

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

1. **DATE OF PROPOSED ACTION:** July 19, 2016

2. **AGENDA ITEM:** ☐ Appointments ☐ Bids/Purchases ☐ Claims
☐ Contracts/Agreements/Leases ☐ Grants ☒ Land Use: Board App/Subdivision/ZC
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions
☐ Resolutions ☐ Other

3. **DEPARTMENT:** Planning & Development Office

APPLICANT: Cheyenne Board of Public Utilities **AGENT:** Trihydro Corporation

4. **DESCRIPTION:**

Consideration of a Board Approval for the Board of Public Utilities Phase 3 Southern Water Transmission Main project, situated in portions of Sections 3-5, 10, and 15-20, T13N, R66W, of the 6th P.M., Laramie County, WY.

RECEIVED AND APPROVED AS
TO FORM ONLY BY THE
LARAMIE COUNTY ATTORNEY

Amount \$ _____ From _____

5. **DOCUMENTATION:** 1 Originals 0 Copies

<u>Clerks Use Only:</u>	
<u>Commissioner</u>	<u>Signatures</u>
Holmes _____	Co Atty _____
Heath _____	Asst Co Atty _____
Ash _____	Grants Manager _____
Kailey _____	
Thompson _____	
Action _____	Outside Agency _____



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Pepper McClenahan, AICP, Planning Manager

DATE: July 19, 2016

TITLE: Review and action of a Board Approval for the Board of Public Utilities Phase 3 Southern Water Transmission Main project, consisting of approximately 7 miles of water line, situated in portions of Sections 3-5, 10, and 15-20, T13N, R66W, of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

Trihydro Corporation, on behalf of the Cheyenne Board of Public Utilities (BOPU), has submitted an application for Board Approval for Phase 3 of the Southern Water Transmission Main project for the following locations: portions of Sections 3-5, 10, and 15-20, T13N, R66W, of the 6th P.M., Laramie County, WY. The purpose of the application is for approval to construct approximately 7 miles of water transmission pipeline (36-inch, 30-inch, and 20-inch diameter) including pressure reducing stations and other necessary appurtenances. The lines will provide redundancy and improve water flows to Cheyenne's southern water service area.

BACKGROUND

The project is currently in the 90% design phase, the alignment has been established and is not expected to change. Legal descriptions and appraisals for the permanent and temporary easements have been completed and landowner negotiations are currently proceeding. Construction is estimated from Fall of 2016 through December 2017. The proposed route of the pipeline is illustrated on the attached maps and crosses lands zoned Planned Unit Development (PUD), Agricultural (A-2) and Light Industrial (LI). Board approval is required for water pipelines over 12" in diameter, and any changes to the route, once approved, would necessitate another hearing with the Board.

Pertinent Regulations

Section 1-2-100 of the Laramie County Land Use Regulations, governing the Board Approval process.

Section 2-2-104 of the Laramie County Land Use Regulations, governing Work in Public Right-Of-Way.

Section 2-2-127 of the Laramie County Land Use Regulations, governing Highpower Transmission Lines, Water Pipelines over 12 inches in Diameter and Energy Pipelines.

Section 2-2-128 of the Laramie County Land Use Regulations, governing Utility Regulations.

AGENCY REVIEW

Board of Public Utilities:

1. Jack Scoot from the BOPU Office is working directly with TriHydro on this project.

Cheyenne MPO:

1. It looks like the BOPU has taken into consideration the alignments of future roads east of College Drive from PlanCheyenne and the Fox Farm Road Plan. Thank you.

County Engineer:

1. The Contractor and/or Engineer shall notify the County Public Works Department prior to any work in any County Road rights-of-way and floodplain crossings so that the County can observe the work in these areas. Also, the Contractor and/or Engineer shall notify the County Public Works Department after all work is completed within the County rights-of-way and floodplain crossings so that the County can do a final inspection and approval.
2. I do not have any other comments regarding the Board Approval.

County Public Works Department:

1. See County Engineer's review comments.

WYDOT:

1. WYDOT contact for utility licensing is Chuck Muller, charles.muller@wyo.gov. He can also be reached at the number below.
2. Placement within R/W should take into consideration future appurtenances such as traffic signal pole foundations at Wallick Road & South Greeley Hwy.

Cheyenne Light Fuel & Power:

1. On 6/24 I spoke with Tammy Reed about a potential conflict with a natural gas transmission line at Waterford Square near Avenue C4. She and I are investigating the potential conflict.

Agencies Responding with No Comment: County Assessor, Environmental Health Dept., Laramie County School District No. 1, Combined Communications Center.

Agencies Not Responding: Cheyenne Urban Planning Office, County Real Estate Office, Greater Cheyenne Greenway, County Treasurer, County Conservation District, Emergency Management, Fire District No. 1, Sheriff's Office, Charter Cable Services, CenturyLink, South Cheyenne Water and Sewer, SunCor Energy USA Pipeline, Cheyenne Engineering Services, South Cheyenne Community Development.

DISCUSSION

The Laramie County Comprehensive Plan (2016) describes this area as best suited for Urban-Rural Interface/Rural Metro with a mix of more intensive land uses than other areas of the County. These areas are also noted for availability of public water and sewer. The route will run along the border of the Metropolitan Planning Organization (MPO) boundary. Goals in the plan include provision of public utilities to ensure adequate services to customers throughout the County, and to provide adequate services to new development to avoid overburdening of existing services.

The Laramie County Land Use Regulations (2011) requires that water lines over 12" in diameter be approved by the Board. Additionally, public notice is required to be mailed to property owners within 1,500 feet of the route. Staff received two requests from adjacent landowners for location maps clarifying the route. The County received no objections from landowners.

The applicant performed an environmental review as required by the guidelines for the Wyoming State Environmental Review Process. The WDEQ has issued a Finding of No Significant Impact (FNSI) for the project. The project will comply with the design standards of BOPU and WYDEQ water quality regulations. The route proposes to use existing utility corridors/easements when possible and to establish new easements where necessary. BOPU has submitted Floodplain Development Permits for floodplain crossings, which have been reviewed and approved by the County.

Section 2-2-127 (a) Hearing and Approval Required states that:

Prior to approval, the Board shall hold at least one public hearing:

- i. Purpose - The purpose of the hearing shall be to assure that the highpower transmission line, water pipeline over 12", or energy pipeline will be located so as to minimize disruption of existing county residents and land users.

True. See narrative for details.

Section 2-2-128 (a-c) Utility Regulations states that:

- a. Essential Services Utilities are a use by right in all districts and lands in Laramie County.

- b. Those utilities that are not defined as essential service utilities and not otherwise provided for in this regulation require Board approval.
- c. The following criteria shall be met for both essential services utilities and utility facilities:
 - i. For a structure, the setbacks shall conform to the setbacks of the district in which the site is located.
 - ii. Structures shall not be constructed within the sight distance triangle.
 - iii. All access, building, floodplain development and other permits required by the County just be applied for and approved and issued in accordance with this regulation.

Section 2-2-104 (LCLUR) states work within a Public Right-Of-Way shall require permits. The applicant has met with the County Public Works Department with regard to the design standards and permits required to work in the County Right-of-Way.

Section 1-2-100 (a) of the Laramie County Land Use Regulations requires that the Laramie County Board of Commissioners shall find the following before granting Board Approval:

- i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
- ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
- iii. There is no defined negative impact to the community.

The applicant is in compliance with all applicable items above. Staff finds the proposal to be in general conformance with the plans and policies of the Laramie County Land Use Regulations (2011), and the Laramie County Comprehensive Plan (2016).

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:

- a. This application meets the following criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations:
 - i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
 - ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
 - iii. There is no defined negative impact to the community.
- b. This application meets the criteria as provided for in Section 2-2-104 of the Laramie County Land Use Regulations.

- c. This application is in compliance with section 2-2-127 of the Laramie County Land Use Regulations.
- d. This application is in compliance with section 2-2-128 of the Laramie County Land Use Regulations.

and that the Board grants approval for the Board of Public Utilities Phase 3 Southern Water Transmission Main project, situated in portions of Sections 3-5, 10, and 15-20, T13N, R66W, of the 6th P.M., Laramie County, WY with the following conditions:

- 1. Notify the County Public Works Department after completion of work in County rights-of-way and floodplain crossings for final inspection and approval.**
- 2. Complete WYDOT requirements for utility licensing and to plan for placement of future appurtenances such as traffic signal pole foundations at Wallick Road and South Greeley Highway.**
- 3. Resolve any potential conflicts with an existing natural gas transmission line at Waterford Square near Avenue C4 with Black Hills Energy.**

PROPOSED MOTION

I move to grant Board Approval for the BOPU Phase 3 Southern Water Transmission Main project, consisting of approximately 7 miles of water line, with conditions 1-3, and adopt the findings of facts a, b, c and d of the staff report.

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Comprehensive Plan Map
Attachment 3: PlanCheyenne Map
Attachment 4: Zoning Map
Attachment 5: Applicant's Justification Letter
Attachment 6: Resolution

Laramie County, Wyoming

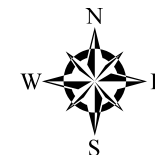


BOPU: Phase 3
BOARD APPROVAL
PZ-16-00103

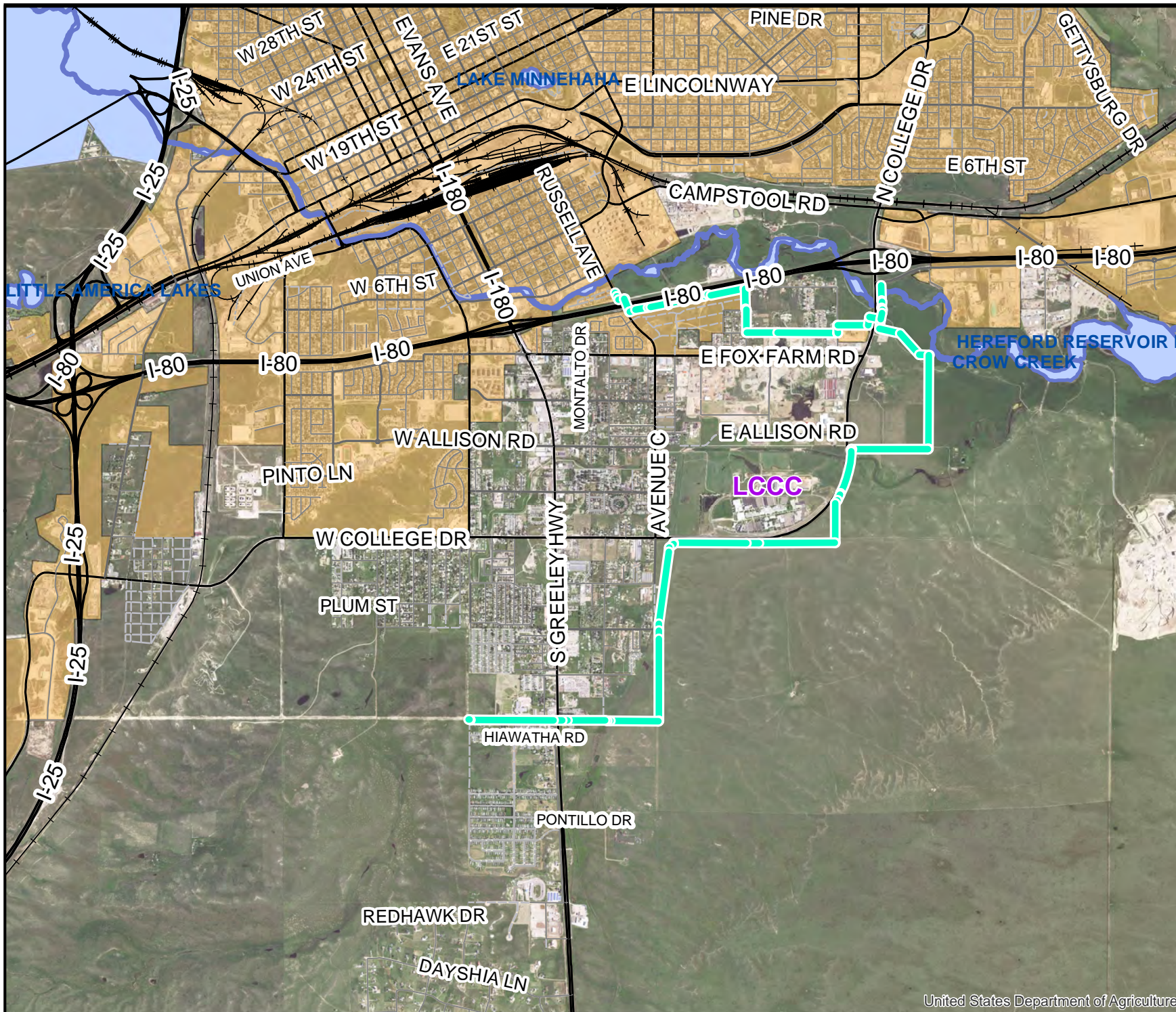
Legend

- PZ-16-00103
- City of Cheyenne

Printed on Jun 07, 2016



0 0.25 0.5 1
Miles



United States Department of Agriculture

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



Date: 7/12/2016

BOPU: Phase 3
BOARD APPROVAL
PZ-16-00103

Legend

— PZ-16-00103

Future Land Use Districts

OTHER

- Urban-Rural Interface (URI)
- Rural Metro (RM)
- Rural Ag Interface (RAI)
- Ag & Range Land (AGR)

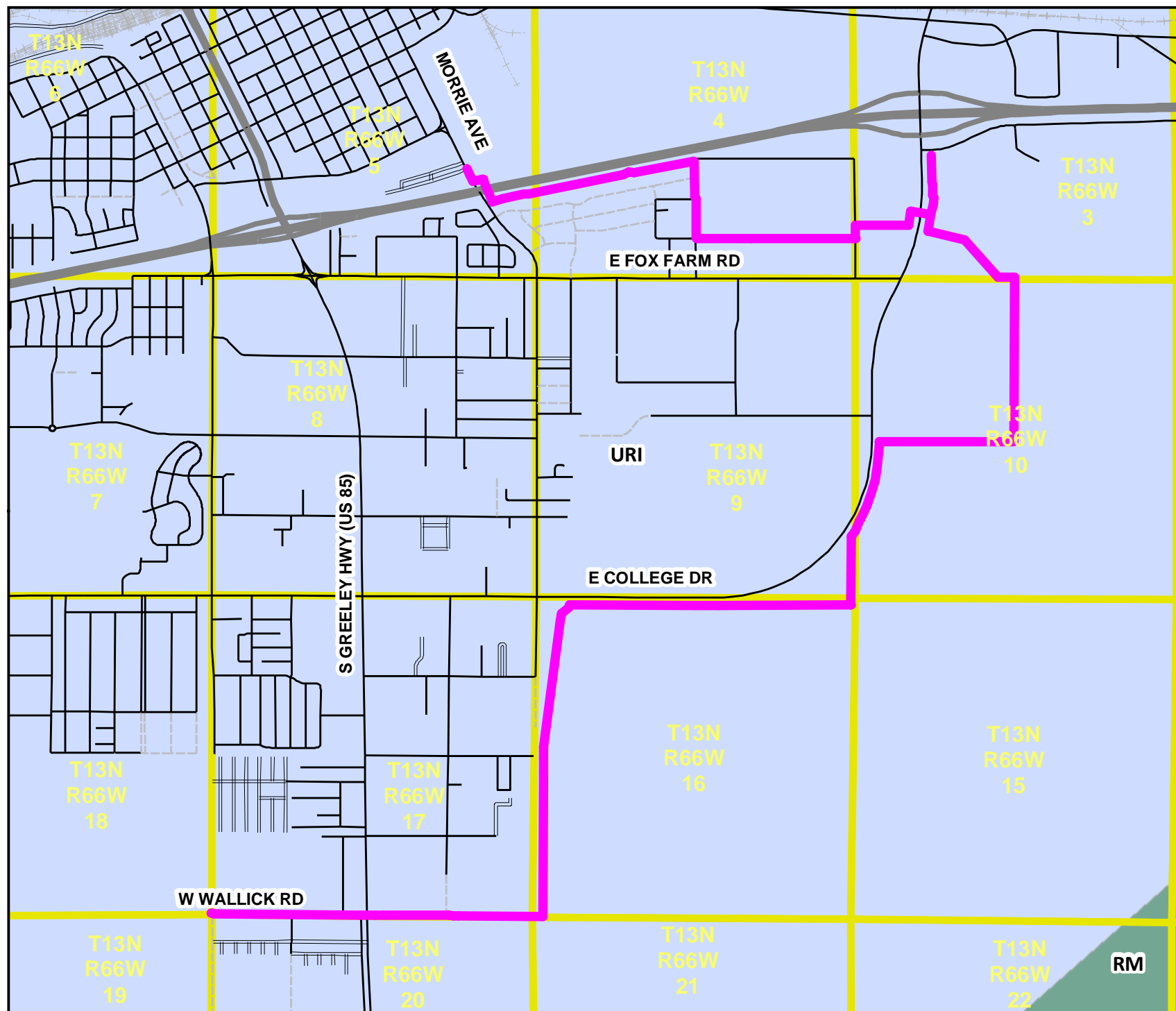
Future Land Use Overlay Districts

OTHER

- Gateway Corridor (GC)
- Recreation Hub (REC)
- Rural Center (RC)



0 950 1,900
Feet



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



BOPU: Phase 3
BOARD APPROVAL
PZ-16-00103

Legend

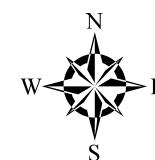
PZ-16-00103

PlanCheyenne (2014)

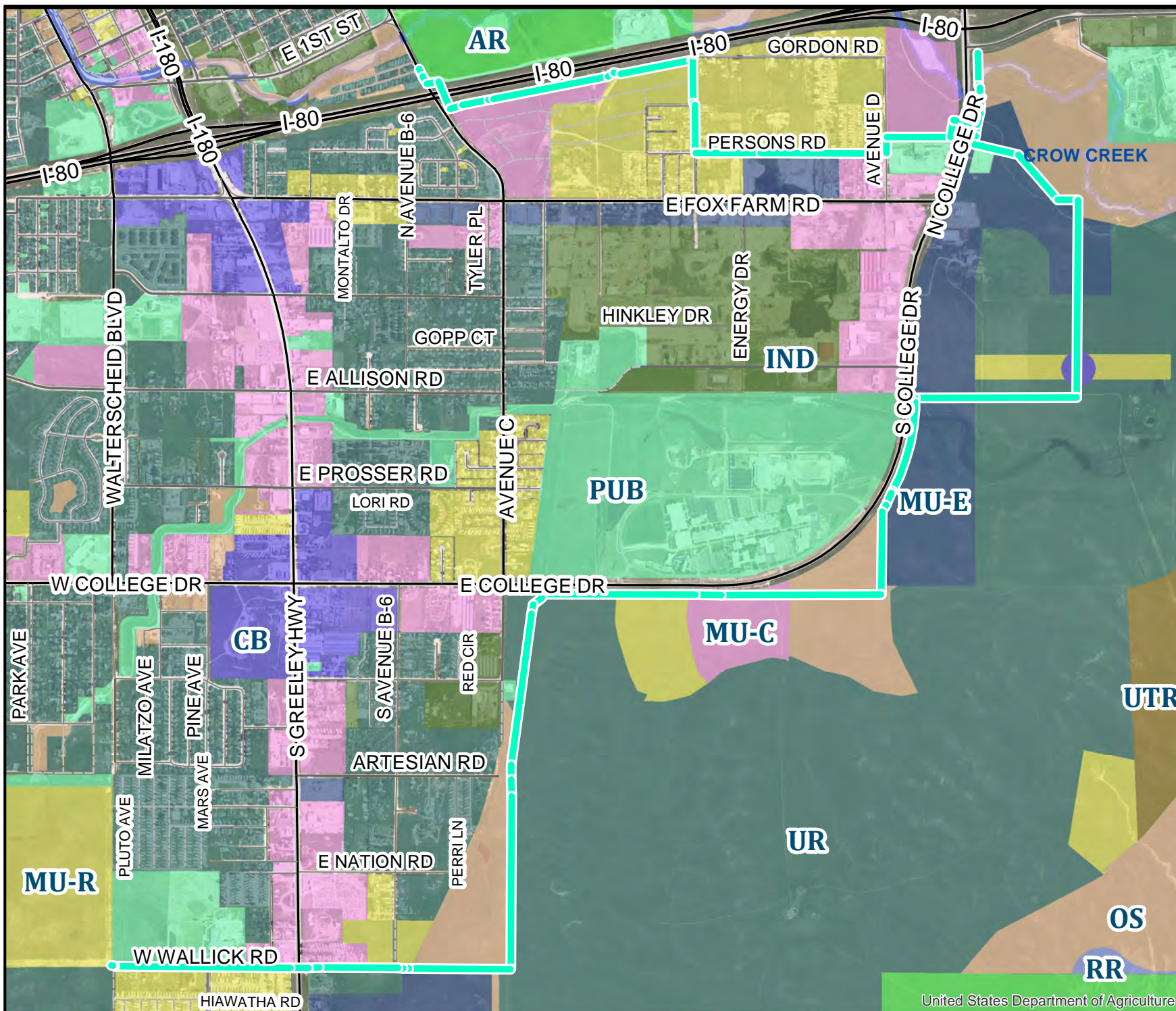
Future Land Use

- AR
- CB
- CBD
- IND
- MU-C
- MU-E
- MU-R
- OS
- PUB
- PUB-FED
- ROW
- RR
- UR
- UTR

Printed on Jun 07, 2016



0 1,000 2,000
Feet



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.

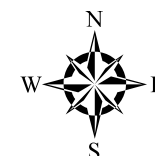
Laramie County, Wyoming



BOPU: Phase 3
BOARD APPROVAL
PZ-16-00103

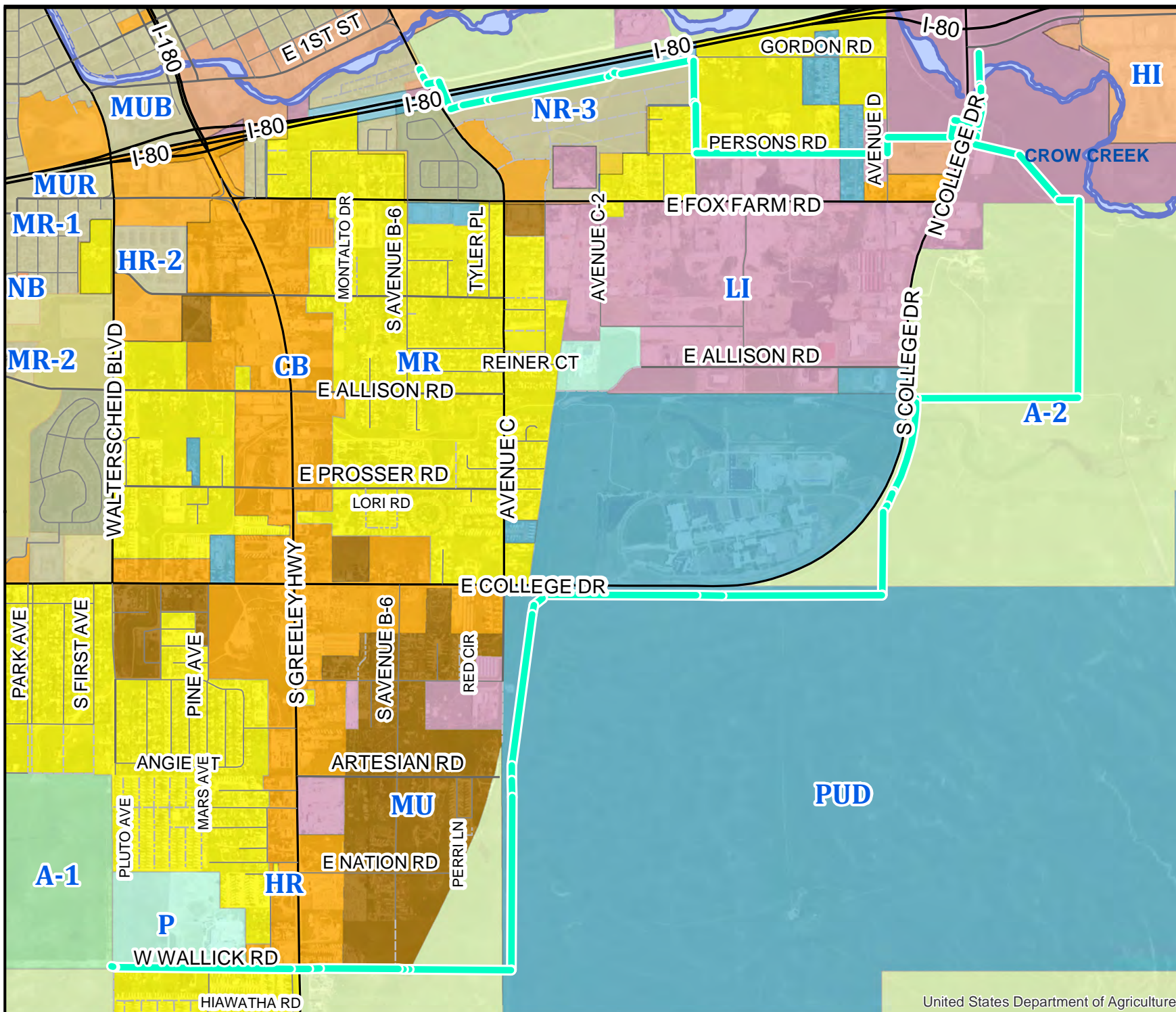
- Legend
- PZ-16-00103
 - All Other Values
 - Archer Special Use District (ASU)
 - Agricultural (A-2)
 - Agricultural and Rural Residential (A-1)
 - Agricultural Residential (AR)
 - Low Density Residential (LR)
 - Medium Density Residential (MR)
 - Neighborhood Business (NB)
 - Mixed Use (MU)
 - Community Business (CB)
 - Light Industrial (LI)
 - Heavy Industrial (HI)
 - Public (P)
 - Planned Unit Development (PUD)
 - Military (M)

Printed on Jun 07, 2016



0 1,000 2,000
Feet

United States Department of Agriculture



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.



June 7, 2016

Ms. Barbara Kloth, AICP, Senior Planner
Laramie County Planning & Development Office
3966 Archer Parkway
Cheyenne, WY 82009

RE: BOPU Southern Water Transmission Main Phase III, Board Approval Application

Dear Ms. Kloth:

The City of Cheyenne Board of Public Utilities (BOPU) is planning the third construction phase of the Southern Water Transmission Main project (Project) in Laramie County, Wyoming. The primary purpose of this Project is to construct approximately 7.0 miles of water transmission pipeline (36-inch, 30-inch, and 20-inch diameter), including pressure reducing stations and other necessary appurtenances. These water mains will provide redundancy and improve water flows to Cheyenne's southern water service area while reducing demand on existing infrastructure. This project construction estimate is \$16 million.

The BOPU is requesting review of the Board Approval Application for the July 19, 2016 Laramie County Board of Commissioners meeting. The required documents listed on the Board Approval Application Checklist are included with this submittal in hardcopy and electronic .pdf format. These documents include the following:

1. Completed application form
2. A check payable to the Laramie County Treasurer for the required application fees (\$200 minimum plus \$182 for 7 number of development signs)
3. This letter explaining how the application meets the necessary findings as defined in Section 1-2-100 of the Laramie County Land Use Regulations
4. Project map
5. Shapefile package of the proposed route

This Project is currently in the 90% design phase. Final construction drawings have not yet been prepared, but the alignment has been established and is not expected to change. Legal descriptions and appraisals for the permanent and temporary easements were completed in January 2016, and landowner negotiations are currently proceeding. The BOPU and consultant team have been working with the landowners since the project's start and we don't foresee issues that would deter progress. The project is



Ms. Barbara Kloth
June 7, 2016
Page 2

planning to bid in Fall 2016, at which time a contractor will be selected. Construction is estimated from Fall 2016 through December 2017.

Laramie County Land Use Regulations Section 2-2-127, requires a public hearing and approval by the Laramie County Board of County Commissioners for water pipelines over 12 inches in diameter. Since this project has 36-, 30- and 20-inch diameter pipelines, a Board Approval process is required. Per the Board Approval Application, this letter serves to explain how this application meets the necessary findings as defined in Section 1-2-100 of the Laramie County Land Use Regulations. There are three necessary findings per section 1-2-100 which are described in bold italics below with a subsequent explanation as to how this application meets these findings.

1-200-100 a.i. The proposed use is permitted by Board approval in the proposed location and in conformance with all applicable development standards. This Phase III water transmission pipeline is a continuation of the Phase II water transmission pipeline. The project map attached to the Board Approval Application shows the Phase III pipeline route. The proposed use is to provide redundancy and improve water flows to Cheyenne's southern water service area while reducing demand on existing infrastructure. The current land uses the pipeline crosses includes public right-of-ways, agriculture, and planned unit development (PUD). The current zoning is public right-of-ways, Agriculture (A-2), PUD, and Light Industrial. A short segment of the pipeline is also located within the City of Cheyenne. The pipeline design is being prepared to comply with BOPU design standards and Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) regulations. The pipeline will be buried a minimum six feet below ground surface.

1-200-100 a.ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County. The proposed use of the Phase III water transmission pipeline is in general conformance with all other applicable policies adopted by Laramie County to the best of our knowledge.

1-200-100 a.iii. There is no defined negative impact to the community. The proposed pipeline alignment is located within current public right-of-ways and on private land. Construction may create some traffic delays for short time frames in public right-of-ways; however, residential and business access will be maintained throughout the construction period.

Additionally, the BOPU has requested funding from the WDEQ State Revolving Fund (SRF) to assist with the construction costs for this project. As part of the WDEQ SRF funding request, the BOPU performed an environmental review as required by guidelines for the Wyoming State Environmental Review Process. On March 7, 2016, the WDEQ issued a Finding of No Significant Impact (FNSI) for this project, which was published in the Wyoming Tribune-Eagle. The FNSI stated the "proposed project would not adversely affect wetlands, prime agricultural lands, threatened, or endangered species habitat, historical sites, or sites with environmentally sensitive characteristics. The primary impacts of the project



Ms. Barbara Kloth
June 7, 2016
Page 3

will be short-term and construction related. A historic railroad bed and a historic highway were identified in the Project Area, but no impacts are expected as the pipeline will bore underneath the railroad and road. Similarly, the proposed pipeline will not affect the wetland within the proposed disturbance path, because the pipeline will bore underneath that feature and other water crossings as well. There are no issues of concern relative to species or habitat listed under the Endangered Species Act. Raptor surveys will be performed before construction to identify potential raptor and eagle nests in the Project Area that may need avoidance during construction, per U.S. Fish and Wildlife Service's request. Furthermore, routine mitigation techniques will be implemented to minimize potential impacts to air quality, water quality, soil, and vegetation."

If you have questions or additional clarification is needed, please do not hesitate to contact me via email at reed@trihydro.com or telephone at (307) 745-7474.

Sincerely,
Trihydro Corporation

Tammy Reed, P.E.
Project Manager

27X-008-001

Attachments

cc: Tim Wilson, Cheyenne Board of Public Utilities, Director
Brad Brooks, Cheyenne Board of Public Utilities
Roger Strube, Project Director, DOWL

RESOLUTION # _____

ENTITLED: A RESOLUTION APPROVING “BOPU PHASE III SOUTHERN WATER TRANSMISSION MAIN PROJECT” LOCATED IN PORTIONS OF SECTIONS 3-5, 10, AND 15-20, T13N, R66W, OF THE 6TH P.M., LARAMIE COUNTY, WY.

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 have previously adopted the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for a board approval pursuant to section 1-2-100 of the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for a board approval pursuant to section 2-2-104 of the Laramie County Land Use Regulations.

WHEREAS, this application meets the criteria for a board approval pursuant to section 2-2-127 of the Laramie County Land Use Regulations.

WHEREAS, this application meets the criteria for a board approval pursuant to section 2-2-128 of the Laramie County Land Use Regulations.

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 compliance with section 1-2-100 of the Laramie County Land Use Regulations.
- b. This application is in compliance with section 2-2-104 of the Laramie County Land Use Regulations.
- c. This application is in compliance with section 2-2-127 of the Laramie County Land Use Regulations.
- d. This application is in compliance with section 2-2-128 of the Laramie County Land Use Regulations.

and that the Laramie County Board of Commissioners grants approval for “BOPU Phase III Southern Water Transmission Main” located in portions of Sections 3-5, 10, and 15-20, T13N, R66W, of the 6th P.M., Laramie County, WY with the following conditions:

1. Notify the County Public Works Department after completion of work in County rights-of-way and floodplain crossings for final inspection and approval.
2. Complete WYDOT requirements for utility licensing and to plan for placement of future appurtenances such as traffic signal pole foundations at Wallick Road and South Greeley Highway.
3. Resolve any potential conflicts with an existing natural gas transmission line at Waterford Square near Avenue C4 with Black Hills Energy.

PRESENTED, READ, PASSED, APPROVED AND ADOPTED this _____ day of

_____, 2016.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Buck Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Mark T. Voss, Laramie County Attorney