



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Justin Arnold, Director

DATE: February 20th, 2024

SUBJECT: PUBLIC HEARING Regarding a Proposal to Amend the Amended 2019 Laramie County Land Use Regulations

Executive Summary

On January 2nd, 2024, the Board provided Notice of Intent to amend the 2019 amended Laramie County Land Use Regulations (LCLUR). The staff report for the Notice of Intent, with the Resolution, rationales, and proposed changes is attached to this report.

Pursuant to public notice requirements under State law, Laramie County Planning and Development ran a legal ad in the Wyoming Tribune Eagle on January 12th, 2024. Planning also held an open house and took feedback from the public regarding the proposed changes on January 24th, 2024. The Laramie County Planning Commission held a public hearing regarding the proposed changes on February 8th, 2024, and voted 4-0 to recommend adoption of the changes as proposed by Planning. As the proposed changes have undergone the appropriate public notice process, Planning now recommends the Board formally adopt them as amendments to the amended 2019 LCLUR.

PROPOSED MOTION

I move to adopt the changes to the Laramie County Land Use Regulations as denoted in the attached staff report from January 2nd, 2024.

ATTACHMENTS

Attachment 1: BOCC Staff Report, January 2nd, 2024
Attachment 2: Proposed Resolution Adopting Changes



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of County Commissioners

FROM: Justin Arnold, Director

DATE: January 2nd, 2024

SUBJECT: REVIEW AND ACTION On A Proposal to Set A Public Hearing to Adopt Changes to the Laramie County Land Use Regulations on February 20th, 2023

Executive Summary

As the Board is aware, Laramie County Planning & Development (Planning) is undertaking a large project to completely overhaul the Laramie County Land Use Regulations (LCLUR), which is anticipated to be completed in or around July. Michael Surface, former Senior Planner, has stayed on with Planning to head up this project as a temporary employee. His 40+ years of experience in urban planning across widely different jurisdictions will be invaluable in the rewrite, and Planning looks forward to presenting the Board with a draft sometime in early to mid-summer.

As the project is underway, Planning would like to conduct a “cleanup” to fix a few consistent issues that have come up which are anticipated to continue. We believe that the issues could be rectified by a few small word changes. These minor fixes would clarify the County’s position in some vague areas of the regulations, as well as provide better guidance to applicants as to the County’s procedures.

First, the cleanup intends to modify the trigger points and possibility of concurrent applications with Preliminary Development Plans (PDP). Specifically, Planning proposes to eliminate the possibility of having a PDP application run concurrently with an application for a Subdivision Permit & Plat, which it is intended to precede. In at least two (2) recent cases, the process of having the PDP application run concurrently with the platting action has created confusion both from a filing perspective on Planning’s end and from a clarity perspective on what is being reviewed for agency reviewers. The proposal to eliminate the ability to run a PDP application concurrently with the subdivision permit application would fulfill the intent of a PDP as a preliminary action. It would also allow for issues with the plat to be resolved prior to there being significantly larger stakes.

Additionally, the new proposed rules would expand the Director's existing authority to waive the PDP requirement for actions up to nineteen (19) from five (5) or less lots. Planning believes this would streamline the process for many midrange-sized developments, as twenty lots is the typical trigger for a traffic impact study. There are also other requirements in that would remain place for the range of five to nineteen lots, including the DEQ Chapter 23 study submittal and the process of first going through the Planning Commission for approval recommendations.

Finally, the cleanup would fix minor drafting errors in the sections regarding community facility and public safety fees with respect to when exemptions are allowed and remove some confusing language regarding DEQ and SEO approval of subdivision density in the Land Use Zone District. To ensure a complete 45-day notice requirement under State law, Planning suggests a public hearing by the Board could take place on February 20th, and Planning Commission could hear the proposed changes and make any recommendations to the Board at their February 8th meeting.

ATTACHMENTS

Attachment 1: Proposed Rules Amendments

Proposed Motion

I move to provide the notice of intent to change the Laramie County Land Use Regulations, as required under Wyoming State Statute § 16-3-103, and set a public hearing date of February 20th, 2024 to consider adoption of the proposed amendments.

RESOLUTION # 240102-9

RESOLUTION GIVING PUBLIC NOTICE OF LARAMIE COUNTY’S INTENT TO AMEND THE AMENDED 2019 LARAMIE COUNTY LAND USE REGULATIONS

WHEREAS, Wyoming State Statutes § 16-3-103; §§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, WYO. STAT. ANN. § 16-3-103, requires 45 days public notice and a reasonable opportunity for public comment before Laramie County may adopt, amend, or repeal rules and regulations;

WHEREAS, the proposed amendments to the Laramie County Land Use Regulations are attached hereto as “Exhibit 1” and incorporated into this resolution by this reference.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that notice is hereby given to the public that Laramie County intends to amend the amended 2019 Laramie County Land Use Regulations; that copies of the proposed Regulations may be reviewed at the Laramie County Clerk’s Office, 309 West 20th Street, Room 1513, Cheyenne, Wyoming and/or the Planning and Development Office, 3966 Archer Parkway, Cheyenne, Wyoming; that all interested persons may submit written comments to the Laramie County Clerk, 309 West 20th Street, P.O. Box 608, Cheyenne, Wyoming 82003, no later than 12:00 p.m. on February 20th, 2024; that there shall be a regularly scheduled Laramie County Planning Commissioner’s meeting on February 8th, 2024 at 3:30 p.m. and a regularly scheduled Laramie County Commissioner’s meeting on February 20th, 2024 at 3:30 p.m. Both meetings will be held in the Laramie County Commissioners Boardroom on the 3rd floor of the Historic County Courthouse, 310 West 19th Street, Cheyenne, Wyoming; and, that this notice shall be published once in the Wyoming Tribune-Eagle as soon as practicably possible.

PRESENTED, READ AND ADOPTED this 2nd day of January 2024.

LARAMIE COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Brian Lovett
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Brian Lovett, Chairman

ATTEST:

DocuSigned by:
Debra Lee
E41A7000894D4A8...

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

[Handwritten Signature]

Laramie County Attorney

1-1-106 COMMUNITY FACILITY FEES AND PUBLIC SAFETY FEES (FIRE PROTECTION)

A. COMMUNITY FACILITY FEES

a. Establishment

Subdividing land in Laramie County requires the assessment of community facility fees. The assessment of fees is made at the time of subdivision permit application submittal, with payment required prior to recordation.

b. Applicable Fees

Fees listed in the following section apply to all subdivisions and replats. Fees shall be assessed for any new lot including those created under W.S. 18-5-306.

c. Classification

All lands platted within Laramie County shall be assessed a community facility fee according to the following schedule:

i. Land within any water and/or sewer district or serviced by a public water and/ or sewer utility in Laramie County shall be assessed community facility fees at a rate of five hundred dollars (\$500.00) per acre. This fee shall be prorated to the nearest one tenth (0.1) of an acre, but the minimum fee shall not be less than two hundred and fifty dollars (\$250.00).

ii. Land outside of a water and/or sewer district and land not served by any public water and/or sewer utility in Laramie County shall be assessed community facility fees at a rate of fifty dollars (\$50.00) per acre. The fee shall be prorated to the nearest one tenth (0.1) of an acre, but the minimum fee shall not be less than twenty-five dollars (\$25.00).

d. Exemptions

Lands exempt from community facility fees:

i. Lands subdivided for governmental use (including schools, parks, offices, greenways, state or county facilities, etc.); ~~and~~ or

ii. Lands subdivided for public streets, roads and alleys; ~~and~~ or

iii. Lands subdivided for public drainage facilities, such as channels, detention or retention pond sites; ~~and~~ or

iv. Lands subdivided as designated open space; ~~and~~ or

v. Where land is being replatted, it shall be exempt if:

(A) the replat consists only of reconfiguring or eliminating interior lot lines with no additional land or building area added to the development; and

(B) the replat results in no additional dwelling units, residential units, nonresidential units or lots, and therefore causes no greater impact on public park or fire facilities than the original plat; and

(C) the replat results in no change in zoning, density, or intensity of use than the original plat.

e. Purpose

The use of this fee in Laramie County shall be for fire facilities and equipment for County fire districts and for the construction of County public parks or recreational facilities.

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B. PUBLIC SAFETY FEES (FIRE PROTECTION)

a. Establishment

Subdividing land in Laramie County requires the assessment of public safety fees. The assessment of fees is made at the time of subdivision permit application submittal, with payment required prior to recordation.

b. Applicable Fees

Fees listed in the following section apply to all subdivisions and replats. Fees shall be assessed for any new lot including those created under W.S. 18-5-306.

c. Classification

All lands platted within Laramie County shall be assessed a public safety fee according to the following schedule:

i. Land within any water and/or sewer district or serviced by a public water system shall be assessed a two hundred dollars (\$200.00) per lot public safety fee.

ii. Land outside of a water and/or sewer district in Laramie County shall be assessed public safety fees at a rate of one thousand dollars (\$1,000.00) per lot.

iii. Automatic annual adjustment to fee schedule to match national inflations rate not to exceed five percent (5%) as determined by the Consumer Price Index distributed by the Bureau of Labor Statistics.

d. Exemptions

Lands exempt from ~~community facility fees~~ public safety fees:

i. Lands subdivided for governmental use (including schools, parks, offices, greenways, state or county facilities, etc.); and ii. Lands subdivided for public streets, roads and alleys;
~~and or~~

- iii. Lands subdivided for public drainage facilities, such as channels, detention or retention pond sites; or
- iv. Lands subdivided and designated open space; or
- v. Where land is being replatted, it shall be exempt if:
 - (A) the replat consists only of reconfiguring or eliminating interior lot lines with no additional land or building area added to the development; and
 - (B) the replat results in no change in zoning, density or intensity of the use to the original plat:
- e. Purpose

The use of this fee in Laramie County shall be for fire facilities and equipment for County fire districts.

Public safety fees collected are to be managed by the Laramie County Board of Commissioners and are eligible to be used for the following projects:

- i. Assist land developers in funding the installation of required water cistern for fire protection.
- ii. Assist fire districts in repair, replacement, and maintenance of water cisterns.
- iii. Assist with fire station construction.

f. Rural Water Requirements

The following requirements are to be used to determine if rural water supply or land for a future fire station is required:

- i. All phases within 5 years equal total units.
- ii. Engineered, deeded, platted fire suppression system (sprinkler system) in habitable structures replace per lot fee and cistern requirement.
- iii. Density, lots smaller than 5 acres and multi-family housing impact this chart and will be handled on individual basis.

# of Lots	Miles From Fire Station	Miles From Existing Water Supply	Do You Need Cistern?
<19	<5 Road Miles		No Cistern Required
≥19	<5 Road Miles	<3 Road Miles	No Cistern Required
≥19	≥5 Road Miles	<3 Road Miles	No Cistern Required
≥19	≥5 Road Miles	≥3 Road Miles	Cistern Required
≥25	≥10 Road Miles	≥3 Road Miles	Land for Future Fire Station Required

g. Inspection and maintenance of static water supply

i. Annual inspection of water supply falls upon the fire district having jurisdiction.

ii. Regular maintenance and repair are the responsibility of the fire district having jurisdiction.

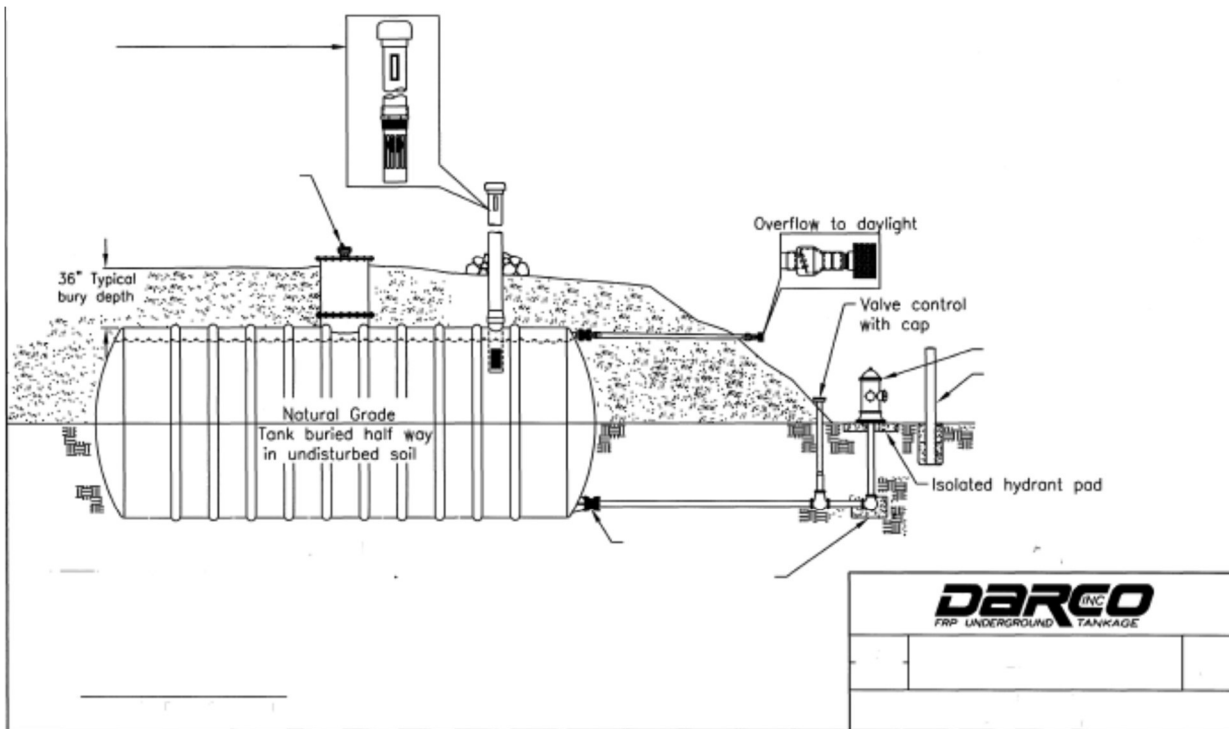
iii. Funding of major repairs or replacement of cisterns will be addressed by the board of county commissioners on an individual basis.

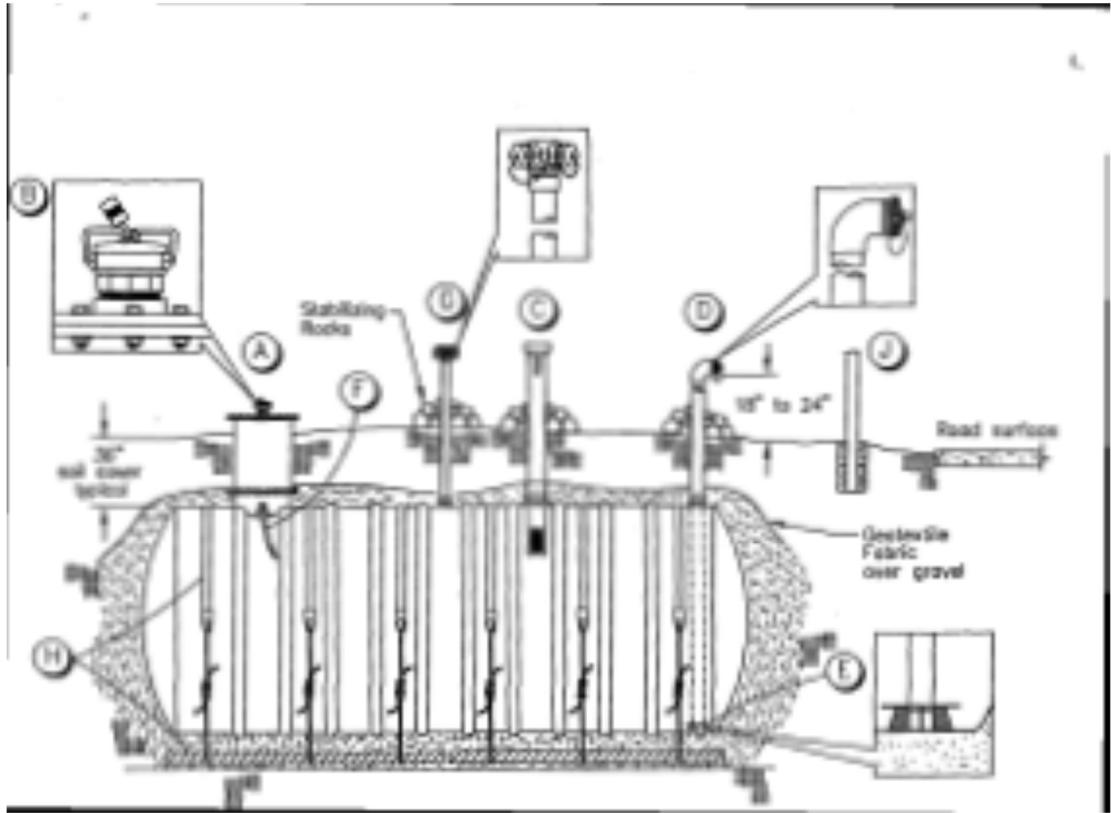
h. Approved fire district for water cistern design

30,000-gallon cistern design with direct draft. To be utilized when tank can be

installed adjacent to roadway with a dry barrel hydrant featuring two 2.5 male fittings and one large diameter 4.5 fitting. The

authority having jurisdiction for fire protection has final approval of location and design of cistern.





i. Fire station development:

i. Proposed subdivisions greater than 25 units and further than 10 road miles from an existing fire station:

ii. Land located in the proposed development to be provided for future fire station (minimum 5 acres) or at the discretion of the Board of County Commissioners.

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2-1-100 PRELIMINARY DEVELOPMENT PLAN REVIEW

The purpose of the preliminary development plan is to afford the owner the opportunity for review and comment by the Planning and Development Office and Laramie County Planning Commission prior to, ~~or concurrent with,~~ the submission of an application for a subdivision permit.

The preliminary development plan is the basis for a development agreement. A development agreement may be required to resolve any land use issues raised during review of the preliminary development plan. The development agreement, if required, shall be submitted with the subdivision permit application. A development agreement shall be approved by the Board of Commissioners and recorded with the plat.

a. Requirement

A preliminary development plan is required prior to all applications for a subdivision permit. A preliminary development plan is not required for land divisions for which no subdivision permit is required per State statute.

A pre-application meeting with the Planning and Development Office is required prior to submission of a preliminary development plan.

b. Administrative Exemption

The Planning and Development Director may waive the requirement for the preliminary development plan if:

i. the purpose of the subsequent development is to bring a property that is in violation of statutory subdivision requirements into conformance with Wyoming statutes and there are no plans to alter existing land use and/or site conditions; or,

~~ii. the proposed development will not require DEQ review; and,~~

iii. the proposed development will create ~~five (5)~~ **nineteen (19)** or fewer lots, is in conformance with all requirements of the Laramie County Land Use Regulations and is consistent with the Laramie County Comprehensive Plan.

Exemption of a preliminary development plan shall be determined at the pre-application meeting.

c. Application Requirements

The owner shall submit the necessary documents as outlined in this section. The Planning and Development Office may require additional information as necessary to support the application. At submittal, the owner or agent shall remit to the Development Office a nonrefundable application fee for services in connection with the review and processing of the preliminary development plan.

d. Notification Requirements

Notification of the Planning Commission meeting shall be sent by certified mail to all adjacent property owners. A sign provided by the County, detailing the time and date of the Planning Commission meeting, shall be posted in accordance with these regulations.

e. Evaluation

The Planning and Development Office shall review the Preliminary Development Plan in terms of the requirements set forth in these regulations; all applicable county policies; comprehensive and land use plans; regulations and standards or additions and amendments thereto; the reviewing agency comments; and any other adopted plans and resolutions. The resulting review shall be forwarded to the owner, agent and Planning Commission no less than four (4) calendar days prior to the scheduled meeting date for consideration during the Planning Commission meeting.

f. Responsibility of Presentation

It is a requirement of the Planning Commission that the owner or agent be present at all scheduled meetings to present the preliminary development plan. Absence of a representative may result in a postponement of the action. Prior to the public hearing, the owner or agent may request, in writing, a postponement of the public hearing.

g. Planning Commission Process

The Planning Commission shall hold a public hearing to review the preliminary development plan. The Planning Commission shall make recommendations to the owner for any additions or changes to be made to the plan prior to the submission of the subdivision permit and plat application. The hearing is intended to help the owner resolve any potential problems with the development prior to submission of the subdivision permit application. ~~If the applicant submitted a subdivision permit to run concurrently with the preliminary development plan, the Planning Commission shall make recommendation for the subdivision permit to move forward to the Board for approval.~~ The Planning and Development Office shall provide a list of comments to the owner within seven (7) working days of the final Planning Commission Review.

h. Stipulation of Review

Review of the preliminary development plan shall not constitute approval to subdivide or develop the land in question and creates no vesting of the property. A subdivision permit and site plan approved in accordance with these regulations is required prior to further action.

i. Review time limits

A subdivision permit application must be submitted to the Planning and Development Office within eighteen (18) months of final Planning Commission Review of a preliminary development plan, or the plan will be declared void.

j. Preliminary Development Plan Requirements

The owner shall submit the following information to the Planning and Development Office:

- i. A completed application form.
- ii. A land analysis map that identifies the buildable area for the proposed development. The land analysis map will be used to determine the total buildable area for the proposed development. Buildable areas shall be calculated as follows:
 - (A) Total site area – total non-buildable area = Buildable Area.
 - (B) The following features shall be identified as non-buildable. The size, in acres or square feet of each area, shall be noted in a table on the map.
 - i Areas in which slopes are 10 percent or greater.
 - ii Floodways and 100-year flood plains.
 - iii Bodies of water.
 - iv Significant natural features, such as ridge lines and mature trees to be preserved.
 - v Soils unsuitable for building.
 - vi Existing and proposed easements, roads, trails or other features where building is prohibited.
- iii. A preliminary development plan map that includes the following information based on the land analysis map:
 - (A) The proposed name of the subdivision/development placed in the lower right hand corner of the map. The name shall not duplicate or resemble the name of an existing subdivision/development, either in spelling or pronunciation, unless the development is an extension of an existing subdivision. Preliminary development plans of additional filings of existing plats shall have the same name.
 - (B) The title indicating the tract or parcel of land of which the subdivision development is a part, including the section, township and range from the sixth principal meridian, county (or counties) and state (or states).
 - (C) Location of the subdivision/development as a portion of some larger subdivision/development or an aliquot portion of a section with a tie to a section or quarter section corner.

- (D) Name and address of the owner and the designer of the subdivision development and the engineer and/or surveyor.
- (E) Location and principal dimensions for all existing or recorded section lines, names of streets, alleys, easements, water courses and other important features within and adjacent to the tract to be subdivided/developed.
- (F) Location and principal dimensions for all proposed streets alleys, easements, lot lines and areas to be reserved for parks, schools or other public uses.
- (G) Direction of surface drainage, shown by the use of arrows, for surface drainage on all lots, streets, alleys and easements. All proposed drainage easements shall be shown.
- (H) Date of map preparation, written and graphic scales, and north arrow designating true north.
- (I) Land dedication for public facilities, to include amount and location when mutually agreed upon by the owner and the County.
- (J) Topography at two-foot contour intervals or at a greater contour interval, if appropriate, that will clearly show the drainage and road conditions. Elevations shall be referred to the latest edition of the Cheyenne/Laramie County GIS Program aerial mapping and referred to NAVD88. Outside this aerial mapping area, elevation shall be referred to the latest USGS vertical datum where contours have been taken from USGS Maps. The map shall state the source.
- (K) General site information, including the number of residential lots or tracts, estimates of typical lot or tract sizes and lengths of lot or tract lines and block numbers within the buildable area as determined from the land analysis map.
- (L) Present and proposed land uses for all lots. (Any necessary changes in the zoning will be submitted with the subdivision permit and plat applications.)
- (M) A vicinity map, so labeled, showing the relationship of the proposed subdivision/development to the surrounding area. The area to be shown will be at least 500 feet from the proposed boundaries of the proposed subdivision/development.
- (N) Such additional preliminary information as may be required to adequately describe proposed utility systems, street improvements and construction projects contemplated within the area to be subdivided/developed. This information may be furnished on an attachment.

(O) A statement specifying the type of sewage disposal, the type of water supply and the type of fire protection proposed to serve the subdivision/development.

(P) Any recorded easements or restrictions applicable to the subdivision/development shall be noted by reference to Register's book and page number. The County will not be involved in the enforcement of deed restriction or covenants.

(Q) The owner may attach a letter to all maps describing any unusual or unique design elements or other information relating to the preliminary development plan.

iv. An Environment and Services Impact Report prepared in accordance with the form available at the Planning and Development Office.

v. A Preliminary Drainage Plan, prepared by a Wyoming-Licensed Professional Engineer, developed in accordance with the Laramie County Regulations.

vi. A Preliminary Traffic Study.

vii. Required Fees.

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4-2-114 DISTRICT LU – LAND USE

To promote the health, safety and the general welfare of the citizens of Laramie County. The intent is to create a safe living and working environment, and to improve the economic vitality of the county.

a. Uses by right

Any use not listed as a use requiring board approval below

b. Uses requiring board approval

i. Concentrated animal feeding operation

ii. Shooting sports range

iii. Large scale wind and solar and;

iv. Adult entertainment businesses

c. Density – minimum lot size

i. Area covered by AMEC memo January 31, 2014:

Within zones 2 and 4, lot size is to be 5.25 acres gross, whichever is larger. The minimum lot size may be averaged over the ownership parcel in zones 1 and 3; **or**

~~OR~~

ii. For area not included in the AMEC memo the lot size shall meet the requirements established by the Cheyenne/Laramie County division of environmental health pertaining to wastewater treatment;

~~OR~~

iii. Developments approved by DEQ for sewage treatment and the State Engineers Office's water department.

d. Setbacks

See residential and accessory setback tables

e. Commercial use site plan requirements

A county-approved site and landscape plan shall be required in accordance with sections 2-2-133 and 2-2-134 of these regulations. Commercial operations may cover 85% of the tract.

**End of Title 4 - Zoning
Chapter 2 Zone Districts**

RESOLUTION # _____

RESOLUTION TO AMEND THE AMENDED 2019 LARAMIE COUNTY LAND USE REGULATIONS.

WHEREAS, Wyoming State Statutes § 16-3-103; §18-5-201 to 18-5-208; 1§8-5-301 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 and amended the 2019 Laramie County Land Use Regulations; and

WHEREAS, the first amendments to the 2019 Laramie County Land Use Regulations occurred in 2022; and

WHEREAS, the Laramie County Board of Commissioners has complied with the requirements of W.S. 16-3-103, giving proper public notice and holding public hearings; and

WHEREAS, the proposed amendments to the amended 2019 Laramie County Land Use Regulations is in conformance with section 1-1-107 regarding Amendments to the Regulations.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that the Laramie County Board of Commissioners does hereby amend the amended 2019 Laramie County Land Use Regulations – also known as the 2022 Edition of the Laramie County Land Use Regulations - as denoted in the attached ‘Exhibit A’ with immediate effect.

PRESENTED, READ AND ADOPTED this _____ day of _____, 2024.


LARAMIE COUNTY BOARD OF COMMISSIONERS

Brian Lovett, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney