



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of County Commissioners

FROM: Bryan Nicholas, Associate Planner

DATE: October 1st, 2019

TITLE: PUBLIC HEARING on a Subdivision Permit and Plat for HCS Homestead, a portion of the W1/2 E1/2 NW1/4, Section 14, T.13N., R.63W., of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

Western R&D, on behalf of Harold and Cynthia Stroot of PO Box 76, Burns WY, has submitted a Subdivision Permit and Plat application for HCS Homestead, located at 4631 Road 207, Carpenter, WY, also known as Tract 2 of the Cheyenne Shadows Record of Survey. The application has been submitted for the purpose of subdividing the property into two 20-acre residential lots.

BACKGROUND

Currently there are two residential structures on the 40-acre tract, addressed as 4631 and 4637 Road 207. Both addresses appear to have their own separate septic and water well systems. The applicant intends to sell the proposed lots if approved by the Board, per the submitted Project Narrative, a copy of which is attached.

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 designates the area as Rural Ag Interface (RAI). Within this designation, residential uses are preferable, with service-orientated commercial and retail uses being generally limited to major intersections. Examples of such uses includes gas stations, repair shops, lodging, and restaurants. If existing residential uses exist, buffering may be appropriate. All development is encouraged to be located near existing public roads. The RAI designation also states that when development applications are submitted, proximity to community and emergency services should be evaluated. Additionally, important for consideration is existing topography, reliable water resources and availability, public lands access, cultural resource preservation, and connectivity.

Neither PlanCheyenne or the Zoned Boundary reach this subject property, and therefore have no regulatory or developmental governance.

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. Through the County Agency review process, comments were received regarding the legal description, access easements, and general clerical errors on the plat. A revised plat was submitted by the Applicant to the Planning Staff on September 18th, 2019, for a third agency review.

On September 12th, the Laramie County Planning Commission held a public hearing for this project. The project Planner presented the Staff Report, no public comment was received, and the Commission voted (4-0) to approve the Plat with one condition. At this time the condition has not been met, therefore the Planning Staff has recommended to this Board that the revised Plat shall address all remaining agency comments prior to recordation of the plat.

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

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 the HCS Homestead Subdivision with the following condition:

1. All remaining agency comments shall be addressed prior to recordation of the Plat.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for the “HCS Homestead” Subdivision with condition 1, and adopt the findings of facts a of the staff report.

ATTACHMENTS

- Attachment 1: Location Map**
- Attachment 2: Aerial Map**
- Attachment 3: Comprehensive Plan Map**
- Attachment 3: Applicant Project Narrative**
- Attachment 6: Applicant Traffic/Drainage Study Waiver Request**
- Attachment 7: Agency Comments Report**
- Attachment 8: Plat – Revised September 18th, 2019**
- Attachment 9: Resolution**

Laramie County, Wyoming





HCS Homestead

Subdivision Permit
&
Plat

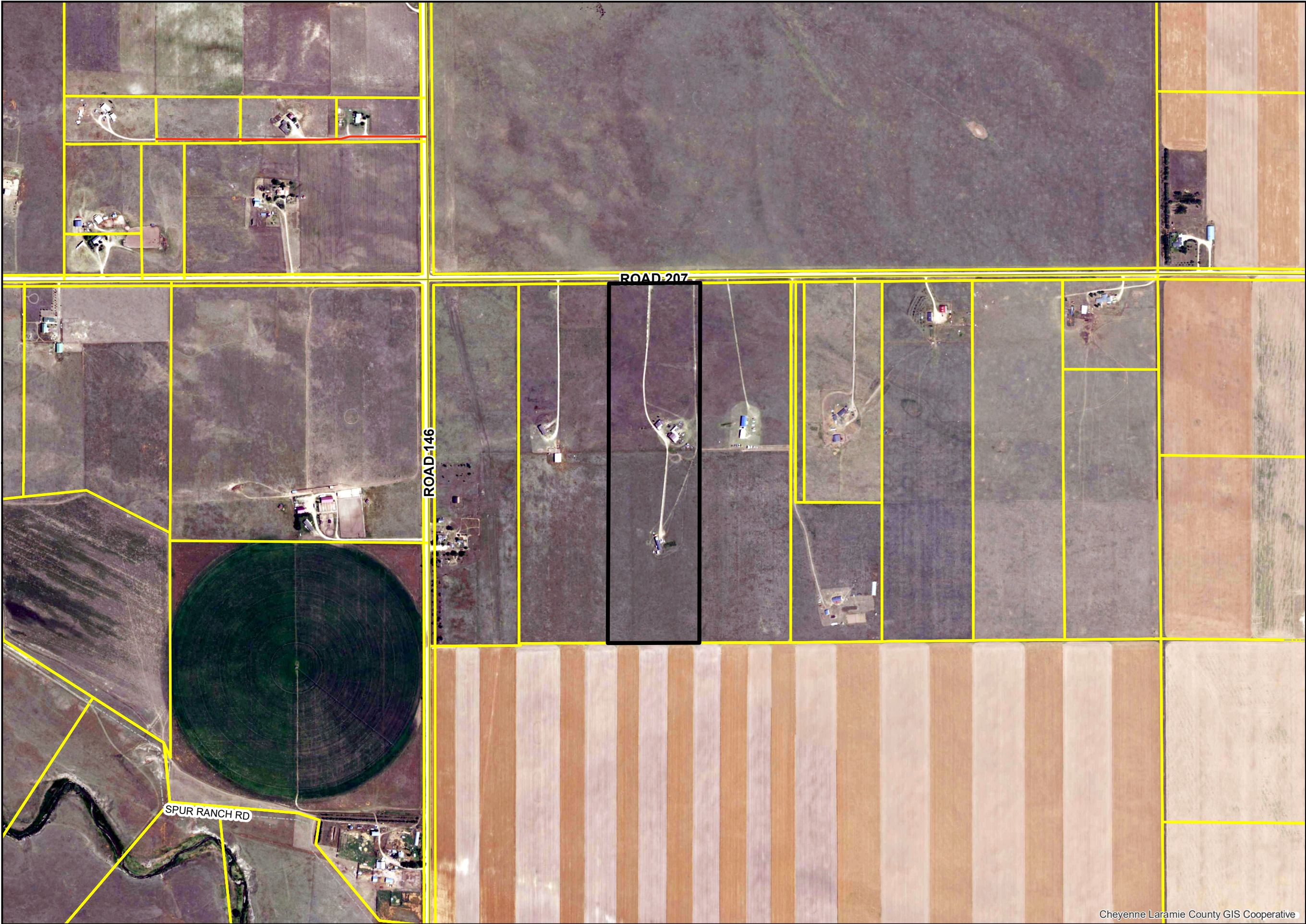
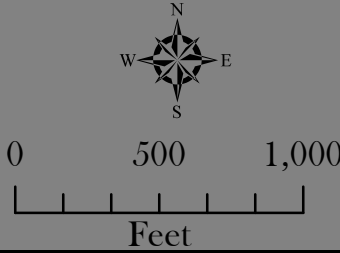
PZ-19-00219

Location Map

LEGEND

-  Property Lines
-  Subject Property

Printed on July 23rd, 2019



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






HCS Homestead

Subdivision Permit
&
Plat

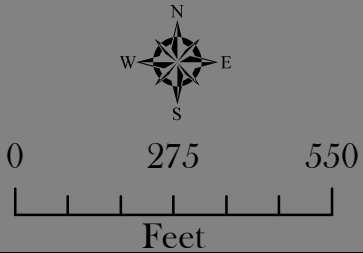
PZ-19-00219

Aerial Map

LEGEND

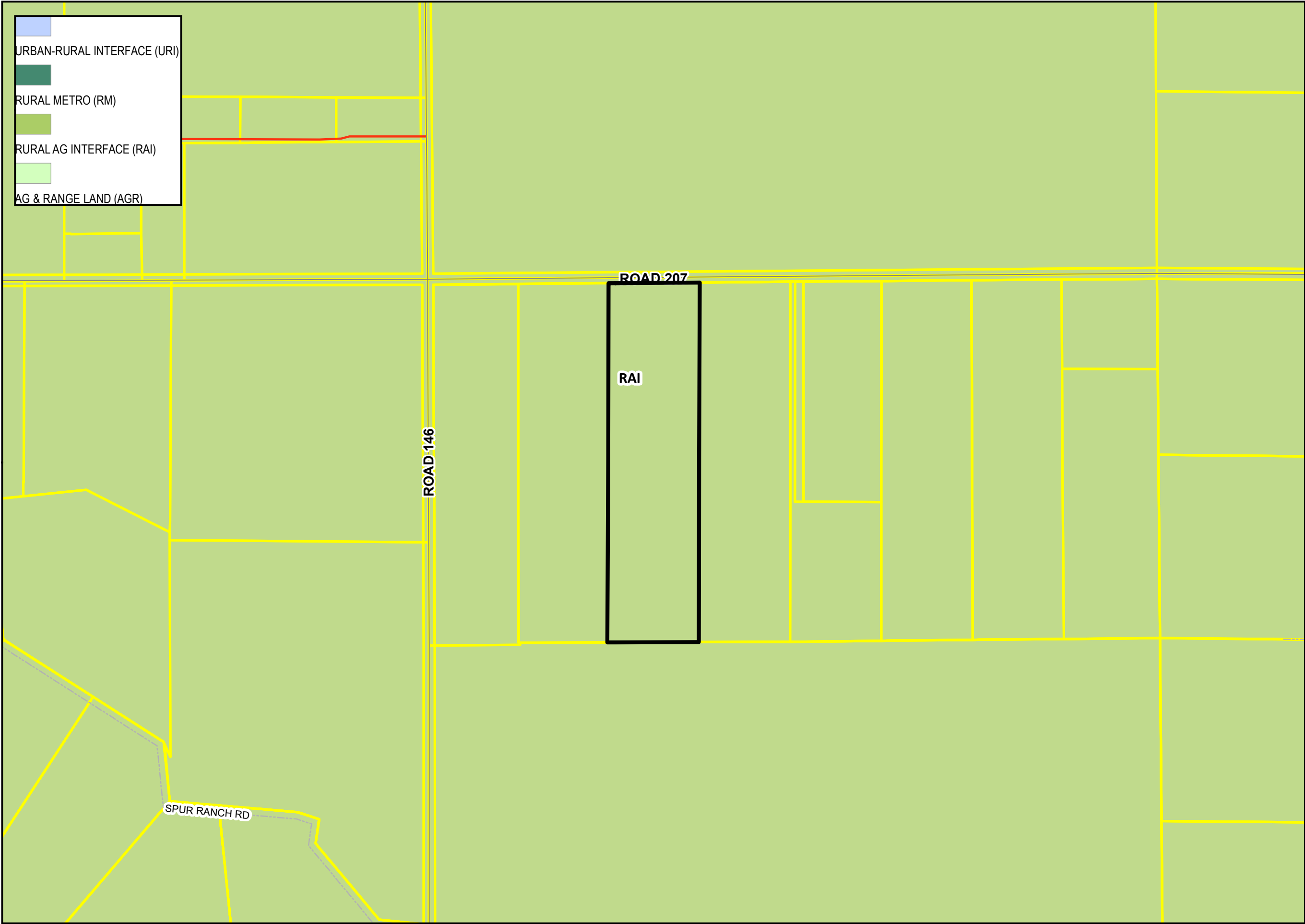
-  Property Lines
-  Addresses
-  Subject Property

Printed on August 7th, 2019



Cheyenne Laramie County GIS Cooperative

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Laramie County, Wyoming



HCS Homestead

Subdivision Permit
&
Plat

PZ-19-00219

Comprehensive Plan
Map

LEGEND

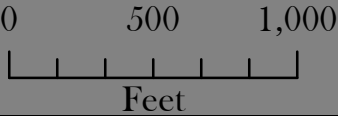


Property Lines



Subject Property

Printed on July 23rd, 2019



Feet



Western

Civil Engineers

Research & Development, Ltd.

Land Surveyors

July 15, 2019

Re: **Project Narrative Letter**

To Whom It May Concern,

The property located below is:

TRACT 2, CHEYENNE SHADOWS, BEING A PORTION OF THE W1/2 OF THE E1/2 OF THE NW1/4, SECTION 14 TOWNSHIP 13 NORTH, RANGE 63 WEST, 6TH PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING.

The Owners of the above property are Harold and Cynthia Stroot.

Total acreage of this parcel is 40.1 acres

The parcel will be divided into 2 Lots and both Lot 1 and Lot 2 will be put up for sale.

This Project Narrative is to describe what the Scope will be for the above property.

**LARAMIE
COUNTY**

JUL 25 2019

**PLANNING & DEVELOPMENT
OFFICE**

July 25, 2019

Attn: **Laramie County Engineer**

RE: Waiver Request for Traffic Study and Drainage Study for HCS Homestead

To Whom It May Concern;

We are requesting for a Waiver for the Drainage Study and the Traffic Study for the above Subdivision. The Subdivision will create only two lots which will not create too much more Traffic and Drainage will be addressed on the lots at the time when the lots are developed.

Sincerely,

Terry D. Sanders

Terry D. Sanders, PLS

Survey Manager

tsanders@wrld-ltd.com

**LARAMIE
COUNTY**

JUL 25 2019

**PLANNING & DEVELOPMENT
OFFICE**

County Assessor: Clarice Blanton COMMENTS ATTACHED 08/09/2019

The Legal Description states 'Tract 2, Cheyenne Shadows'. Cheyenne Shadows is a Record of Survey; it should be noted as such.

The Legal Description has an Exception of an easement. An Exception would be an exclusion from Lot 1 thence becoming a part of Lot 2. Is this the intent? If so, please adjust the lot lines to indicate so and eliminate the Exception. If the easement area is to remain with Lot 1 then the verbiage should be 'Subject to', not Excluding.

Will there be a Block number?

County Real Estate Office: Laura Pate COMMENTS ATTACHED 08/13/2019

Tract 2 Cheyenne Shadows is a survey and it needs to be stated as such. Title block has that this parcel is in the N of Section 14 but it is actually W2E2NW4 and needs to be stated fully since it isn't the full North half

County Engineer: Scott Larson COMMENTS ATTACHED 08/20/2019

Engineer Review

1. 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.
2. The information in the "Flood Note" is not complete and needs to be modified and completed with the correct information.
3. The Legal Description on the Plat indicates that the platted property is 40.1 acres. However, the two Lots shown are labeled as 20.0 acres each or 40.0 total. Where is the 0.1 acres?
4. The vicinity map on the .pdf provided was too dark to be legible.

Surveyor Review

1. The CERTIFICATE OF SURVEYOR should not be part of the TITLE.
2. The distances / dimensions of the majority of the Lot Boundaries are not shown.
3. The access easement dimensions are incorrect/incomplete, with all the courses together adding up to only a distance of 561.07 feet. Additionally, once the easement has reached the boundary of Lot 2, there is (I believe) no need for it to extend further.
4. The linetype defined in the legend as Right-of-Way is not used to define the North and South boundaries of Road 207, and both boundaries need to be shown.
5. If the boundary of Lot 1 extends into the Right-of-Way of Road 207, the acres inside the ROW need to be labelled as well.
6. Second Line of the Legal Description should read "HCS HOMESTEAD SUBDIVISION...". First Line of First LEGAL DESCRIPTION "BEGINNING" should be "BEGINNING".
7. The "EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:" part of the LEGAL DESCRIPTION is unclear. If it is to be "EXCEPTED THEREFROM" it should be clearly shown that it is "not part of this subdivision".

8. How is the "24' WIDE ACCESS EASEMENT" related to the "20' ACCESS EASEMENT FOR LOT 2"? Are they related?

9. The lengths of the courses of the "24' WIDE ACCESS EASEMENT" as indicated in the LEGAL DESCRIPTION only adds up to 561.07 feet which, after plotting, does not get one to the closing tie distance of 909.97 feet from the CENTER WEST SIXTEENTH CORNER as shown on the plat. A total length of 561.07 feet 24 feet wide does not equal 1.0 acre.

Planners: Bryan Nicholas COMMENTS ATTACHED 08/19/2019

1. The legal descriptions on the Plat do not match.
2. Fence lines should be removed from the plat.
3. In the legal description, the easement description is ended by a paragraph stating it will be subject to any and all easements and/or rights-of-way, clarification is needed.
4. The easement in the legal description is also called out as 24', the plat shows 20'.
5. There is information that needs to be added under the Flood Note.
6. There is a typing error on the first word of the legal description - "bgrinning".
7. It is recommended that the aerial be removed from the vicinity map due to lack of legibility, the roads should be labeled, and the Section, Township, and Range be added.

Wyoming Game & Fish: Meghan Lockwood COMMENTS ATTACHED 08/16/2019

Comments attached. (See Below)

Agencies responding with No Comment: County Public Works Dept., Sheriff's Office, Environmental Health Department.

Agencies not responding: County Attorney, County Treasurer, County Conservation District, Laramie County School District No. 2, Wyoming State Engineer's Office, Wyoming DEQ, US Post Office, Combined Communications Center, Emergency Management, Fire District No. 4, High West Energy, Century Link, RT Communications, Laramie County Weed & Pest



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

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MIKE SCHMID

August 16, 2019

WER 4502.147
Laramie County Planning and Development Office
PZ-19-00219
HCS Homestead - 4637 Road 207
Laramie County

Bryan Nicholas
Laramie County Planning and Development Office
3966 Archer Parkway
Cheyenne, WY 82009

Dear Mr. Nicholas,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed PZ-19-00219 HCS Homestead - 4637 Road 207 located in Laramie County. We have no terrestrial wildlife or aquatic concerns pertaining to this proposed project.

Thank you for the opportunity to comment.

Sincerely,

Amanda Withroder
Habitat Protection Supervisor

AW/rh/ml

cc: U.S. Fish and Wildlife Service
Bobby Compton, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne

County Assessor: Clarice Blanton COMMENTS ATTACHED 08/28/2019

My Comments of August 9 are still valid and of concern (shown below).

The Legal Description states 'Tract 2, Cheyenne Shadows'. Cheyenne Shadows is a Record of Survey; it should be noted as such.

The Legal Description has an Exception of an easement. An Exception would be an exclusion from Lot 1 thence becoming a part of Lot 2. Is this the intent? If so, please adjust the lot lines to indicate so and eliminate the Exception. If the easement area is to remain with Lot 1 then the verbiage should be 'Subject to', not Excluding.

Will there be a Block number?

County Real Estate Office: Laura Pate COMMENTS ATTACHED 09/03/2019

Under the "legal description" they need to add that Tract 2 Cheyenne Shadows is an SURVEY.

County Engineer: Scott Larson COMMENTS ATTACHED 09/05/2019

2nd Engineer Review

1. The Floodplain note has been corrected except for the phrase "...this community does/does not currently participate...".

2nd Surveyor Review

1. The outside subdivision boundary is dimensioned; however, three of the four sides of Lot 1, and three of the four sides of Lot 2, are not dimensioned.

2. "excepting from Lot 1...the following described parcel" is still confusing in the Legal Description. Black's Law Dictionary defines an exception as "the exclusion from a legal description of part of real property to prevent its conveyance to another." This indicates that the boundary of Lot 1 should follow the west boundary of the easement if the easement is truly excepted from Lot 1. Otherwise, the language should be changed (reserving, perhaps?).

3. Note 10 still indicates a 20 foot wide easement.

Planners: Bryan Nicholas COMMENTS ATTACHED 09/06/2019

1. The vicinity map still has an aerial showing.

2. In the vicinity map, township is misspelled.

3. The Certificate of Surveyor is still within the plat title.

DESCRIPTION OF EASEMENT

TRACT 1 IS SUBJECT TO A 24' WIDE EASEMENT FOR INGRESS AND EGRESS BENEFITING TRACT 2 WITH SAID CENTERLINE BEING DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER R.O.W. OF SAID TRACT 1, MONUMENTED BY A FOUND REBAR WITH ALUMINUM CAP LS#5910; THENCE, N0°04'32"E A DISTANCE OF 40 FEET TO THE NE CORNER OF TRACT 1; THENCE, N89°59'36"W A DISTANCE OF 21.5 FEET TO THE POINT OF BEGINNING OF A 24 FOOT WIDE EASEMENT, 12 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE OF A CENTERLINE EASEMENT; THENCE S00°22'03"E A DISTANCE OF 1211.17 FEET; THENCE S11°00'15"W A DISTANCE OF 84.03 FEET; THENCE S21°27'38"W A DISTANCE OF 34.66 FEET AND THERE TERMINATING. SAID TERMINAL POINT IS N89°54'43"W A DISTANCE OF 40.4 FEET ALONG THE SOUTH LINE OF TRACT 1 TO THE SOUTHEAST CORNER OF SAID TRACT 1.

SAID PARCEL CONTAINS 0.7 ACRES MORE OR LESS, AND IS SUBJECT TO ANY AND ALL RIGHTS-OF-WAY THAT MAY HAVE BEEN LEGALLY ACQUIRED.

DEDICATION

Know All Men by These Presents:

Harold V. Stroot, Cynthia Stroot, owners in fee simple of the lands embraced within this plat of HCS Homestead do hereby declare that the platting of these lands as they appear 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.

Harold V. Stroot, owner in Fee Simple.

Cynthia Stroot, owner in Fee Simple.

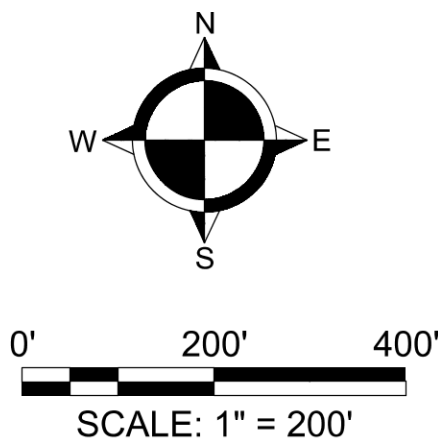
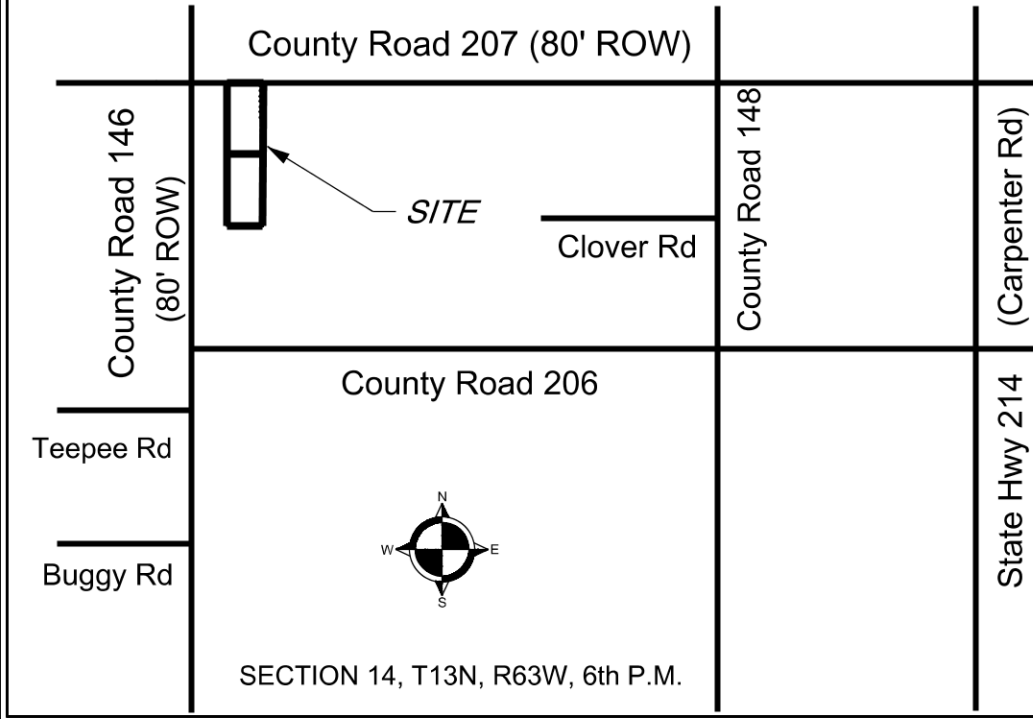
FILING RECORD

The State of Wyoming } ss
County of Laramie }

This instrument was filed for record

County Clerk & Ex-Officio Registrar of Deeds

VICINITY MAP - NOT TO SCALE



LEGEND OF SYMBOLS & ABBREVIATIONS

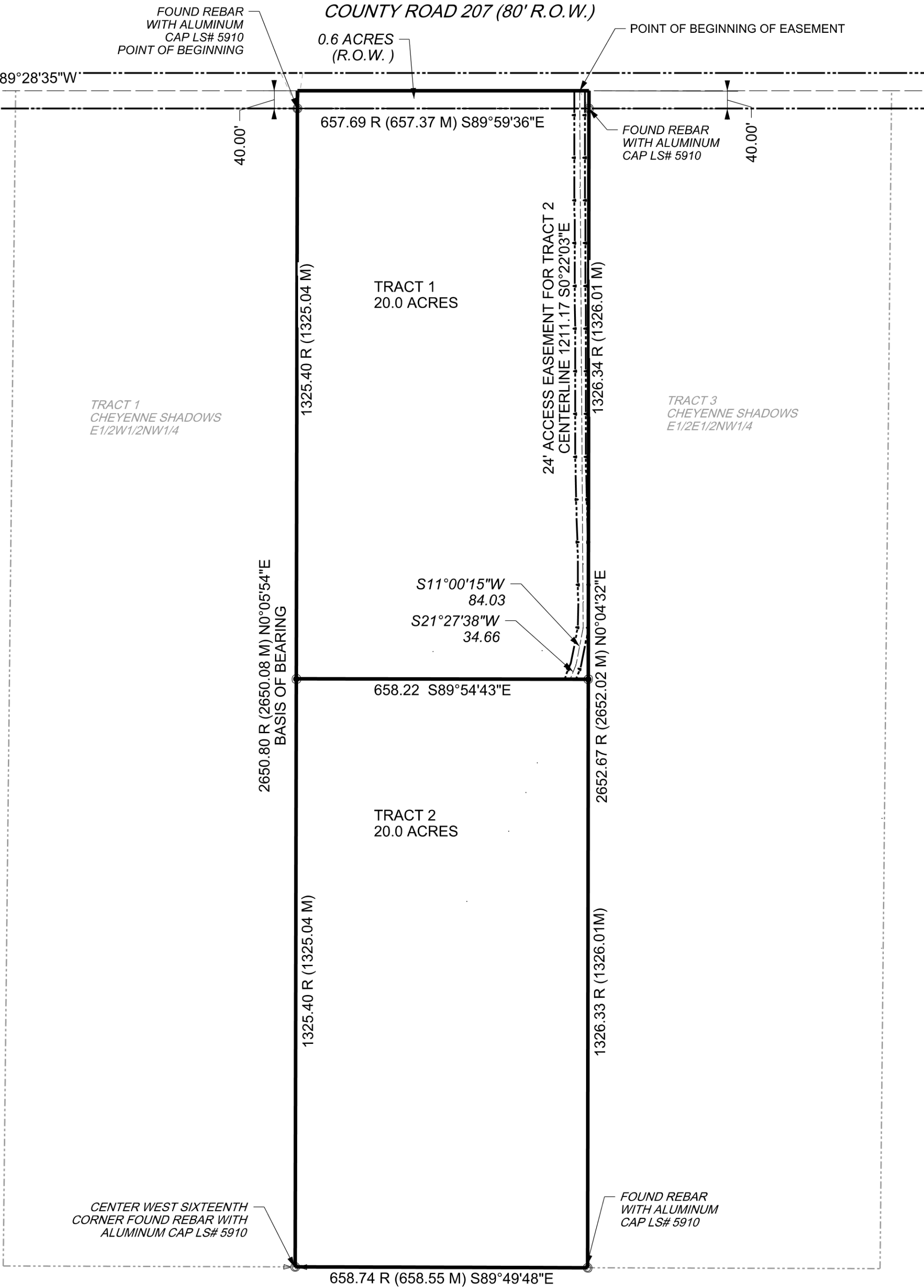
	SURVEY BOUNDARY
	SECTION LINE
	RIGHT OF WAY
	EXISTING PROPERTY LINES
	EASEMENT
	EASEMENT CENTERLINE
	RECORD DISTANCE
	MEASURED DISTANCE
	SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP STAMPED "PELS 9283"
	FOUND SECTION CORNERS
	FOUND QUARTER SECTION CORNERS
	FOUND MONUMENTS AS NOTED

MISCELLANEOUS NOTES

1. BASIS OF BEARING: BEARINGS ARE BASED ON THE WEST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST QUARTER SECTION 14 BEING N0°05'54"E. SAID LINE BEING MONUMENTED BY A FOUND REBAR WITH ALUMINUM CAP LS# 5910 ON THE SOUTH END AND BY A FOUND REBAR WITH ALUMINUM CAP LS# 5910 AT THE NORTH ROW.
2. SURVEY DATUM FOR THIS PROJECT IS BASED ON STATE PLANE COORDINATES NAD 83, WYOMING EAST ZONE WITH DISTANCES SHOWN IN U.S. SURVEY FEET AND WITH ELEVATIONS BASED ON NAVD 88 USING GEOID 12B.
3. DATE OF FIELD WORK: JUNE 16, 2019.
4. THIS PROPERTY LIES WITHIN FIRE DISTRICT #4.
5. THE WATER SOURCE FOR LOT 1 IS A 500' WELL AND THE WATER SOURCE FOR LOT 2 IS A 520' WELL.
6. SEPARATE SEPTIC SYSTEMS SERVE THESE LOTS. EACH SYSTEM HAS BEEN INSPECTED BY THE ENVIRONMENTAL HEALTH DEPARTMENT.
7. THE EASTERLY 24 FOOT EASEMENT IS FOR A PRIVATE ROAD FOR ACCESS TO LOT 2.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 560029, MAP NUMBER 56021C1450F WHICH BEARS AN EFFECTIVE DATE OF JANUARY 17, 2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEMA WEBSITE (HTTP://MSC.FEMA.GOV). NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.



APPROVALS

Approved by the Laramie County Planning Commission

this _____ day of _____ 2019

Planning Commission Chairman, Laramie County, Wyoming

Approved by the Laramie County Board of Commissioners

this _____ day of _____ 2019

Board of Commissioners Chairman, Laramie County, Wyoming

County Clerk

ACKNOWLEDGEMENT

STATE OF WYOMING)
COUNTY OF LARAMIE) ss

The foregoing instrument was acknowledged before me this

_____ day of _____ 2019, by

Notary Public, Laramie County, Wyoming

CERTIFICATE OF SURVEYOR

State of Wyoming } ss
County of Laramie }

I, Gary N. Grigsby, a Professional Engineer and Land Surveyor registered in the State of Wyoming do hereby certify that this Final Plat was prepared from the records and field notes of a survey conducted under my supervision during the month of June, 2019, and that all dimensions and other details are correct to the best of my knowledge and belief.

Gary N. Grigsby, Wyoming PE & PLS # 9283
September 12, 2019 (Job 110-1829-00)
For and on behalf of Western Research & Development, Ltd.

FINAL PLAT

HCS HOMESTEAD

A REPLAT OF TRACT 2, CHEYENNE SHADOWS BEING A PORTION OF THE WEST 1/2 OF THE E1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 13NORTH, RANGE 63 WEST OF THE 6TH P.M., LARAMIE COUNTY, WYOMING

CLIENT INFORMATION

HAROLD & CINDY STROOT
4631 ROAD 207
CARPENTER, WYOMING

FINAL PLAT OF
HCS HOMESTEAD

DRAWING TITLE

DATE: August, 2019

SCALE: 1" = 200'

DRAWN/CHECKED BY:

DRAWING PATH

PROJECT NUMBER: 110-1829-00

SHEET NUMBER

1 of 1

Western
RESEARCH & DEVELOPMENT, LTD.
5908 YELLOWSTONE ROAD, SUITE B CHEYENNE, WY. 82009 (307) 632-5656

No
2

REVISIONS
COMMENTS

DATE
9/18/2019

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
A PORTION OF THE W1/2 E1/2 NW1/4, SEC. 14, T.13N., R.63W., OF THE 6TH P.M.,
LARAMIE COUNTY, WY; TO BE PLATTED AND KNOWN AS
“HCS HOMESTEAD”**

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 HCS Homestead.

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 HCS Homestead with the following condition:

1. All remaining agency comments shall be addressed prior to recordation of the Plat.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF _____, 2019.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Linda Heath, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Mark T. Voss, Laramie County Attorney