

Minutes of the Proceedings
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming

Thursday, October 23, 2014

- 141023 00** The Laramie County Planning Commission met in regular session on Thursday, October 23, 2014 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Pat Moffett, and Bonnie Reider; Dan Cooley, Director of Planning & Development; Barbara Kloth, Senior Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Linda Heath, 4031 Winterset Drive, Burns; Cooper Overstreet, 508 East 18th, Cheyenne; Lorraine Grigsby, 8113 Hynds Blvd, Cheyenne; Roy Kroeger, 100 Central Avenue, Cheyenne; Sarah Cook, 100 Central Ave, Cheyenne; Gary Hickman, 100 Central Avenue, Cheyenne; Boyd Wiggam, 1902 Thomes Avenue, Cheyenne.

- 01** Appeal and 201 Exception Request for 4204 Charles Street.

Barbara Kloth, Senior Planner, introduced Cooper Overstreet, Kuker Law Group, as agent for the applicant, Ms. Elisabeth Pendley. Mr. Overstreet stated the subject property was an occupied rental property, and gave history regarding the wastewater system (as stated in the submitted materials package) with regard to Environmental Health's denial of a permit to repair the small wastewater system when necessary, subsequent annexation to the City in order to facilitate water and sewer services, payment of required Board of Public Utilities tap fees, and the eventual discovery of lack of available City water/sewer services.

The applicant had received a quote of \$17,000 to run the lines from the residence to the supposed service lines on Monroe Avenue, an approximate distance of 75'. It was later discovered the Board of Public Utilities map had incorrectly reflected services adjacent to the subject property, and the closest line for connection was actually about 300 feet away. The applicant estimated the cost to connect to the service could run as much as \$70,000. He explained an independent well water test had been performed on this property, with results showing the nitrates below EPA levels. The applicant was asking that the tap fees be limited to the amount already paid, and that the City Annexation Ordinance be set aside, until such time that services were available.

Mr. Overstreet stated the applicant wanted to keep the existing system and get it repaired, if necessary, until City services were available. He stated that Brandon Cammarata, with the City, had expressed he was not concerned about the exception and would support the request.

Commissioner Clark asked Ms. Kloth for the staff report. Ms. Kloth responded there was no staff report, only the materials package which had been submitted. She stated Environmental Health representatives were here to clarify the situation and answer any questions.

Gary Hickman and Roy Kroeger came forward. Mr. Hickman stated the property was now in the City limits, due to the annexation. The situation required them to go through the 201 exception, since the distance to actual service lines was approximately 300 feet away. He stated the lot in question was only 2.08 acres, and his office had been advised the septic system was failing, but it now appears the applicant just wanted a permit in case the system did fail. It was not policy to make someone connect to city services, until the septic system failed, and a permit could not be issued even if the 201 exception was granted, since the property was now under the City's jurisdiction.

Mr. Kroeger confirmed he issued the denial letter based on the Laramie County Small Wastewater Regulations and the 201 Agreement. He stated Mr. Overstreet had addressed the concerns listed in the denial letter. Mr. Kroeger brought copies of nitrate tests on a 1-mile square area section in the Sunnyside Subdivision, showing 25% of the wells exceeded EPA standards, since 1969. He said Ms. Pendley stated a hardship, but "when and if necessary" was mentioned many times in her letter regarding the replacement of the system. In a meeting with the applicant, she would not specifically say what issues there were with the system.

Commissioner Moffett asked if there were any known problems with the system today? Mr. Kroeger responded not to his knowledge; he had not received any complaints or seen any evidence. Commissioner Reider asked what prompted Ms. Pendley to request a permit to fix the system. Mr. Kroeger said he did not know, and suggested Mr. Overstreet answer the question. Mr. Overstreet responded he was unsure, and perhaps it was in the interest of saving time, should a problem with the system arise. Commissioner Clark asked if he could confirm there were no issues with the system today. Mr. Overstreet confirmed there were no current issues. Commissioner Reider asked if the Health Department had performed a full inspection. Mr. Kroeger responded no, because they could not go on to the property without permission, and had not been invited.

Commissioner Clark opened the hearing for public comment. Hearing no comment, the public portion of the hearing was closed. Commissioner Cole stated availability of water and sewer services to this lot would probably be dependent upon the development of the lot adjacent (north) of this lot. He agreed with the request, IF necessary, but speculated that both lots would probably be purchased and redeveloped. Commissioner Moffett questioned if there was no problem today, and the property was now in the City limits, then how could the County grant exception to City policies. Commissioner Reider asked if the 201 only applied in the County? Mr. Hickman responded the 201 was more for the County areas that were located on the fringe of, or in a non-annexed pocket of, the City.

Commissioner Cole said the applicant was incorrectly advised by the City that there was adjacent service and had required them to annex, in error. Commissioner Reider stated the County was now involved because one of its residents had an issue.

Ms. Kloth clarified that the 201 exception process was structured so that the Board of Commissioners, as well as the City and Board of Public Utilities, had to approve the request, which was why it was before the Planning Commission for recommendation.

Commissioner Cole motioned to approve the exception; Commissioner Reider seconded the motion. Commissioner Clark questioned if the exception was granted, could a permit be issued. Mr. Hickman responded no, because the City ordinance prohibited it. There would have to be a variance to the ordinance. He stated that although forward thinking did make sense, it could be a waste of time and money if it wasn't needed. He added that ultimately this city property would be connected, and he expressed he had issues with the mentioned estimated costs for that connection.

The commission voted 4 – 0, and the motion to approve the exception was passed.

Ms. Kloth informed the commission members that Planning staff was working on updating the Comprehensive Plan.

The meeting was adjourned at 4:05 p.m.