



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Justin Arnold, Planning Program Manager

DATE: August 6, 2024

TITLE: Board Approval of an Exception to the 201 Sewerable Area Agreement for a portion of Sunnyside Addition; 4th Filing: Tracts 137-140, more particularly Sunnyside Resubdivision; Lots 33 and 34. Laramie County, Wyoming, also known as 4614 East Pershing Boulevard.

James and Lydia O'Connor, owners of a tract located at 4614 East Pershing Boulevard are requesting an exception to the 201 Agreement between the City of Cheyenne and Laramie County. In order for the exception to proceed in the process, approval by the County's governing body is required.

An application denial for a permit to install a small wastewater system on the aforementioned property precipitated the exception request with reasoning and supporting documentation provided in the addendum to this memo.

Pursuant to the provisions of the referenced agreement, the Laramie County Planning Commission has been provided the application materials and has not relayed any concerns regarding the proposed exception.

RECOMMENDATION and FINDINGS

Based on evidence provided, the Planning Commission and staff recommend the Board find that:

- a. This application meets the criteria for a 201 Exception pursuant to section Section 4.1 (c).

and that the Board may approve the 201 Exception with no conditions.

PROPOSED MOTION

I move to approve the 201 Exception for Laramie County, Wyoming.

ATTACHMENTS

Attachment 1: 201 Exception Submittal

Attachment 2: Map Exhibit

Attachment 3: Resolution – 201 Exception

Exception to the 201 Agreement

James and Lydia O'Connor

We come before you to request an exception to the "201 Facilities Memorandum of Agreement" between Cheyenne City and Laramie County. Section 4 of the Memorandum of Agreement permits exceptions for a number of reasons. We request an exception on the following grounds:

- 1) Section 4.1.(b) states: the proposed exception can be shown not to be detrimental to the public health, safety and welfare.

We worked closely with Laramie County Environmental Health and a local contractor to devise a plan and design for a new leach field system that would meet all standards.

- 2) Section 4.1.(c) states: the exception will alleviate a clearly demonstrable hardship and compliance with the Facility Plan will exacerbate this hardship. A hardship will be determined based upon a cost/effectiveness study of the sewer service provision to the property seeking exception.

Connecting to the closest available sewer line would bankrupt our family. Cheyenne Board of Public Utilities calculated the cost to connect to the closet sewer line available to our property. As shown in the estimate attached, the cost to hook into city would be \$316,650 in addition to the costs for design, surveying and construction. This amount is more than our property is worth and clearly puts our family in an extreme hardship.

In contrast, the quote from Miller Industrial Services, LLC estimates that an improved septic system on our property would cost \$14,500.

The cost differential between \$316,650 (plus costs for design, surveying and construction) and \$14,500 is extreme. It would be impossible for our family to financially afford connecting to city sewer. For these reasons, we respectfully request that our exception be approved.

Thank you,

James and Lydia O'Connor

4614 E Pershing Blvd

Cheyenne, WY 82001

508-405-6109

jaoconnorusa@gmail.com



June 13, 2024

James O'Connor
4614 E Pershing
Cheyenne, WY 82001

Dear Mr. O'Connor,

On June 13, 2024, our office received your application for a permit to install a small wastewater system on a parcel of property located in Sunnyside Addition 4th Filing Tracts 137-140, Section 27, Township 14, Range 66. After careful review of your application this office cannot issue a small wastewater permit at this time for the following reasons:

1. Installation of a new septic system on a property which is contiguous to the City of Cheyenne is prohibited in the Service Area boundary and is not in compliance with the "201 Facilities Plan" or the "201" agreement.

In order to appeal the Cheyenne Laramie County Public Health final decision; you must file a written request for hearing with the Laramie County Commissioners within sixty (60) days of receipt of this denial notification. Paperwork must be filed with the Cheyenne and Laramie County Planning Commissions, County Commissioners and City Council and request made to be placed on their agenda. At those meetings, you must demonstrate to the governing bodies that your request for exception should be granted by meeting the criteria for exception. Your application for the small wastewater system will be held until we hear from you.

If you have any questions concerning anything in this letter, please feel free to contact me at 100 Central Ave or call at 633-4090.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tiffany Gaertner".

Tiffany Gaertner, Supervisor, Division of Environmental Health



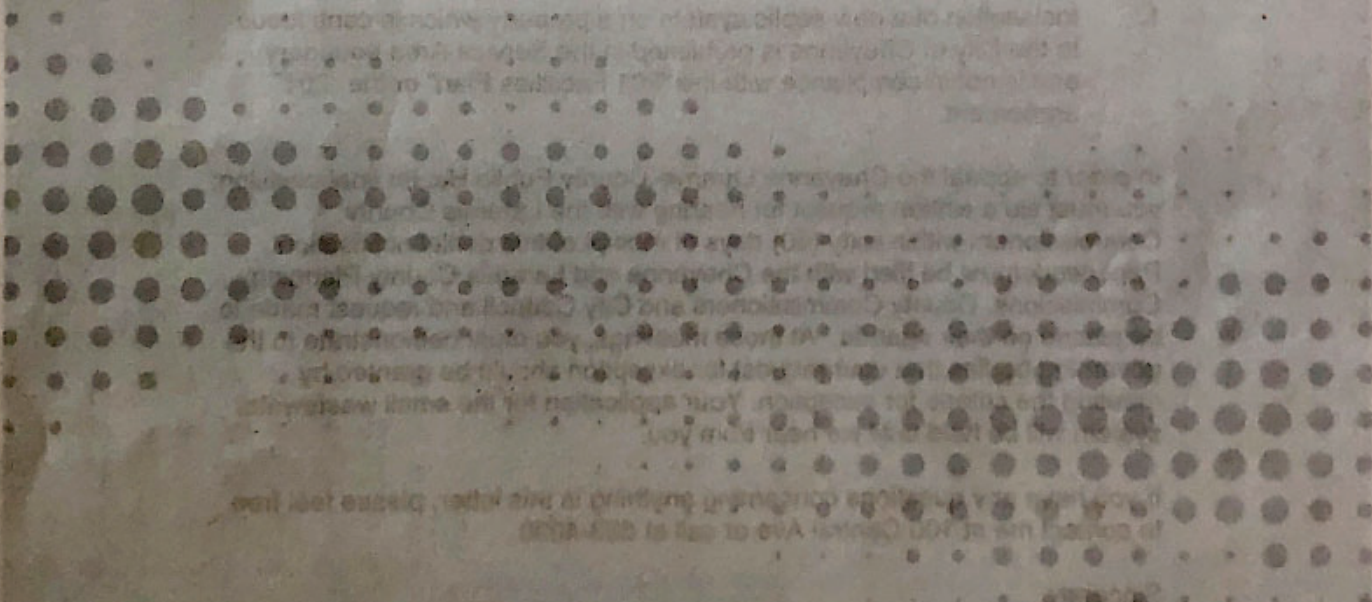


Cheyenne
**Laramie County
Public Health**

Laramie County
Public Health

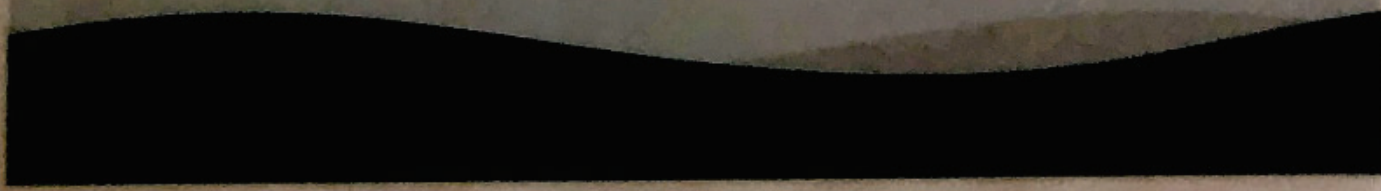


- cc: Kathy Emmons, Director, Cheyenne Laramie County Public Health
- Laramie County Attorney
- Laramie County Development Office
- Laramie County Planning
- Laramie County Commissioners
- Cheyenne Planning Commission
- Cheyenne Mayor's Office
- Chairman, Cheyenne City Council
- DEQ, Water Quality Division



[Handwritten signature]

Theresa Gaudet, Director, Division of Environmental Health





Board of Public Utilities

Cheyenne Water and Sewer Departments

2416 Snyder Ave.
Cheyenne, Wyoming 82001
(307) 637-6460
***.cheyennebopu.org

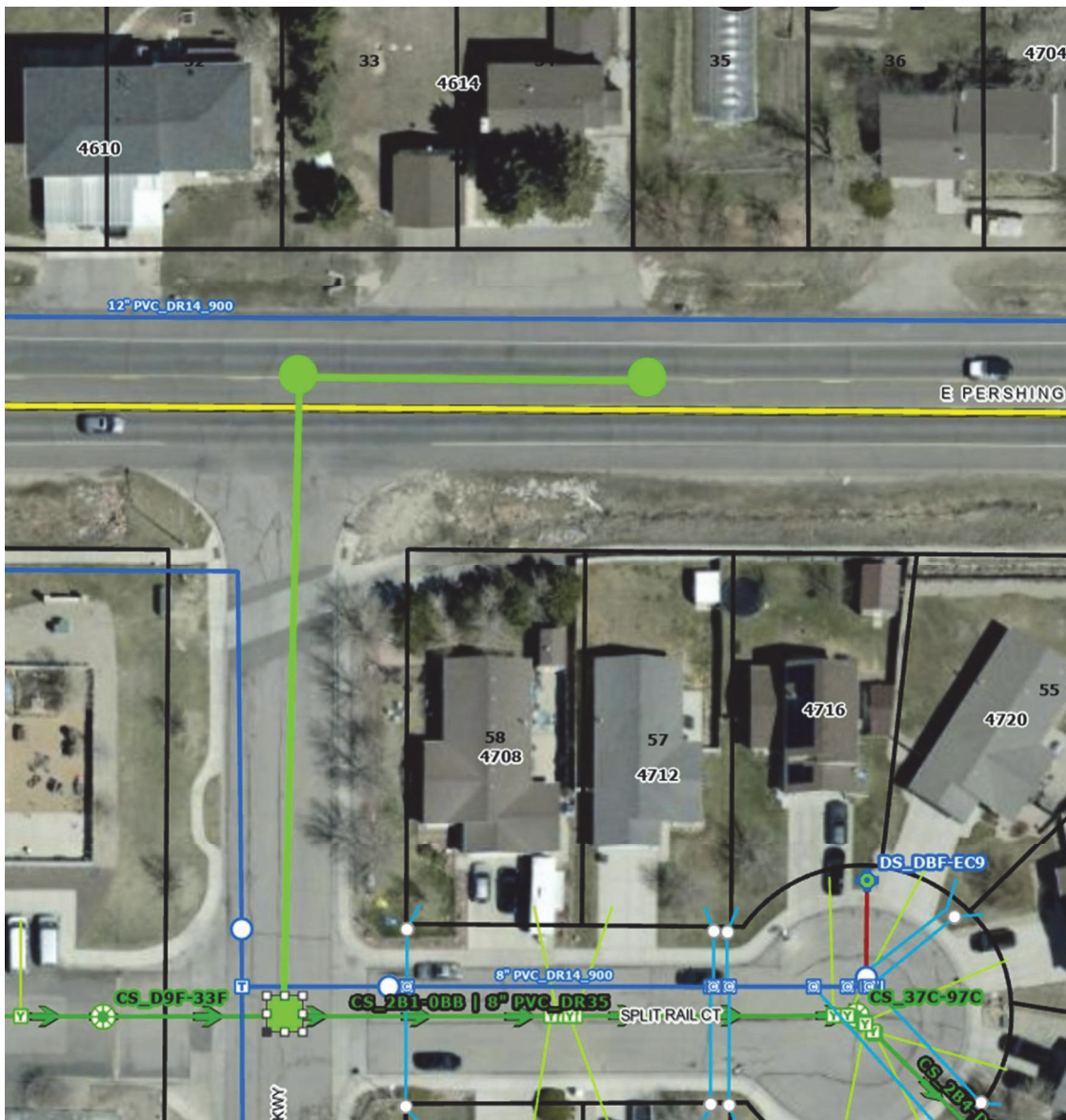
June 19, 2024

James O'Connor
4614 E Pershing Blvd
Cheyenne, WY 82001

RE: Sewer Extension Cost

Mr. O'Connor

As requested, we have evaluated the cost to extend BOPU sanitary sewer main to serve your property at 4614 E Pershing Blvd. There is currently a sewer main in the intersection of Grassland Parkway and Split Rail Court that could be extended as shown below.



The estimated cost for the construction of the sewer main is shown below and does not include the cost for survey and design. The cost for design and construction of the sewer main would be your responsibility.

| Item | Unit | Quantity | Unit Price | Extended Price |
|--|------|----------|--------------|----------------|
| Mobilization | LS | 1 | \$ 25,000.00 | \$ 25,000.00 |
| Bonds & Insurance | LS | 1 | \$ 5,000.00 | \$ 5,000.00 |
| Stormwater Control | LS | 1 | \$ 5,000.00 | \$ 5,000.00 |
| Site Safety & Traffic Control | LS | 1 | \$ 10,000.00 | \$ 10,000.00 |
| Remove Asphalt Pavement | SY | 400 | \$ 18.00 | \$ 7,200.00 |
| Remove Concrete Valley Pan | SF | 270 | \$ 22.00 | \$ 5,940.00 |
| Bypass Pumping | LS | 1 | \$ 8,000.00 | \$ 8,000.00 |
| 8" PVC sewer main | LF | 330 | \$ 175.00 | \$ 57,750.00 |
| R&R 48" dia manhole, 10'-15' deep | EA | 1 | \$ 18,000.00 | \$ 18,000.00 |
| New 48" dia manhole, 10'-15' deep | EA | 2 | \$ 15,000.00 | \$ 30,000.00 |
| Import Backfill | CY | 1000 | \$ 55.00 | \$ 55,000.00 |
| Asphalt Paving 6" | SY | 400 | \$ 180.00 | \$ 72,000.00 |
| Crushed Base 6" | SY | 430 | \$ 17.00 | \$ 7,310.00 |
| Concrete Valley Pan 8" | SF | 270 | \$ 35.00 | \$ 9,450.00 |
| Pavement Striping (double yellow) | LF | 250 | \$ 4.00 | \$ 1,000.00 |
| Total | | | | \$ 316,650.00 |

If you have any questions or require additional information, please contact me at any time.

Respectfully

Frank A Strong IV

Digitally signed by Frank A Strong IV
 DN: C=US, E=fstrong@cheyennebopu.org, O=City
 of Cheyenne BOPU, CN=Frank A Strong IV
 Date: 2024.06.19 08:10:32-06'00'

Frank A Strong IV, P.E.
 Engineering and Water Resources Division Manager
 307.637.6416
fstrong@cheyennebopu.org

MILLER INDUSTRIAL SERVICES, LLC

4178 CR 207
CARPENTER, WY 82054
(307)649-2289

Estimate

| Date | Estimate # |
|-----------|------------|
| 2/18/2024 | 2669 |

| Name / Address |
|--|
| James O'Connor 4614 E. Persing BLVD Cheyenne, WY 82001 |

| Project |
|---------|
| |

| Description | Qty | Rate | Total |
|---|-----|-----------|-----------|
| Install a new drain field (bed type) approximately 1200 sf. | | 14,500.00 | 14,500.00 |

| | | |
|---|--------------|-------------|
| Thank you for the opportunity to submit a bid on your project. Call if you have questions. Brant | Total | \$14,500.00 |
|---|--------------|-------------|

RESOLUTION NO. _____

A RESOLUTION GRANTING AN EXCEPTION FOR DEVELOPMENT OF SMALL WASTEWATER SYSTEMS PURSUANT TO THE "201 AGREEMENT" FOR PROPERTY DESCRIBED AS A PORTION OF SUNNYSIDE ADDITION, 4TH FILING: SUNNYSIDE RESUBDIVISION; LOTS 33 AND 34. LARAMIE COUNTY, WYOMING, ALSO KNOWN AS 4614 EAST PERSHING BOULEVARD

WHEREAS, a Memorandum of Understanding was entered into on the 25th day of April 1983, between the City of Cheyenne, the County of Laramie, the Cheyenne Board of public utilities, and the South Cheyenne Water and Sewer District, for participation in the implementation of the findings of the 201 Facilities Plan Final Report for the City of Cheyenne, the South Cheyenne Water and Sewer District, and Laramie County ("201 Agreement"); and

WHEREAS, Section 4.0 of the 201 Agreement provides for development that is not consistent with the proposed 201 Facilities Plan to be granted for specific reasons; and

WHEREAS, James and Lydia O'Connor submitted an application to the Cheyenne-Laramie County Health Department to install small wastewater systems for a property located in Laramie County, described as a tract of land in a portion of Sunnyside Addition, 4th Filing: Sunnyside Resubdivision; Lots 33 and 34. Laramie County, Wyoming, also known as 4614 East Pershing Boulevard.

WHEREAS, the Cheyenne-Laramie County Health Department denied the small wastewater permit because new septic systems are prohibited on property within the 201 sewerable boundary and is not in compliance with the 201 Facilities Plan or 201 Agreement; and

WHEREAS, the property owner is appealing the decision of the Health Department by requesting an exception provided for under Section 4.1 (c) of the 201 agreement, and allow for the development of a temporary small wastewater system on the property; and

WHEREAS, the Board of Commissioners of Laramie County has considered the proposed exception and determined that a demonstrable hardship exists, and the property owner should be allowed to install a small wastewater system on the property.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that it grants an exception for the development of a small wastewater system on the property known and described above as a tract of land in a portion of Sunnyside Addition, 4th Filing: Sunnyside Resubdivision; Lots 33 and 34, Laramie County, Wyoming, also known as 4614 East Pershing Boulevard pursuant to Section 4.1 (c) of the 201 Agreement as applied to the above-described property.

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's Office