

## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

### Planning • Building

#### **MEMORANDUM**

TO: Laramie County Board of County Commissioners

FROM: Paul Whalen, Senior Planner

**DATE:** January 7, 2020

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for

Yellowstone Estates, a portion of the N1/2, Sec. 25, and the S1/2 S1/2, Sec. 24,

T.16N., R.67W., of the 6th P.M., Laramie County, WY.

#### **EXECUTIVE SUMMARY**

AVI PC, on behalf of BBC Investments, LLC, has submitted a Subdivision Permit and Plat application for Yellowstone Estates, located south of the intersection of Roads 124 and 224. This application proposes subdividing 351.4 acres from the existing 600-acre property and creating 60 residential-use tracts averaging 5.86 acres each.

#### **BACKGROUND**

The subject property is not zoned, remains unplatted and currently is used for agricultural purposes. The property is surrounded by residential and agricultural properties of varying size to the north, east and west, with an established subdivision of comparable density to the south. The residential development will be accessed via Road 124. The northernmost portion of the property lies within the FEMA 100 Year Floodplain; this is identified on the final plat exhibit.

In 2006, a Preliminary Plat (Cherokee Hills Subdivision) was submitted to subdivide the property. This Preliminary Plat was denied by the County Commissioners due to public safety issues related to the poor condition of Yellowstone Road.

#### **Pertinent Regulations:**

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

**Section 2-1-103** of the Laramie County Land Uses Regulations governing the Subdivision Development Design Standards.

#### **DISCUSSION**

The Laramie County Comprehensive Plan identifies the area as Rural Ag Interface (RAI). Rural residential uses are primarily anticipated in these areas.

This property lies outside of the PlanCheyenne Boundary and the Zoned Boundary, and therefore cannot be impacted by these guidelines or regulations.

Water and sewage disposal shall be provided by individual well and septic systems. With an average tract size of 5.86 acres, the minimum lot size requirements for septic system permits is met. The gross acreage of tracts within the proposed development meets the minimum requirements for groundwater recharge in Zone 2, based on the AMEC Memo referenced in Section 2-1-103(c)(i) of the Laramie County Land Use Regulations.

In August 2019, a Preliminary Development Plan application for Yellowstone Estates was submitted and subsequently approved with one condition by the Planning Commission at the October 10, 2019 public hearing. The tract formally identified as Lot 61 on the Preliminary Development Plan consisting of 240 acres is not a part of the proposed subdivision.

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

A public hearing of this application was held on December  $12^{th}$ , 2019 by the Laramie County Planning Commission. No public comment was received. The Planning Commission voted 5-0 to recommend approval of the application to the Board with three conditions. Those conditions must be addressed to the satisfaction of Laramie County prior to recordation of the final plat.

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.
- **b.** This application meets the criteria for the Subdivision Development Design Standards pursuant to Section 2-1-103 of the Laramie County Land Use Regulations.

and that the Board approve the Subdivision Permit and Plat for Yellowstone Estates with the following conditions:

1. All agency comments regarding corrections shall be addressed prior to recordation of the plat.

2. Fire Department comments requiring a 30,000-gallon cistern installed on-site shall be addressed prior to recordation of the plat.

## **PROPOSED MOTION**

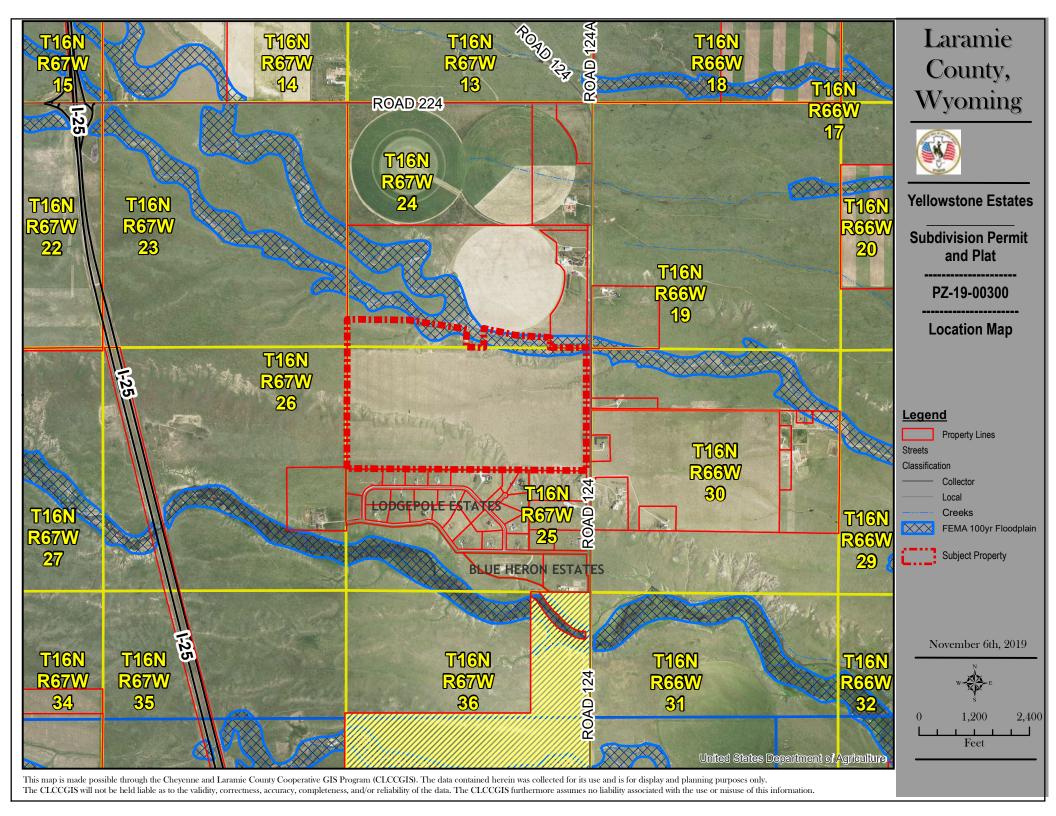
I move to approve the Subdivision Permit and Plat for Yellowstone Estates with two conditions, and adopt the findings of facts a and b as stated in the staff report.

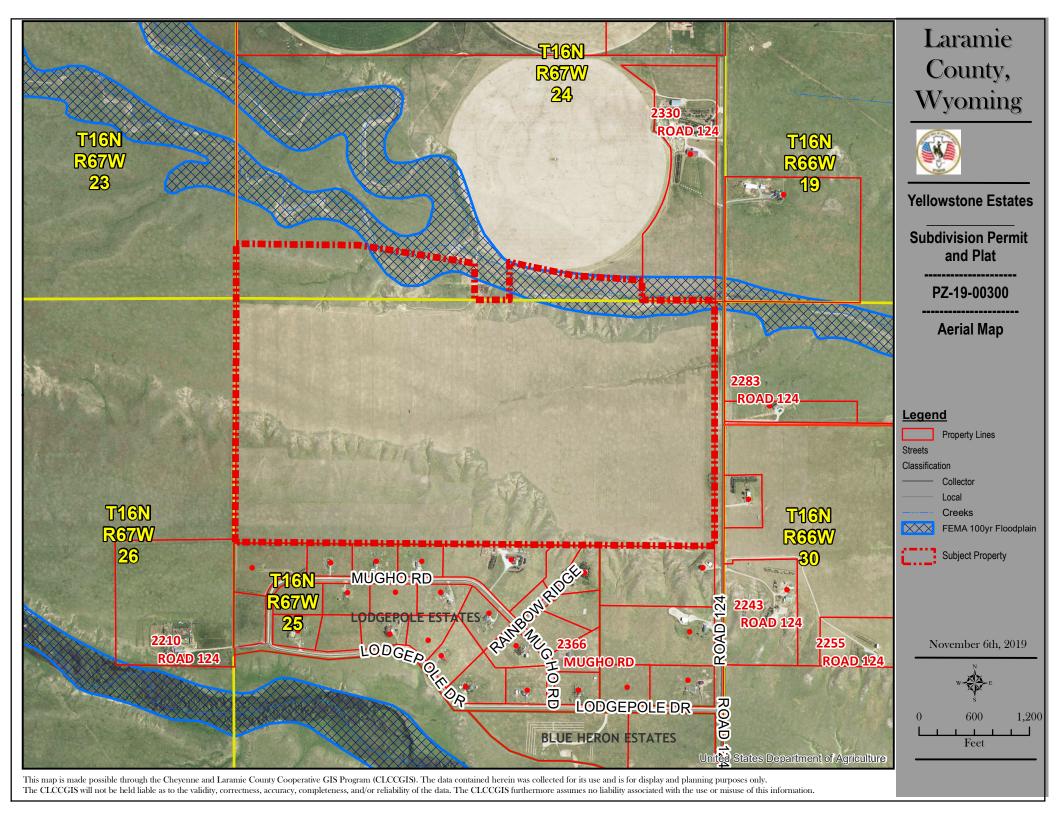
#### **ATTACHMENTS**

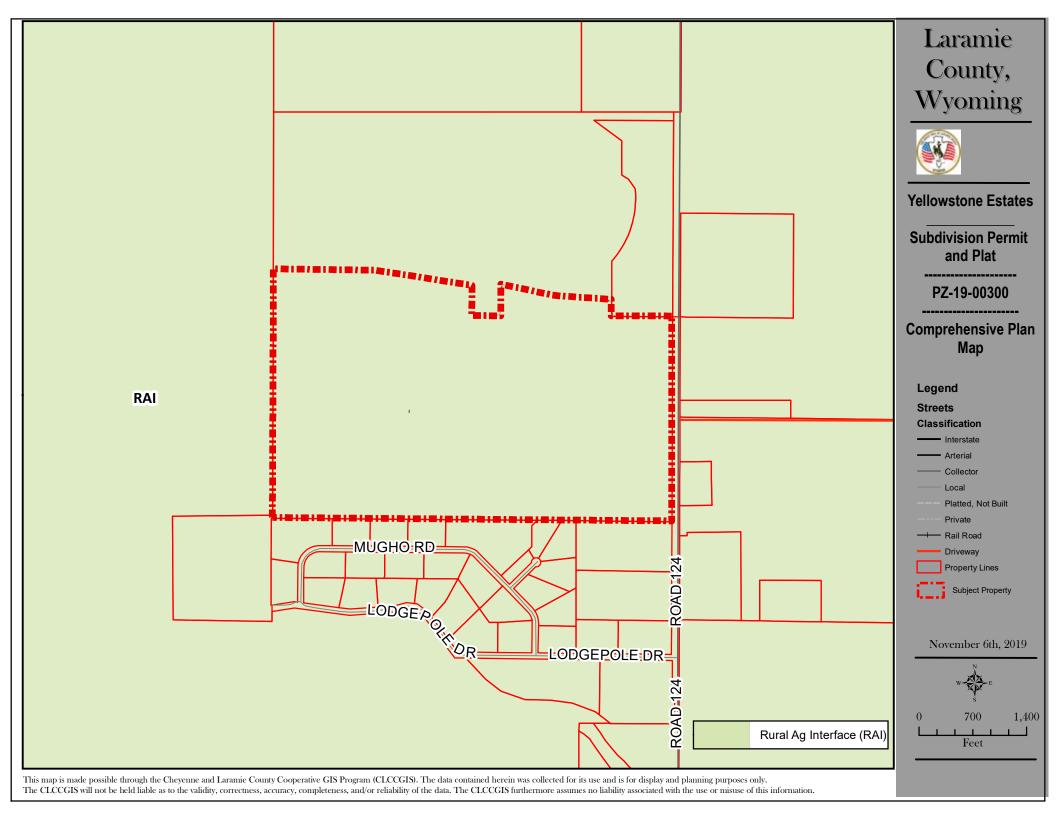
Attachment 1: Location Map Attachment 2: Aerial Map

Attachment 3: Comprehensive Plan Map Attachment 4: Agency Comments Report Attachment 5: Plat- Revised December 4, 2019

**Attachment 6: Resolution** 







# <u>County Assessor:</u> County Assessor, Clarice Blanton COMMENTS ATTACHED 11/08/2019

- 1). Usually lots are within a block. Block numbers would be different on either side of the street.
- 2). If not using lot-block, then perhaps change to tracts.
- 3). We are currently assessing BBC Investments, LLC and Laurie Ann Branson Revocable Trust for the property proposed as Yellowstone Estates per Bk 2633 Pg 2385. As of Nov.
- 4, 2019, no documents have been filed transferring the interest of the Laurie Ann Branson Revocable Trust to BBC Investments, LLC.
- 5). The Dedication should be changed accordingly.

# <u>County Engineer:</u> County Engineer, Scott Larson COMMENTS ATTACHED 11/18/2019

**Engineer Review** 

- 1. The Drainage Study that was submitted is adequate at this time. For the final Drainage Study that will be submitted with the roadway plans, the study needs to clearly analyze, illustrate, and describe the existing conditions and the impacts to the existing 24" culvert under Yellowstone Road and Yellowstone Road itself. Does the roadway overtop currently? Will the roadway overtop with the proposed development? If the roadway is to be overtopped, detailed information is needed regarding what storm events will overtop the roadway and at what depths will it be over the roadway. The report does mention that the drainage easement has been created to account for the ponding created by the culverts lack of capacity to handle the runoff, but more information is still needed.
- 2. The Traffic Study appears to be adequate for this development and I concur with its recommendations.
- 3. There is no written certification by the Professional Land Surveyor on the plat drawing.

#### Surveyor Review

- 1. "A POINT AT THE NORTHWEST QUARTER CORNER of SECTION 25" is commonly referred to as "THE NORTHWEST CORNER OF SECTION 25".
- 2. The ACKNOWLEDGEMENT of Robert Chamberlain should be placed next to (just under) his signature.
- 3. There are no field observation coordinates shown on the plat and there is no reference to the Wyoming State Plane Coordinate System shown on the plat.
- 4. In the BASIS OF BEARINGS note, 6th line from the top, the bearing is shown as \$59°37'31"E, however on the plat this BASIS OF BEARING is labeled as \$89°37'31"E.
- 5. The Vicinity Map would be easier to read and it would be more useful to the 'lay public' 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.
- 6. As a final note, I did not see any mention of irrigation water rights on the subdivision so I assume there aren't any on the subdivision. The center pivot sprinkler directly north of the subdivision appears to fall outside of the subdivision.

<u>County Public Works Department:</u> County Public Works Department, David Bumann COMMENTS ATTACHED 11/19/2019 see engineer's review

<u>Environmental Health:</u> Environmental Health Department, Roy Kroeger COMMENTS ATTACHED 11/20/2019

RULES & REGS: LARAMIE COUNTY SMALL WASTEWATER SYSTEM REGULATIONS.

WASTEWATER PERMITS ARE REQUIRED FOR EACH LOT. CAREFULLY PLAN WELL AND SEPTIC LOCATIONS PRIOR TO BUILDING ON LOTS WITH FLOODPLAINS AND MAJOR CHANGES IN ELEVATION. ALL SMALL WASTEWATER SYSTEMS MUST HAVE A 50' SETBACK FROM ALL PROPERTY LINES, DRAINAGE EASEMENTS, AND FEMA FLOODPLAIN. A COMPLETE USDA SOIL SURVEY AND A SIGNED FINAL PLAT SHALL BE SUBMITTED TO THIS OFFICE PRIOR TO APPLICATION FOR ANY PERMITS.

#### Intraoffice: Planners, Paul Whalen COMMENTS ATTACHED 11/04/2019

- 1. Property is not zoned;
- 2. Proposal is not consistent with approved Preliminary Development Plan that indicated 61 lots on 591.24 acres, what happened to Lot 61(239.82 acres)?
- 3. Provide drainage easement information for the project file. Several lots are severely impacted by the easement and may not be buildable while others may not have access in case of a flooding event.
- 4. Provide easement book and page/reception number on plat.
- 5. Provide information about water and sewer, plat identifies what will not occur, but what is the intended source of water and what is method for sewage disposal, provide information on plat.
- 6. Provide Surveyors certificate signature block on plat exhibit.
- 7. Please adjust BOCC date to 2020.
- 8. Provide information for what mechanism is in place to ensure roads dedicated to County will be privately maintained, will this be a HOA, a taxing district, etc...
- 9. Please expand the existing plat note in very clear and concise language that Laramie County shall not be responsible for road maintenance now or in the future.

#### **AGENCIES WITH NO COMMENTS:**

Wyoming Game & Fish Dept: WYDOT:

#### **AGENCIES WITH NO RESPONSE**

Laramie County Weed & Pest:

Sheriff's Office: Black Hills Energy:

CenturyLink:

**US Post Office:** 

**Combined Communications Center:** 

Emergency Management: Fire District No 2:

WY State Engineer's Office:

Wyoming DEQ:
County Treasurer:
County Conservation District:
Laramie Co School Dist No 1:
County Attorney:
County Real Estate Office:



## WYOMING GAME AND FISH DEPARTMENT

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**GOVERNOR** 

November 18, 2019

WER 4502.153a Laramie County Planning and Development Office PZ-19-00300 Yellowstone Estates Laramie County

Paul Whalen Laramie County Planning and Development Office 3966 Archer Parkway Cheyenne, WY 82009

Dear Mr. Whalen,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed PZ-19-00300 Yellowstone Estates located in Laramie County. We have no terrestrial wildlife or aquatic concerns pertaining to this proposal.

Thank you for the opportunity to comment.

Sincerely,

Amanda Withroder

Habitat Protection Supervisor

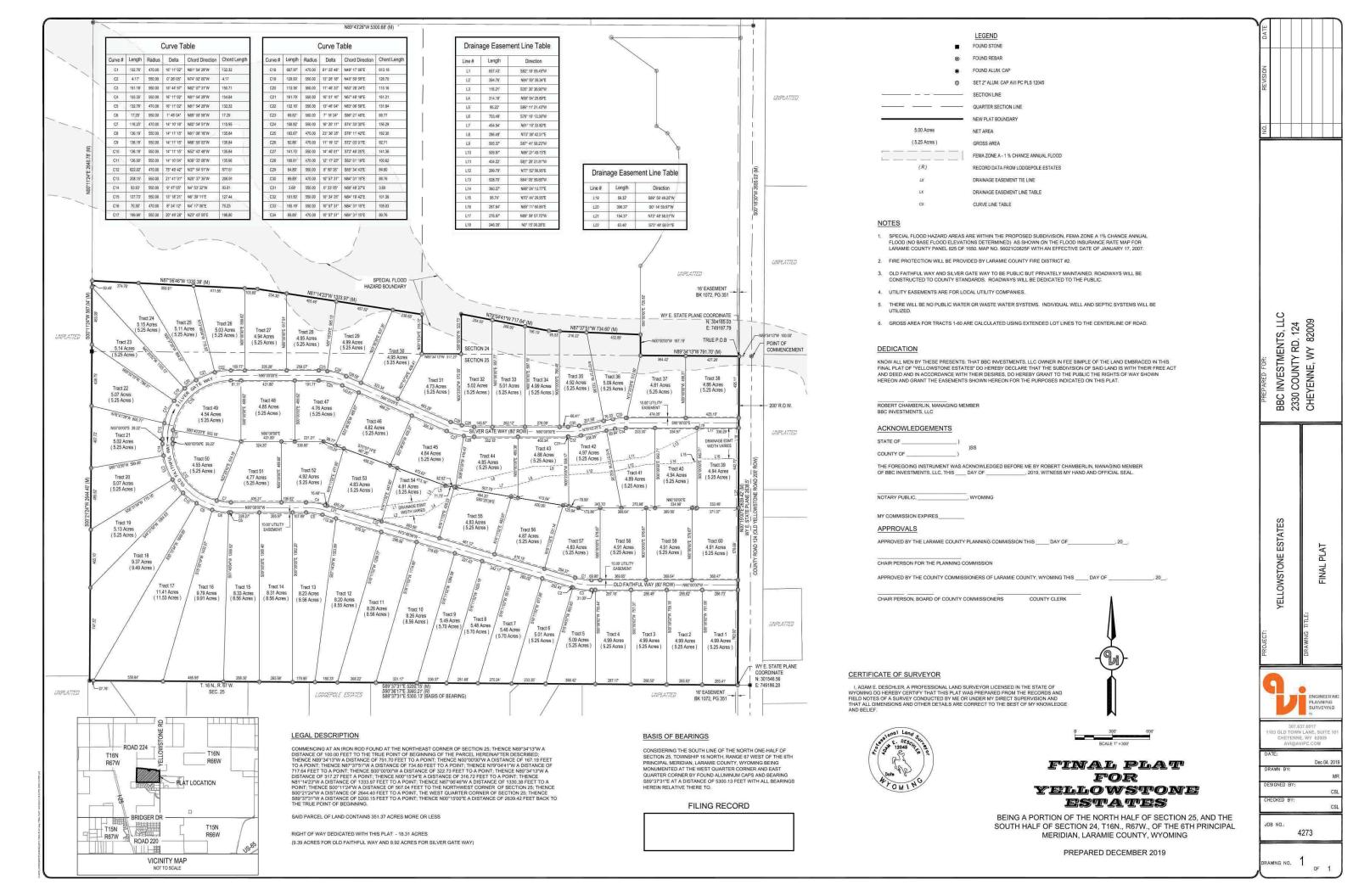
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cc:

U.S. Fish and Wildlife Service

Bobby Compton, Wyoming Game and Fish Department

Chris Wichmann, Wyoming Department of Agriculture, Cheyenne



# A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR A PORTION OF THE N1/2, SEC. 25, AND THE S1/2 S1/2, SEC. 24, T.16N., R.67W., OF THE $6^{\rm TH}$ P.M. LARAMIE COUNTY, WY, TO BE PLATTED AND KNOWN AS "YELLOWSTONE ESTATES".

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, the proposed subdivision and plat is in accordance with section 2-1-103 of the Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Yellowstone 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 Yellowstone Estates with the following conditions:

- 1. All agency comments regarding corrections shall be addressed prior to recordation of the plat.
- 2. Fire Department comments requiring a 30,000-gallon cistern installed on-site shall be addressed prior to recordation of the plat.

PRESENTED, READ AND ADOPT	ED THIS DAY OF
, 2020.	
	LARAMIE COUNTY BOARD OF COMMISSIONERS
	Linda Heath, Chairman
ATTEST:	
Debra K. Lee, Laramie County Clerk	_
Reviewed and approved as to form:  Laramie County Attorney's Office	