

## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

# Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

FROM: Logan Ward, Planner

DATE: January 5, 2021

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for Lone Star

Estates, located in a portion of the NE1/4, Section 29, T.15N., R.66W., of the

6th P.M., Laramie County, WY.

### **EXECUTIVE SUMMARY**

AVI PC, on behalf of Ms. Ruthanne Hubbard, has submitted a Subdivision Permit and Plat application for Lone Star Estates, located east of the Morningstar Road and US HWY 85 intersection. The application has been submitted to subdivide approximately 76 acres into 12 single-family residential lots.

## **BACKGROUND**

The subject property is unzoned and unplatted, and currently used for agricultural purpose. The surrounding area consists of rural residential and agricultural properties of varying acreage. The North Star Rach subdivision is west and south of the property, with state land due east across the 100-ft Powerhouse Road easement. The North Country subdivision is northeast, and the Hubbard family ranch is directly north of the site.

# **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 identifies the area as Rural Metro (RM), which is intended for a mix or residential and neighborhood oriented services. The subject property is located outside the PlanCheyenne and zoned boundaries.

Water and sewage disposal will be provided by individual well and septic systems. With an average lot size of 6.39 acres, the minimum requirements for septic system permits are met.

A subdivision of more than 5 lots requires submittal of a Chapter 23 study to the Wyoming Department of Environmental Quality (DEQ). Wyoming DEQ received the application for this study on November 13<sup>th</sup>, 2020 and it is currently under review.

Access to the subdivision will be primarily from Powderhouse Road which will extend south from the North Country subdivision to McCrae Road, an 80-foot right-of-way. The County Engineer is satisfied with the Traffic Study submitted with this application and has stated that the Final Drainage Study will be required at the time of construction.

Agency review comments were received regarding small wastewater system requirements, proximity to adequate fire suppression facilities and future water supply, road and access issues for phase II, as well as plat exhibit corrections. A revised plat was submitted on December 10<sup>th</sup>, 2020 and is currently under review by County agencies.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. Neighbor comments were received regarding the proposed lot sizes, a copy of this comment letter is attached.

A public hearing of this application was held on December 10, 2020 by the Laramie County Planning Commission. Public comment was received regarding fencing and the use of the State's right-of-way easement. The Planning Commission voted 5 – 0 to recommend denial of the application to the Board with the condition that the applicant clarify whether any amendments or agreements are necessary between the State and developer for use of the existing easement. On December 14, 2020, AVI, PC met with the State of Wyoming Surface Leasing Supervisor to confirm the use of the State's easement. The State confirmed that as long as Powerhouse Road is a dedicated public road, no amendment to the existing easement is necessary.

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 Lone Star Estates with two conditions.

- 1. Evidence of DEQ approval in the form of a "Non-Adverse Recommendation" shall be required prior to final plat recordation.
- 2. All minor corrections including grammatical errors shall be resolved prior to recordation of the final plat.

# **PROPOSED MOTION**

I move to approve the Subdivision Permit and Plat for Lone Star Estates with two conditions and adopt the findings of fact a of the staff report.

# **ATTACHMENTS**

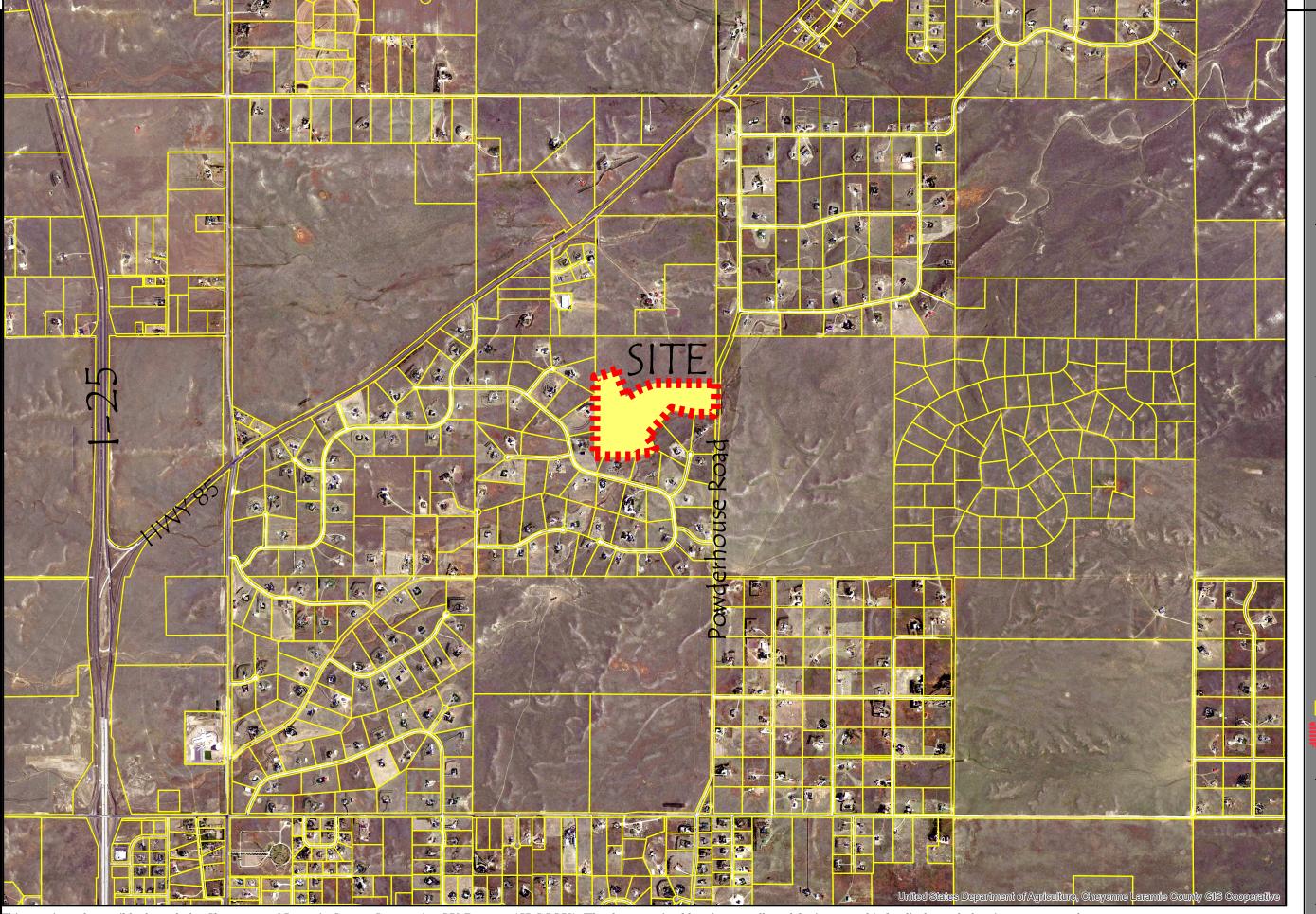
Attachment 1: Location Map
Attachment 2: Aerial Map

Attachment 3: Comprehensive Plan Map Attachment 4: Agency Comments Report Attachment 5: Neighbor Concern Letter

Attachment 7: WYDEQ Letter - November 17, 2020

**Attachment 6: Plat** 

**Attachment 7: Resolution** 



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.

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# Laranne County, Wyoming





**LONE STAR ESTATES Subdivision** Permit & Plat

PZ-20-00302

**Location Map** 

Legend

Property Lines

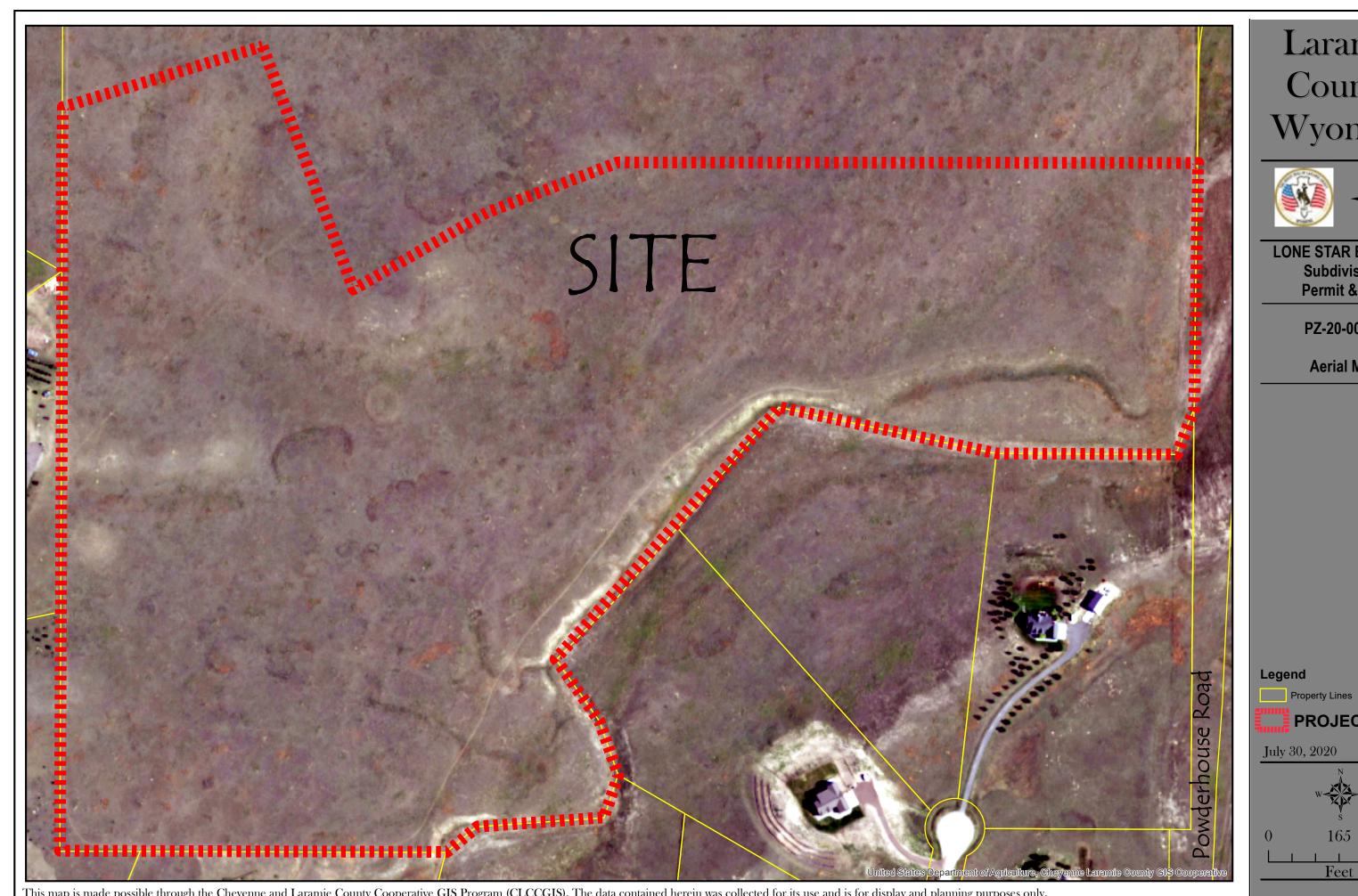
PROJECT SITE

July 30, 2020



1,600 3,200

Feet



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Laramie County, Wyoming





**LONE STAR ESTATES Subdivision Permit & Plat** 

PZ-20-00302

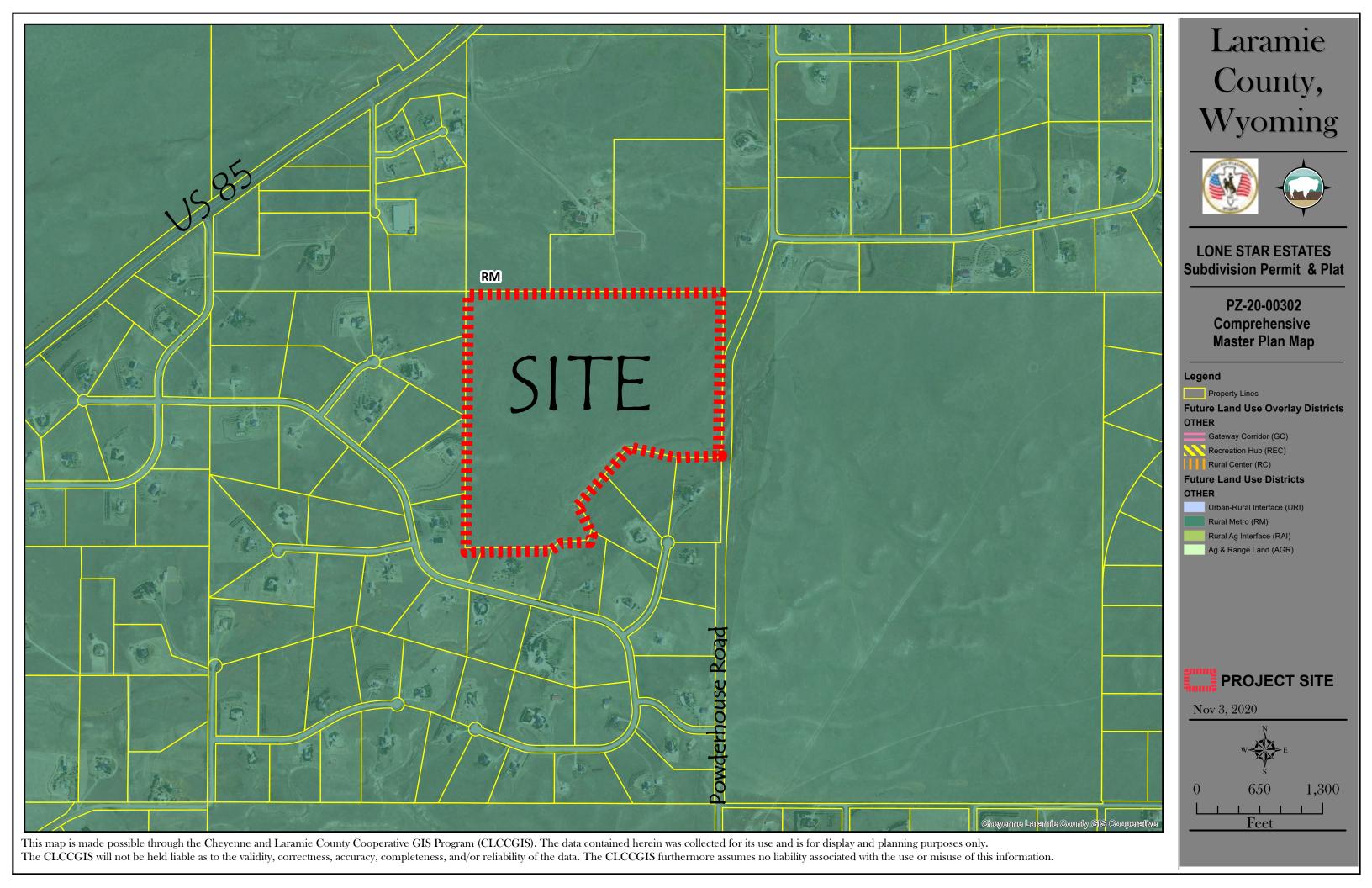
**Aerial Map** 

Property Lines

**PROJECT SITE** 

July 30, 2020





<u>County Assessor:</u> County Assessor, Kaycee Eisele Comments Attached 11/09/2020 For assessment purposes, our office also shows HUBBARD, JAMES G as an owner for assessment. Therefore, JAMES must also have his name and notarized signature on the plat.

Also of note, our office will reach out to AVI for a legal description on the remaining portion of the parcel that is NOT included in this plat.

The parcels are listed as Lots and not Tracts, our office request Block numbers then be assigned.

<u>County Real Estate Office:</u> County Real Estate Office, Laura Pate Comments Attached 11/06/2020

James G Hubbard is still an owner of the property. He needs to sign the plat map and have his signature notarized.

<u>County Engineer:</u> County Engineer, Scott Larson Comments Attached 11/20/2020 Engineer Review

- 1. The Traffic Study is adequate for Phase I of this development. I am sure the applicant is aware that when Phase II is planned, there will need to be a secondary access in and out of this development.
- 2. A Final Drainage Study will be required with the construction plans.
- 3. As indicated in the letter, Powderhouse will need to be designed and constructed per LCLUR from McCrae Road to Ford Road. These construction plans will need to be submitted, reviewed and approved by the County.

# Surveyor Review

- 1. The grammar in the DEDICATION is composed as if there were multiple owners, but it appears that the ownership is just one person / sole owner.
- 2. There are no Wyoming State Plane field observation coordinates shown on the plat.
- 3. It appears that the west Right-of-Way boundary of POWDERHOUSE ROAD intersects the east boundary of LOT 1 at the south end of the N00°30′58″E -- 614.46′ boundary line. It might help to more clearly define the POWDERHOUS ROAD Right-of-Way at that location.

<u>County Public Works Department:</u> County Public Works Department, David Bumann Comments Attached 11/09/2020

The Traffic Impact Study indicates on page 24 that Lone Star Estates will be served by Laramie County School District bus service. Per statue, schools buses will not be allowed to travel the newly developed McCrae Road nor the Powder House as these will be privately maintained. The County has and will continue to maintain only the Ford/Powder House interface.

**Environmental Health:** Environmental Health Department, Roy Kroeger Comments Attached 11/13/2020 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. A completed soil survey and signed final plat shall be submitted prior to application for any permits.

# <u>Fire District No 2:</u> Fire District No. 2, Cooper McCullar Comments Attached 11/12/2020

Due to the fact that the development is smaller than 19 lots, LCFD2 does not request that a cistern is to be installed. If there is future plans to increase the amount of lots, LCFD2 may request a fire water cistern to be installed since the development is greater than 5 miles away from the closest fire station.

<u>Planners:</u> Planners, Paul Whalen Comments Attached 11/20/2020 Note: If additional lots are proposed (Phase II)the subdivision will require a secondary point of access into subdivision.

# **Wyoming Game & Fish**, Wyoming Game and Fish Dept Comments Attached 11/19/2020

The staff of the Wyoming Game and Fish Department (Department) has reviewed the subdivision permit application for Lone Star Estates located in Laramie County. We offer the following comments for your consideration.

This project proposes to subdivide 76.72 acres into 12 lots north of the current Powderhouse Road and south of U.S. Highway 85 in an area of existing subdivisions. We have no wildlife or habitat concerns with this proposed subdivision.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Mark Conrad, Habitat Protection Biologist, at 307-777-4509.

### NO COMMENT:

WYDOT, Michael Ginther No Comments 11/19/2020; Combined Communications Center, Chuck Trimble 11/06/2020 High West Energy, David Golden 11/16/2020 Planners, Cambia McCollom 11/05/2020

## **NO RESPONSE:**

County Attorney, Mark Voss; Wyoming State Engineer's Office, Lisa Lindemann; Wyoming DEQ, Colin McKee; US Post Office, Denise Null; Emergency Management, Matt Butler; Sheriff's Office, Rae Morgan; Black Hills Energy, Eric Underhill; CenturyLink, Darrin Klawon; County Conservation District, Shaun Kirkwood; Laramie Co School Dist. No. 1, Chris Hout; Laramie County Weed & Pest, Brett Nelson;



# WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699 wgfd.wyo.gov MARK GORDON

DIRECTOR
BRIAN R. NESVIK

COMMISSIONERS
PETER J. DUBE – President
PATRICK CRANK – Vice President
RALPH BROKAW
GAY LYNN BYRD
RICHARD I ADWIG

**GOVERNOR** 

DAVID RAEL MIKE SCHMID

November 19, 2020

WER 4502.172a Laramie County Planning and Development Office Lone Star Estates Subdivision Permit Application PZ-20-00302 Laramie County

Paul Whalen Senior Planner Laramie County Planning and Development Office 3966 Archer Parkway Cheyenne, WY 82009 pwhalen@laramiecounty.com

Dear Mr. Whalen,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the subdivision permit application for Lone Star Estates located in Laramie County. We offer the following comments for your consideration.

This project proposes to subdivide 76.72 acres into 12 lots north of the current Powderhouse Road and south of U.S. Highway 85 in an area of existing subdivisions. We have no wildlife or habitat concerns with this proposed subdivision.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Mark Conrad, Habitat Protection Biologist, at 307-777-4509.

Sincerely,

Amanda Losch

Habitat Protection Supervisor

Smandelost

Paul Whalen November 19, 2020 Page 2 of 2 - WER 4502.172a

# AL/mc/ct

cc: U.S. Fish and Wildlife Service

Martin Hicks, Wyoming Game and Fish Department Embere Hall, Wyoming Game and Fish Department Chris Wichmann, Wyoming Department of Agriculture

### **Paul Whalen**

From: Planning

Sent: Friday, November 13, 2020 10:15 AM

To: Paul Whalen

**Subject:** FW: Lone Star Estates

Paul,

Please see the email below regarding Lone Star Estates.

Thank you, Marissa

From: NeilandDebra [neilanddebraolsen@gmail.com]

Sent: Monday, November 09, 2020 12:04 PM

To: Planning

**Subject: Lone Star Estates** 

Dear Mr. Whalen, Senior Planner for Laramie County,

We recently received a letter from you with regards to the proposed subdivision named Lone Star Estates. We are an adjacent landowner in North Star Ranch, 3rd Filing. At the last public hearing for the proposed Lone Star plat, one of the commissioners commented about the Lone Star lots being smaller than the surrounding area which is North Star Ranch. The adjacent lots in North Star average 9.31 acres per lot and the proposed Lone Star platted lots are 6.24 acres on average. In reviewing the proposed plat, the lots seem unreasonably small for this area. Currently, there are 5 homes of larger size in the North Star Ranch area that will be adjacent to the proposed 12 homes on much smaller lots in Lone Star Estates.

Commissioners, please consider the individual lot size of the proposed Lone Star plat before final approval and possibly make a requirement of a minimum lot size of 8-9 acres per lot. Also, I am enquiring about covenants that will accompany the proposed Lone Star plat. Where can I obtain a copy of the proposed covenants for Lone Star Estates?

Thanks for your consideration of this matter, Debra Olsen

RESPONSE: Project site is in an unzoned area of the county and within AMEC zone 2. Minimum Lot sizes in AMEC zone 2 is 5.25-acres, proposal therefore complies with applicable County land Use Regulations, adjacent lots are 8-10 acres.

# Mark Gordon, Governor

# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director



November 13, 2020

Laramie County Board of Commissioners 309 West 20th Street Cheyenne, WY 82001

Via Email: office@laramiecountyclerk.com

RE: Lone Star Estates Subdivision – 20-378 Cheyenne, Laramie County

Dear Ms. Montgomery:

The Wyoming Department of Environmental Quality (WDEQ) has received application material related to the Lone Star Estates Subdivision for review of the safety and adequacy of water supply and sewer systems pursuant to W.S. §18-5-306. The application material was received November 13, 2020. As described in the statute, WDEQ has 30 days to respond with comments and recommendations, however, if necessary WDEQ may extend the review period for an additional 30 days. Due to workload, at this time WDEQ is extending the review period. Therefore, WDEQ's recommendations will be provided to the Commission by January 12, 2021

A copy of the subdivision application package has been provided to the Wyoming State Engineer's Office for their information and advice to the Water Quality Division.

Please do not hesitate to contact me at (307) 777-7088 if you have any questions regarding this subdivision application or WDEQ's subdivision application review process.

Sincerely,

Dennis Lewis, PE

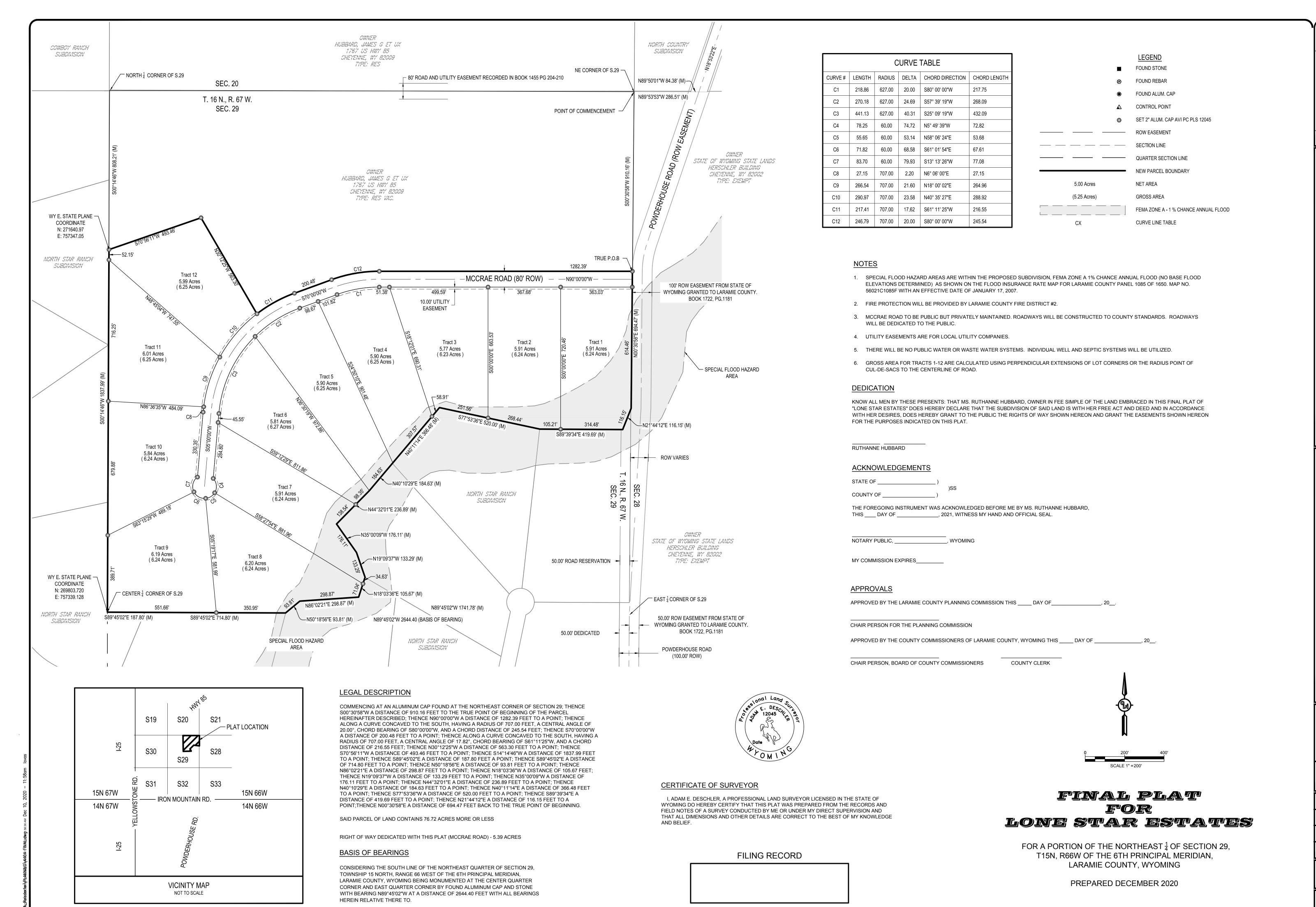
Southeast District Engineer

Water and Wastewater Program, Wyoming Water Quality Division

Ruthanne Hubbard, katiebar21@hotmail.com cc:

> John Wetstein, Engineering Associates, John.Wetstein@EAengineers.com Laramie County Planning & Development, plannig@laramiecounty.com

Markus Malessa, SEO, markus.malessa@wyo.gov



NATE KEISDOKFEK 1767 TORRINGTON HWY CHEYENNE, WY 82009

LONE STAR ESTATES

.\AVI Logos\AVI 40b - CADD.jpg

307.637.6017 1103 OLD TOWN LANE, SUITE 1 CHEYENNE, WY 82009

CHEYENNE, WY 8200 AVI@AVIPC.COM

Dec 10, 2
DRAWN BY:

DESIGNED BY:

CHECKED BY:
AED & CS

JOB NO.:

DRAWING NO.

**1** OF

RESOLUTION NO.	
TEBULE HOLLING.	

# A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT LOCATED IN A PORTION OF THE NE1/4, SECTION 29, T.15N., R.66W., OF THE 6<sup>th</sup> P.M., LARAMIE COUNTY, WY, TO BE PLATTED AND KNOWN AS "LONE STAR 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, this resolution is the subdivision permit for "Lone Star Estates" subdivision.

# 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.
- b. This application meets the criteria for the Subdivision development Design Standards pursuant to Section 2-1-104 of the Laramie County Land Use Regulations.

# And the Board approves the Subdivision Permit and Plat for Lone Star Estates with the following conditions:

- 1. Evidence of DEQ approval in the form of a "Non-Adverse Recommendation" shall be required prior to final plat recordation.
- 2. All minor plat corrections including grammatical errors shall be resolved prior to recordation of the final plat.

PRESENTED, READ AND ADOPT	ED THIS	DAY OF
, 2021.		
	LARAMIE COUNT	ΓΥ BOARD OF COMMISSIONERS
	Gunnar Malm, Cha	irman
ATTEST:		
Debra K. Lee, Laramie County Clerk		
Reviewed and approved as to form:		
Laramie County Attorney's Office		