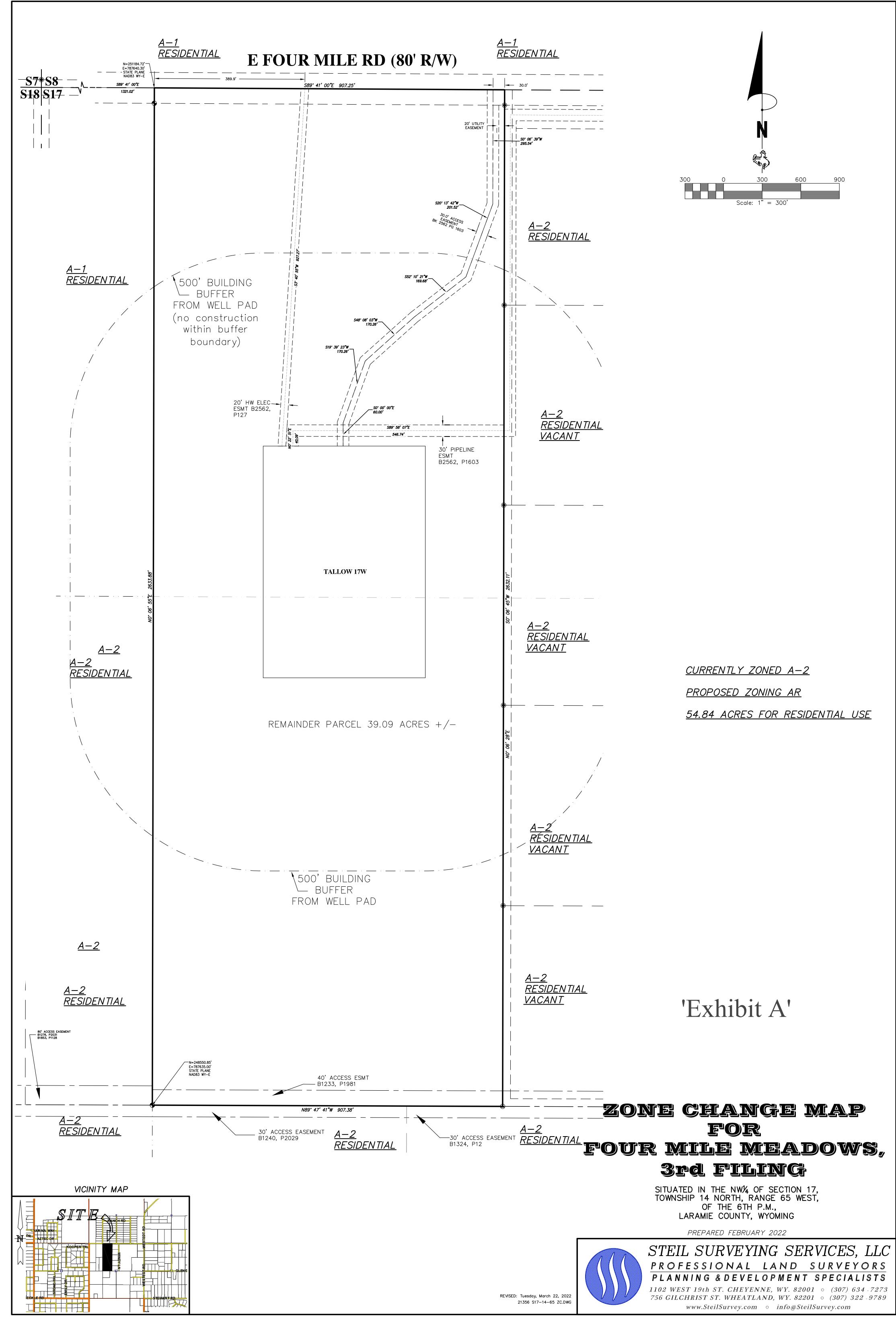
Troy Thompson, Chairman

ATTEST:

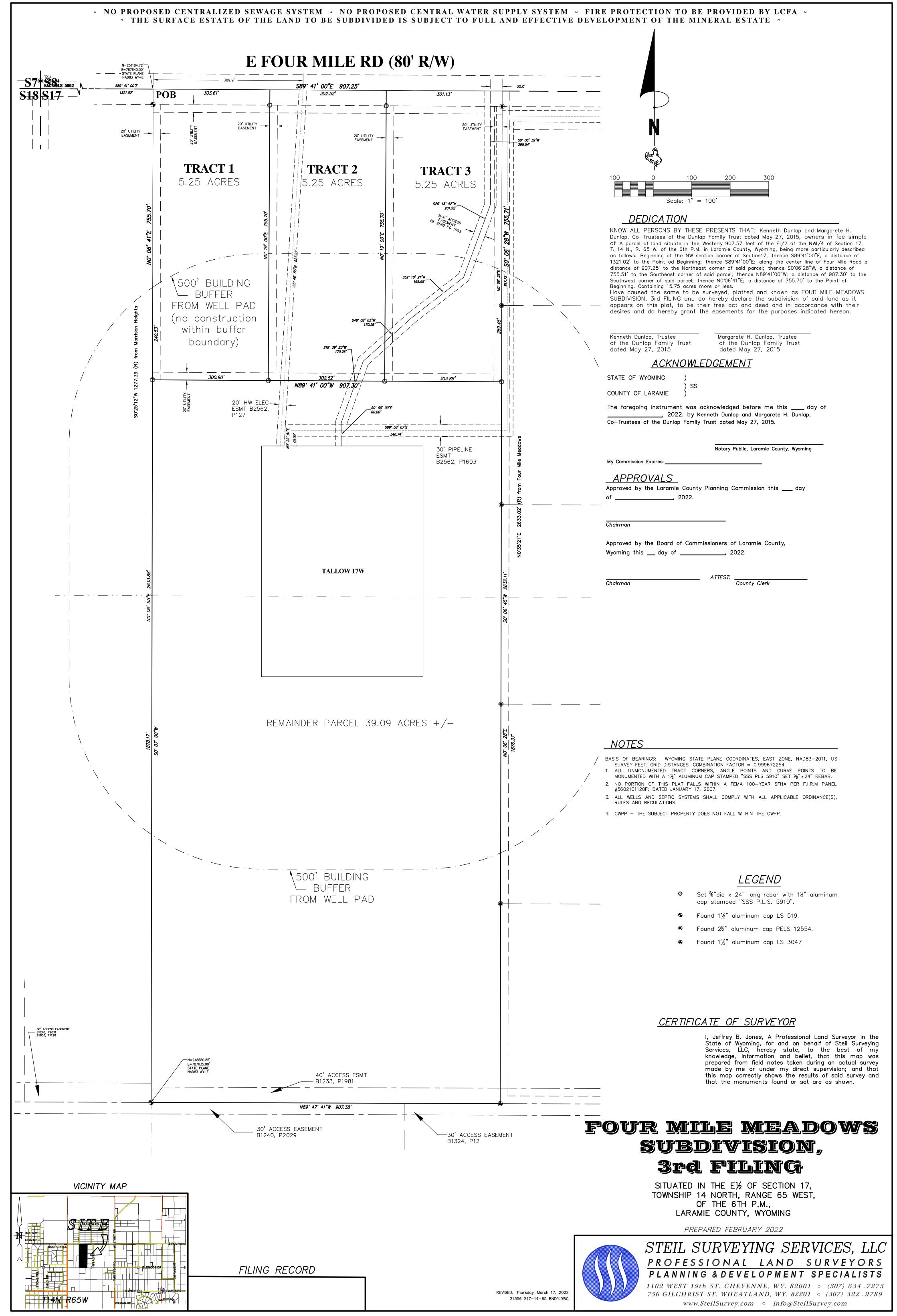
Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

mostitun Laramie County Attorney's Office



© COPYRIGHT 2017 STEIL SURVEYING SERVICES, LLC ALL RIGHTS RESERVED



© COPYRIGHT 2017 STEIL SURVEYING SERVICES, LLC ALL RIGHTS RESERVED

RESOLUTION NO.

A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR A PORTION OF THE E1/2 NW1/4 SECTION 17, T.14N., R.65W. OF THE 6TH P.M., LARAMIE COUNTY, WY, TO BE PLATTED AND KNOWN AS "FOUR MILE MEADOWS SUBDIVISION, 3RD FILING".

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 previously 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, the proposed subdivision and plat is in accordance with section 4-2-100 of the Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Four Mile Meadows Subdivision, 3rd Filing.

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

The Laramie County Board of Commissioners finds that:

- **a.** This application 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 is in conformance with section 4-2-100 governing the AR Agricultural Residential zone district.

And the Board approves the Subdivision Permit and Plat for Four Mile Meadows Subdivision, 3rd Filing.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

_____, 2022.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Troy Thompson, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

monaly

Laramie County Attorney's Office