

**RESOLUTION NO. \_\_\_\_\_**

**ENTITLED: "A RESOLUTION GRANTING AN EXCEPTION TO THE '201 AGREEMENT' FOR THE OWNER OF THE PROPERTY LOCATED ON A PORTION OF THE SW1/4 SECTION 13 TO ALLOW INSTALLATION OF ON-SITE SEWAGE HOLDING TANKS (SEPTIC SYSTEM) LOCATED WITHIN LARAMIE COUNTY."**

WHEREAS, on April 25, 1983, the City of Cheyenne ("City"), the County of Laramie ("County"), the City of Cheyenne Board of Public Utilities ("BOPU"), and the South Cheyenne Water and Sewer District ("District") entered into an agreement entitled "Memorandum of Agreement: Intergovernmental Contract Agreeing to Participate 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" (f/k/a "201 Agreement");

WHEREAS, the 201 Agreement defines the respective responsibilities and obligations of the signatory governmental entities with respect to the implementation of the "201 Facilities Plan" that was created in response to the requirements of Section 201 of the Federal Water Pollution Control Act;

WHEREAS, one of the principal purposes of the 201 Agreement is to ensure that wastewater (i.e. sewage) generated in the areas immediately surrounding the corporate limits of the City of Cheyenne would preferentially be disposed of through the sanitary sewer systems operated by BOPU;

WHEREAS, the 201 Agreement defines the "service area boundary" sometimes referred to as the "sewerable boundary" or "201 Area" as the area that "can be provided with Municipal Sewage Treatment Services via gravity flow";

WHEREAS, an Applicant is requesting a 201 Exception as owner of a commercial property which lies within the Laramie County jurisdiction as well as within the 201 Area, specifically Parcel Identification Nos. 13671330000100 which is 36.12-acres in size; legally described as 13-67: POR OF SW1/4 SEC 13, DESC AS: BEG AT A 2 1/2" DIAMETER IRON PIPE WITH A 3" DIAMETER ALUMINUM CAP BEING A SEC COR COMMON TO SEC 13, 14, 23 AND 24; TH N 00 DEG 08' 00" E, ALONG THE SEC LINE COMMON TO SEC 13 AND 14, 1904.58' TO A 1/2"X24" IRON PIPE ON SD SEC LINE; TH N 00 DEG 08' 00" W, ALONG SD SEC LINE, 400.00'; TH N 89 DEG 56' 41" E, 367.20'; TH S 23 DEG 52' 33" E, 1516.40' TO A PNT ON THE R/W OF CBNQ AND SFRR; TH S 31 DEG 54' 23" W, 1081.25' TO A 3/4" IRON PIPE ON THE SEC LINE COMMON TO SEC 13 AND 24; TH S 89 DEG 56' 41" W, ALONG SD SEC LINE, 414.86' TO THE POB.;

WHEREAS, the Applicant seeks to install as septic holding system at a cost of approximately nine thousand three hundred dollars (\$9,300) rather than pay an estimated nine hundred forty-eight thousand seven hundred fifty thousand dollars (\$948,750) cost to extend sanitary sewer service from the intersection of College Drive and Southwest Drive;

WHEREAS, pursuant to Section 3.4.(d) of the 201 Agreement, Laramie County government agreed to work with the City-County Health Unit to "ensure that no new permits for small wastewater treatment systems [septic systems] within the service area boundary that are inconsistent with the Facility Plan are issued";

WHEREAS, exceptions for the installation of small wastewater treatment systems (septic systems) may be granted pursuant to Section 4.1 of the 201 Agreement;

WHEREAS, the Applicants have applied for an exception pursuant to Section 4.1.(c) of the 201 Agreement which provides as follows:

4.1 Exceptions can be granted for the following reasons . . . (c) 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 sewer service provision to the property seeking the exception;

WHEREAS, on November 6, 2023, the City Planning Commission recommended that the Governing Body grant the 201 Exception based on a finding that the exception demonstrates substantial compliance with the proposed Facility Plan under Section 4.1.(c) of the 201 Agreement to permit the installation of sewage holding tanks on the subject property; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING, that the exception is in substantial compliance with the proposed Facility Plan, as the property does not have sanitary sewer readily available. The closest sewer main is within College Drive to the north. The applicant has provided a cost estimate to extend the sewer main compared to installing the proposed holding tank / dump station. The estimated cost to tie into the City sanitary sewer system would be approximately \$948,750.00. The cost to install the proposed dump station would cost approximately \$9,300.00. Extending the sewer main and tying into the City sewer system would be a hardship based upon a cost/effectiveness study;

BE IT FURTHER RESOLVED, that the City of Cheyenne hereby consents to the granting of an exception pursuant to Section 4.1.(c) of the 201 Agreement to permit installation of a septic holding system, subject to the following conditions:

1. The sewage holding tank(s) shall be serviced in a manner as required by Cheyenne-Laramie County Health Department.
2. Should city sanitary sewer become more readily available (within 1000-feet of the property if no lift station is required or within 100-feet of the property) the proposed future office building will be required to connect into the city sanitary sewer system by way of annexation or by seeking an outside user's agreement.

PRESENTED, READ AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

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Patrick Collins, Mayor

(SEAL)

ATTEST:

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Kristina F. Jones, City Clerk