

**Agenda Item: Plat - Preliminary**

Title: Mountain West Estates Subdivision: A preliminary plat for eight lots out of a parcel of land 40.35 acres in size.

Recommended Council MOTION:

Move to **approve** the Mountain West Estates Subdivision Preliminary Plat, based on findings of fact and conclusions of law, and subject to all Staff's recommended conditions.

Administrative or Policy Goal:

Platting of unplatted property is in accordance with the goals of the Comprehensive Plan and the Major Street Plan. The proposed subdivision is in compliance with the Comprehensive Plan and Major Street Plan.

The plat is in the one-mile extraterritorial jurisdiction, and therefore requires City and County approval of the plat before it is effective. City staff has discussed this subdivision with County staff to ensure a consistent review. County staff has not voiced concern with any of the City's conditions.

Update:

At the August 4th meeting this item was postponed because the applicant submitted a revised Preliminary Plat the day of the meeting and staff had not had sufficient time to review the revisions. Staff has reviewed the plat and notes the following changes:

1. Access easements have been added to the plat. A 40' wide non-exclusive access easement has been added on the eastern edge of Lot 3, Block 1 and a 40' wide non-exclusive access easement was along the boundary of Lots 5 and 6, Block 1. These access easements were existing and had been accidentally omitted from the prior Preliminary Plat.
2. A drainage easement has been added along the boundary of Lots 3 and 4, Block 1 per the request of the County Engineer.
3. A Utility Easement has been added within the non-exclusive easement within the non-exclusive right-of-way that parallels U.S. 30 / Grand Avenue.
4. Several lot sizes have now deviated above or below the former pattern of approx. five acres each with little variation. Lot sizes range from 3.75 - 5.9 acres. However, the overall approx. 5 acre average remains.
5. Several minor plat revisions were made per request of City staff.
6. The revised plat now states conditions of approval per County Commissioners' approval on July 21, 2015.

Staff re-reviewed the revised Preliminary Plat – specifically the effect of the access easements. Re-review included a peer review of the changes by John Wetstein of Wester-Wetstein & Associates, Inc. who completed the initial City SSI peer review. It was determined by Wetstein that “the level of risk from vehicle traffic would remain the same” within the easement and that “the burden of protection of

the Casper Aquifer will be placed upon the easement owner to demonstrate the proper protection of the aquifer, when and if, this easement is utilized.” Wetstein’s re-review letter is attached.

The revised Preliminary Plat is attached. Staff’s overall recommendation, including recommended conditions of approval, remain unchanged.

Background (from Aug. 4 cover sheet):

This application for Preliminary Plat was received on May 29, 2015. The preliminary plat proposes an 8-lot residential subdivision out of a 40.35 acre parcel of land located east of Grand Avenue, west of Sherman Hill Road and south of Happy Jack Trail. Lot sizes range from 5.00 acres to 5.29 acres with frontage on Sherman Hill Road and Happy Jack Trail. Frontage, but not access, also exists on Interstate 80 / U.S. Highway 30.

The Planning Commission held a public hearing and reviewed this Preliminary Plat on July 13, 2015. Planning Staff had recommended postponement of the item to a later date to provide adequate time to prepare and advertise a Comprehensive Plan Amendment clarifying conflicts in Chapter 7, Urban Growth, to allow for review of the Preliminary Plat.

The July 13, 2015 Planning Commission Staff report is not attached as it did not provide relevant information regarding analysis of the plat – simply background information and a recommendation that the Planning Commission postpone action on the Preliminary Plat. Please see staff’s attached “City Council Memorandum” detailing analysis of the Preliminary Plat.

Legal/Statutory Authority:

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Wyoming State Statutes Title 34 Property Conveyances and Security Transactions, Chapter 12 Platting and Dedication
- Laramie Comprehensive Plan 2007
- Major Street Plan

BUDGET FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service	\$1,780.00	Application Fee
Grant		
Loan		
Other		
Total	\$1,780.00	

Responsible Staff:

Future dates are subject to change

Randy Hunt AICP, Community
Development Director, 721-5288

Charles Bloom, Senior Planner, 721-5232

Work Session	
Advertised	
Public Hearing (PH) Held	7/13/2015 (Planning Commission)
PH Advertised	6/27/2015
Introduction/1 st Reading	8/4/2015, 8/18/2015
2 nd Reading	N/A
3 rd Reading	N/A

Attachment:

Wetstein of Wester-Wetstein & Associates, Inc. re-review letter
City Council Memorandum
Revised Preliminary Plat

CMO City Manager _____ City Attorney RAH Community Development

Wester-Wetstein & Associates, Inc.

Consultants in Engineering and Hydrogeology

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P.O. Box 2202

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Larry Wester, P.E.
John Wetstein, P.E., P.G.

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August 7, 2015

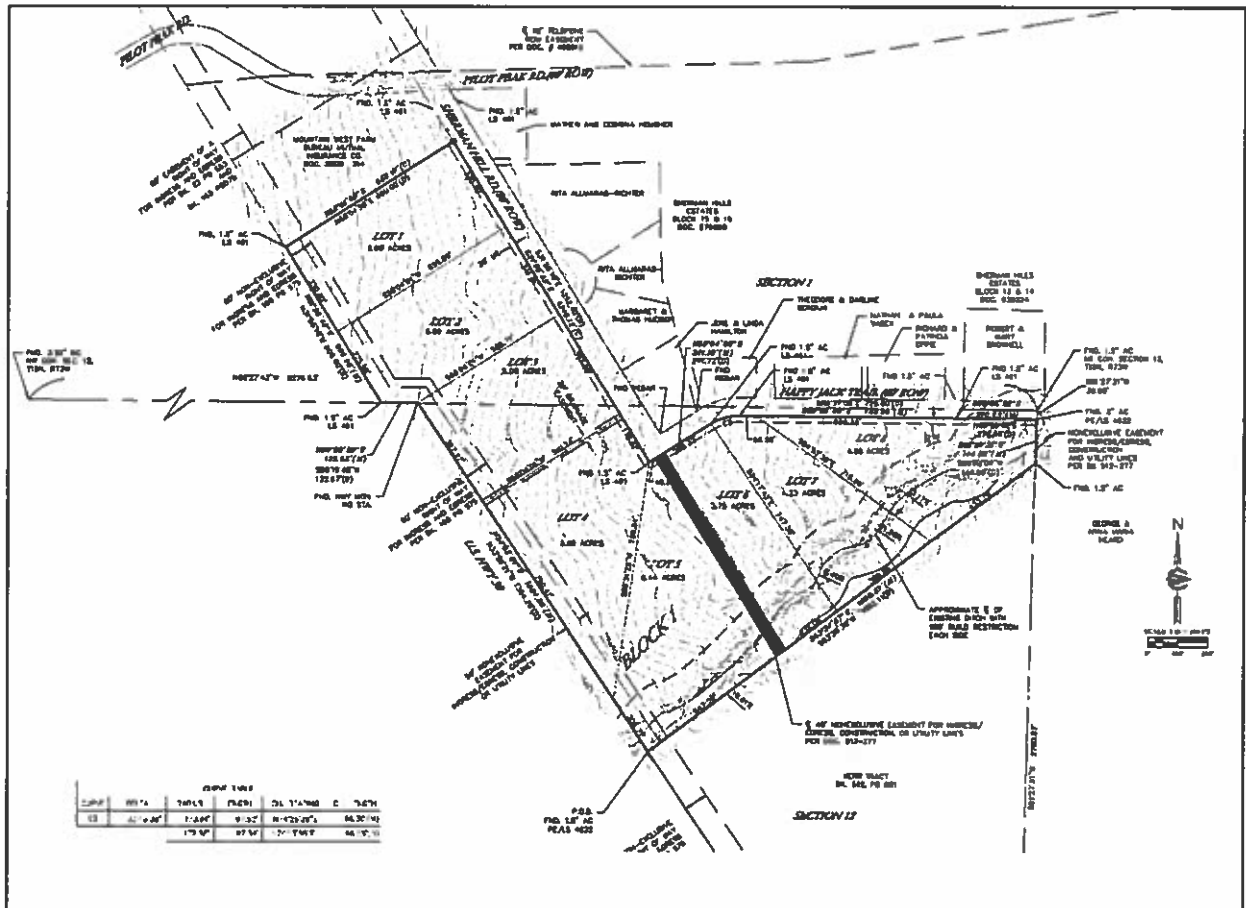
City of Laramie
City Manager's Office
P.O. Box C
Laramie, Wyoming 82073

Attn.: Mr. Darren Parkin
Water Resources Manager

Re: Site Specific Investigation
Mountain West Estates Subdivision
Technical Review – Revised Plat

Dear Mr. Parkin:

This letter serves to present the findings of our technical review of the site specific investigation prepared by Weston Engineering, Inc. (Weston) and presented to Albany County for the proposed Mountain West Estates Subdivision located within the Casper Aquifer Protection Area. This review was specific to the potential impacts to the Casper Aquifer from the revised plat which was modified to address the ingress/egress/construction/utility easement located between the revised lots (Block 1, Lot 5 and Block 1, Lot 6) (See Figure Below).



The proposed ingress/egress easement crosses the one vulnerable feature that was identified within the setback distance of the development area. This is an ephemeral drainage located along the eastern boundary of the proposed subdivision. As addressed in the site specific investigation prepared by Weston, mitigation of the potential impacts of this vulnerable feature to the Casper Aquifer were addressed by identifying and incorporating a "build restriction" area 100 feet on each side of the drainage centerline. This building restriction zone, along with the ephemeral drainage's location along the eastern boundary, will limit the subdivision improvements to be constructed down gradient from this drainage. In the original plat, access to the proposed development across this ephemeral drainage would have taken place along established roads and, therefore, the only increased risk of contamination to the Casper Aquifer via this ephemeral drainage would have been the slight traffic increase imposed by the addition of these eight residential lots.

The development of the proposed Mountain West Estates Subdivision will have no bearing on the potential risk to the aquifer due to the location of this easement. This easement was in place prior to the proposed development of the subdivision. If the owner of the easement wishes to utilize and improve the surface conditions to allow vehicles to travel across the critical drainage, then the burden of protection of the Casper Aquifer will be placed upon the easement owner to demonstrate the proper protection of the aquifer, when and if, this easement is utilized.

With respect to the development of the Mountain West Estates Subdivision, the location of this easement will not increase the risk to the Casper Aquifer. With respect to the increased potential of risk to the aquifer if a road were constructed across this drainage, we do not feel that there is an increased risk to the aquifer. Utilization of this road would essentially just transfer the same level of risk of a vehicle traveling across the drainage from the crossing at Happy Jack Trail to the easement roadway. The number of vehicles crossing the drainage would remain the same whether the Kerr easement road was in place or not, therefore, the level of risk from vehicle traffic would remain the same. The area of dust control would increase, but the typical product for dust control is magnesium chloride which does not pose a threat to the quality of the Casper Aquifer. The levels of chloride in the Casper Aquifer are quite low, less than 10 mg/l. EPA's Secondary Drinking Water Standard for chloride is 250 mg/l, therefore, due to the limited area of road exposure crossing the drainage and the very low intrinsic levels of chloride, the application of a magnesium chloride dust suppressant will not pose an increased risk to the quality of the Casper Aquifer.

If you have any questions concerning this letter, please do not hesitate to call.

Respectfully submitted,
Wester-Wetstein & Associates, Inc.



John Wetstein

Wastewater Virus/Bacterial Treatment References

Anderson, D.L., A.L. Lewis, and K.M. Sherman. 1991. Human Enterovirus Monitoring at Onsite Sewage Disposal Systems in Florida. In *On-site Wastewater Treatment: Individual and Small Community Sewage Systems*, Proceedings of the Sixth National Symposium on Individual and Small Community Sewage Systems, December 16-17, 1991, Chicago, IL, pp. 94-104. American Society of Agricultural Engineers, St. Joseph, MI.

Anderson, D.L., R.J., Otis, J.I. McNeillie, and R.A. Apfel. 1994. In-situ Lysimeter Investigation of Pollutant Attenuation in the Vadose Zone of a Fine Sand. In *On-site Wastewater Treatment: Proceedings of the Seventh International Symposium of Individual and Small Community Sewage Systems*. American Society of Agricultural Engineers, St. Joseph, MI;

Ayres Associates. 1993c. The Capability of Fine Sandy Soils for Septic Tank Effluent Treatment: A Field Investigation at an In-Situ Lysimeter Facility in Florida. Report to the Florida Department of Health and Rehabilitative Services, Tallahassee, FL. Ayres Associates, Madison, WI.

Bechdol, M.L., A.J. Gold, and J.H. Gorres. 1994. Modeling Viral Contamination from On-Site Wastewater Disposal in Coastal Watersheds. In *Onsite Wastewater Treatment; Proceedings of the Seventh International Symposium on Individual and Small Community Sewage Systems*, Atlanta, GA, December 11-13, 1993, pp. 146-153. American Society of Agricultural Engineers, St. Joseph, MI.

Berg, G. 1973, Microbiology-detection and occurrences of viruses. *Journal of the Water Pollution Control Federation* 45:1289-1294.

Bicki, T.J., R.B. Brown, M.E. Collins, R.S. Mansell, and D.U. Rothwell. 1984. Impact of On-Site Sewage Disposal Systems on Surface and Groundwater Quality. Report to Florida Department of Health and Rehabilitative Services, Institute of Food and Agricultural Science, University of Florida, Gainesville, FL.

Cave, B., P. Kolsky, (1999). Well Study: Groundwater, Latrines and Health, London school of Hygiene & Tropical Medicine, UK DEDC, Loughborough University, UK

Feachem, R. G., D. J. Bradley, et al. (1983). *Sanitation and disease: health aspects of excreta and sullage management*. Chichester, John Wiley & Sons for the World Bank.

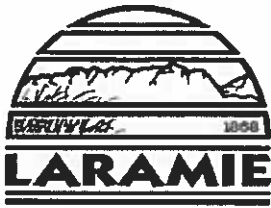
Hagedorn, C. 1982. Transport and Fate: Bacterial Pathogens in Ground Water. In *Microbial Health Considerations of Soil Disposal of Domestic Wastewaters*, proceedings of a conference, University of Oklahoma, Norman, May 11-12, 1982, pp. 153-171. EPA-600/9-83-017. U.S. Environmental Protection Agency, Cincinnati, OH.

Hanna, J., T. Smith, L. Edmonds, and A. McCrow, (Unkown), Determination of Water Quality Improvements due to the Artificial Recharge of Treated Effluent, Methodologies for Risk Assessment of Waste Water Re-Use on Groundwater Quality (ICWQ) Case Studies.

Higgins, J. G. Heufelder, and S. Foss. 2000. Removal Efficiency of standard septic tank and leach trench septic systems for MS2 coliphage. *Small Flows Quarterly* 1(2).

Lewis, W. J., S. S. D. Foster, et al. (1980). The risk of groundwater injection pollution by on-site sanitation in developing countries: a literature review, International Reference Centre for Wastes Disposal.

University of Wisconsin-Madison. 1978. Management of Small Wastewater Flows. EPA-600/7-78-173. U.S. Environmental Protection Agency, Office of Research and Development, Municipal Environmental Research Laboratory (MERL) Cincinnati, OH.



City of Laramie

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MEMORANDUM

Date: August 4, 2015
To: City Council
From: Charles Bloom, AICP, Senior Planner
Subject: PP-15-02 Mountain West Estates Preliminary Plat

RECOMMENDED MOTION:

Move to **approve** PP-15-03 Mountain West Estates Subdivision Preliminary Plat based on findings of fact and conclusions of law, and subject to all Staff's recommended conditions.

APPLICABLE CITY CODE SECTION(S):

Preliminary Plats must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation. Subdivisions within the City's one-mile extraterritorial jurisdiction must also be approved by Albany County.

Laramie Municipal Code Title 15, Unified Development Code
Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
Wyoming State Statutes Title 34 Property Conveyances and Security Transactions, Chapter 12 Platting and Dedication
2007 Laramie Comprehensive Plan
2008 Casper Aquifer Protection Plan

BACKGROUND

This proposal is for an 8-lot residential subdivision located east of Grand Avenue, west of Sherman Hill Road and south of Happy Jack Trail. Lot sizes range from 5.00 acres to 5.29 acres with frontage on Sherman Hill Road and Happy Jack Trail. Frontage, but not access, also exists on Interstate 80 / U.S. Highway 30. The development is approximately 1300 feet southeast of the City boundary in unincorporated Albany County, within the City's one-mile extraterritorial jurisdiction.

The applicant has also filed this Preliminary Plat with the Albany County Planning Office. The Preliminary Plat was reviewed by the County Planning and Zoning Commission on July 8, 2015. The County Planning and Zoning Commission recommended the following conditions:

1. A note is added to the Final Plat stating "This development is within the Casper Aquifer Protection Area and is subject to adopted rules governing this area"
2. The storm drainage plan be modified to the approval of the County Engineer prior to application for a Final Plat.
3. Inclusion of a wildlife corridor*
4. Height limitations similar to the height limitations in the area.*

The Preliminary Plat was reviewed by the Board of County Commissioners on July 21st. The County Commissioners approved the Preliminary Plat, subject to the following conditions:

1. A note is added to the Final Plat stating "This development is within the Casper Aquifer Protection Area and is subject to adopted rules governing this area"
2. The storm drainage plan be modified to the approval of the County Engineer prior to application for a Final Plat.

**Planning Commission's recommended conditions #3 and #4 were not included in the County Commissioner's approval of the Preliminary Plat.*

Since this Preliminary Plat requires joint review, staff has proposed a condition to accept all County conditions that do not conflict with City conditions. Neither of the conditions above conflict with City conditions.

SURROUNDING LAND USE AND ZONING:

The property is currently zoned County Residential and is vacant. The area is designated as Estate in the Comprehensive Plan Future Land Use Plan (Map 3.2).

	Future Land Use Designation (Map 3.2)	Zoning	Land Use
Subject Property	(E) Estate	County Residential	Undeveloped
Northwest	(E) Estate	County Residential	Undeveloped
Southeast	(E) Estate	N/A	Residence on large a parcel
Northeast	(E) Estate	County Residential	Residences on Estate-size lots
Southwest	(E) Estate	County Residential	Residences on Estate-size lots south of Interstate 80

APPLICABILITY TO THE COMPREHENSIVE PLAN:**Future Land Use:**

The site is classified "Estate" on the Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2), as is all surrounding land. The density or lot-size standard associated with Estate FLU is a potential 1 unit/acre. The proposed lot size exceeds the Estate parameters but does allow for future reduction to smaller lots, down to one-acre.

Urban Growth Area:

Chapter 7 of the Comprehensive Plan classifies all one-mile jurisdiction properties as either Urban Growth Areas or Rural Growth Areas. These categories are essentially just what their names suggest. The tract and its vicinity are outside the City's Urban Growth Area designation (Map 7.2). The Rural Growth Area envisions large-lot, low-density residential subdivisions; development of individual water and wastewater systems (well and septic), rather than extension of City utilities, is encouraged. This project is a typical example of Rural Growth type development.

Development Limitations Area

Chapter 7 of the Comprehensive Plan identifies specific areas with development limitations (Map 7.3). The tract and its vicinity are shown on Map 7.3 in the "Casper Aquifer Protection Area." The Casper Aquifer Protection area envisions development that is sensitive to the Casper Aquifer and encourages clustering of development in County Residential areas to maximize open space. Development of individual water and wastewater systems (well and septic) is discouraged.

DISCUSSION:

Staff recognizes that the above section, "Applicability to the Comprehensive Plan" contains an inherent conflict exists between the Development Limitation Areas standards and the Urban Growth Area standards. Staff believes resolution is necessary to provide proper guidance with this development. The Rural Growth Area standards recognizes that densities should be large lot while the Development Limitations Area standards indicate that the development needs to be sensitive to the Casper Aquifer and encourages clustering of development to maximize open space. The recommendation for well and septic are also in conflict. This prevents staff from identifying and providing unqualified, unambiguous interpretation of Plan guidance regarding this subdivision.

Although Staff identified a conflict at the July 13th Planning Commission meeting, the Planning Commission chose to move the Preliminary Plat forward to the City Council as presented with a recommendation that Council approve the Preliminary Plat. They indicated that it was not fair for this project to be delayed due to a staff-made policy conflict. In reviewing this Preliminary Plat, the Planning Commission leaned on the Rural Growth policy as the guide. Several Planning Commissioners also indicated that regardless of the

conflict, it was only a conflict in policy and the policy had no bearing on the City's regulatory authority.

Staff does believe the conflict should be remedied and can easily be remedied, but has opted to bring the remedy forward at a later date to keep it separate from this particular development proposal.

The Planning Commission did not include conditions of approval in its motion to recommend approval. In fact, the maker of the motion explicitly declined to include any conditions. However discussion during consideration of the motion suggested that the Commissioners were not uncomfortable with the possibility of conditions being added at the City Council stage of review.

Staff would vigorously disagree with any condition that plan conflicts, such as the misalignment between the Rural Growth Area and Development Limitations maps in Chapter 7, are only conflicts in policy and should have no bearing on the City's regulatory authority. UDC Sec. 15.06.030.E7.b requires that subdivision plats and other development proposals be "determined consistent with the comprehensive plan and any applicable sub-plans..." The decision-making body (City Council in this case) is required to "weigh competing plan goals, policies, and strategies" – in effect, choose from among these competing policies, in conflicts exist. That is quite different from ignoring such conflicts.

It is staff's contention – and our recommendation to Council – that the Development Limitations Area and its standards – should take precedence over the Rural Growth Area map standards. Our recommendation of approval with stated conditions would achieve that result.

ROAD AND TRAFFIC ISSUES

Although in theory the entire set of City subdivision regulations (LMC Title 15) could be brought to bear on developments in the one-mile area, the City in practice has been focusing on a subset of our regulations, primarily including road-related matters. Other common review elements have included Comprehensive Plan compatibility and fire safety.

Roadways within a subdivision are required to be dedicated as public rights-of-way per City policy. All roadways adjacent to this development are dedicated rights-of-way and no new roadways are proposed to be created. Although roadways are dedicated public rights-of-way, please note that public dedication in Albany County does not automatically imply public maintenance. County custom has been that many local rural roads have been privately maintained, whether they are public or private. In this case, the adjacent roadways are maintained by the Sherman Hills Road and Improvement District, of which the parent property owners are members.

Collector Street Access:

Both Sherman Hill Road and Happy Jack Trail are classified as Collector Streets on the Major Street Plan. LMC 15.14.040.C.9.b requires accesses to Collector Streets be located a minimum of 150 feet from any other (on either side of the street). Alternative designs may be approved by the decision making body, in this case, the City Council, if it is determined that the installation of driveways is not detrimental to the public. Considerations include the posted speed of the street (30 mph) on which access is proposed, constraints due to lot patterns and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

The applicant has requested that both of those streets be reclassified as Local Streets on the Major Street Plan (request letter attached). Staff will present this request to the Urban Systems Advisory Committee at their next meeting, which will likely be in upcoming months.

Due to low anticipated traffic volumes in the area staff will support the request and finds the proposed accesses not detrimental to the public.

Undeveloped Right-of-way adjacent to Grand Avenue / U.S. 30

The plat shows an 80' non-exclusive right-of-way adjacent to Grand Avenue along the western edge of the plat which was recorded in 1967 (Doc. No. 1976-531789 Book 165 Page 575). A nonexclusive right-of-way does not define specific parties or use and is required to be kept clear for public use. Staff has deferred improvements to this nonexclusive right-of-way to the County, which has elected not to require any improvements.

Driveway Access to Grand Avenue

Grand Avenue is a Principal Arterial on the Major Street Plan and access permits are controlled by the Wyoming Department of Transportation (WYDOT). Staff recommends a condition stating that direct driveway access to Grand Avenue be prohibited to be consistent with the City's access standards to major streets. Although access to this section of Grand Avenue is regulated by WYDOT, an additional note on the plat would reinforce the access limitation.

OTHER PROJECT DESIGN ASPECTS:**Drainage:**

Lot development of lots in this size range does not typically raise additional drainage concerns. The County Planning Department hires an outside Engineer to review stormwater detention within subdivisions. The County Commissioners have conditioned the plat to require that drainage issues identified by the County Engineer be addressed at Final Platting. City staff concur that this condition is satisfactory to resolve any drainage concerns.

Public Safety:

The area will not be served by City Fire or Police. Typically, County subdivisions provide an emergency fire cistern within the subdivision for fire protection. No fire protection is proposed as part of this subdivision. The applicant has indicated that they will utilize a City hydrant located within City limits at Bill Nye Avenue and Sherman Hill Road.

Use of City services by County residents is not acceptable. An agreement or alternative fire protection plan will be required. Conditions regarding fire protection are stipulated in staff's recommended conditions.

Water and Sewer Service:

This project would be served by individual wells and wastewater (septic) systems. City Staff's preferred utility connection for this development would be City sewer and water due to its location within the Aquifer Protection Area. Connection to a centralized wastewater distribution and treatment system (i.e. City sanitary sewer) is the most effective way to reduce risk to the aquifer, according to the Casper Aquifer Protection Plan. However, the applicant has indicated that this is not an option they would like to proceed with. Staff has recommended a condition that only "enhanced wastewater systems" be installed within the subdivision. Please see additional details in the sections below.

Aquifer Protection Plan

The applicant submitted a Site Specific Investigation (SSI) with their Preliminary Engineering report (SSI attached). The SSI was completed to County standards. Generally, the County's SSI standards are less elaborate than the City's. Consistent with City practices regarding SSIs, the report underwent a peer review which is attached. The peer review does not wholly agree with the findings of the submitted SSI. The SSI indicated that the use of pesticides and individual wastewater systems pose low risk to the Casper Aquifer. The peer reviewer believes that the pesticide use represents a "little more than a low risk" and the proposed wastewater system represents a "slightly higher risk" to the aquifer (peer review pages 6 and 7, respectively).

In accordance with standard procedure, the City Water Resources Manager has reviewed the peer review. He has indicated concern with development at this location. His review of relevant information is attached.

Based on the Peer review and the Water Resources Manager's review of relevant materials, staff believes and recommends that additional measures be taken to protect the aquifer and down-gradient properties (Laramie Plains Subdivision) at this location. The preferred option would be to connect the subdivision to City services, however, the applicant has intended that this is not an option they would like to proceed with specifically due to cost.

Staff recommends the Council require engineering controls related to the installation of individual on-site wastewater systems; specifically that enhanced systems designed to reduce nitrate and bacterial discharge beyond the performance of conventional systems be

installed. In order to enforce this requirement, staff recommends the City Council require that covenants be established within the subdivision that:

- 1) prohibit the use of pesticides, herbicides and fertilizer that do not become non-hazardous within 48 hours of application and that the application of fertilizer shall not be greater than the agronomic uptake of the vegetation fertilized,
- 2) require the use of enhanced septic systems,
- 3) require septic systems to be designed by a licensed engineer,
- 4) require third party review by either WYDEQ or a licensed engineer of proposed enhanced septic systems prior to installation with all costs borne by the City of Laramie and
- 5) define a septic system maintenance and inspection schedule to be determined at final plat.

The City would be party to such covenants.

This requirement is summarized in conditions three and four of the Staff recommendation.

Water Resource Management

This subdivision is located within an area covered by the Aquifer Protection Plan (APP). Additionally the 2007 Laramie Comprehensive Plan specifically recognizes this plan and has identified development limitations in the area which was jointly adopted by the City and County in 2007.

The Development Limitation Areas Goals and Action Statements include "Regulate development within the aquifer protection zone so as to closely manage this water resource. Development should follow the Aquifer Protection Plan (APP) or any subsequent updates. All provisions of the APP should be followed." [p.7-10] and "Make clustering with minimum density and maximum open space a permitted use in all protection areas that are currently zoned residential." [p. 7-10].

Within the County a 5-acre average lot size is the minimum acceptable standard. Although staff would interpret Plan policies to prefer smaller lot sizes, clustering and connection to City services, the developer has not indicated a desire to cluster development and retains their vision to create 5-acre lots, each on independent well and wastewater systems. Again, staff believes the creation of covenants as identified in the previous section will be the best option to monitor the septic systems at this time.

Annexation

City staff does not believe that a typical rural growth pattern with development of homes on individual well and standard septic systems is appropriate in this area, despite its Rural Growth Area label within the Comprehensive Plan. Nor does staff interpret the Comprehensive Plan and sub-plans as supporting unqualified growth of that type in the subject location. Staff recognizes that infrastructure extensions are costly and extensions can be best afforded with increased density such as that found in the nearby Imperial Heights neighborhood.

City staff believes that the City will continue to grow east in the upcoming decades. Historically county development on the edges of cities or towns everywhere have ended up annexing into the City or requesting extraterritorial services due to infrastructure concerns. This includes West Laramie, Cottonwood Estates, and South of Laramie. Ultimately the costs associated with annexation would need to be dealt with. In Laramie and many other places, those costs have been distributed amongst the property owners likely through an improvement district.

City Staff does believe that a Rural Growth pattern in this area and development is premature, and with utilities nearby (approximately 1200') that an alternative plan could be prepared. This belief led to staff's initial recommendation to the Planning Commission that the Urban Growth Area Map (Map 7.2) be amended to include this area in the Urban Growth Area. Creation of 5-acre lots at the periphery of the City will essentially create a barrier to future expansion to the south and east in the area due to the infrastructure costs associated with leapfrogging over the larger lots. The cost of infrastructure on a per lot basis is significantly higher for these larger subdivisions and is best absorbed by denser single-family/suburban densities (1 unit / 7,000 sq. ft.).

The Community Development Department suggests its viable to consider that this area be annexed to the City of Laramie at the appropriate point in time; specifically when the subdivision areas meets contiguity requirements, per W.S. 15-1-402(a)(iv), and at the appropriate point in time at which infrastructure improvements required of all landowners by the annexing municipality related to the annexation" may feasibly be achieved [W.S. 15.1-402(c)(ii)]. However, staff are not recommending that any condition regarding annexation be made in connection with this preliminary plat.

ANALYSIS OF REQUIRED FINDINGS FOR PRELIMINARY PLATS:

The following findings must be made in the affirmative in order to approve the Preliminary Plat:

1. The proposed plat complies with the minimum lot size and dimension required by the zoning district in which the plat is located:

Staff Response:

The property is currently zoned County Residential. The eight lots created are five-acres in size and would comply with the minimum lot area as required by the Albany County Land Use Regulations. The County does offer incentives for lot size reduction for subdivisions on water and sewer systems and also incentives to allow for cluster-style development (smaller lots with open space outlot(s)). Nearby developed residential lots range from 2-4 acres in size.

City staff reviewed this project for compliance with the Comprehensive Plan, in relation to lot size and its location within the City's one-mile planning jurisdiction. Although documents conflict, staff has found that it complies with the standards of the Rural

Growth Area. Planning Commission made the same conclusion. This Preliminary Plat will not prevent further subdivision in accordance with Estate Land Use category which supports up to a 1 dwelling unit per acre density.

2. The proposed plat complies with the design requirements of Laramie Municipal Code, Chapter 15:

Staff Response: As noted, City review of one-mile jurisdiction plats has been streamlined to encompass major elements only – primarily issues related to roads, public safety, and the Comprehensive Plan. No new roads are proposed with this Preliminary Plat. As noted in the previous section “Road and Traffic Issues” the subdivision proposes access to two Collector Streets: Sherman Hill Road and Happy Jack Trail. The applicant has requested that both of those streets be reclassified as Local Streets on the Major Street Plan (attached). Staff will support such a request to the Urban Systems Advisory Committee at their next meeting which will likely be in upcoming months.

Staff from the appropriate City departments have reviewed the plat, and are satisfied that the design elements in Chapter 15 (Unified Development Code) have in general been met. Conditions regarding driveway access and adjacent rights-of-way are stipulated in staff’s recommended conditions.

3. Future development can be adequately served by public services and infrastructure, including water, sewer and other utilities:

Staff Response: No franchise utilities currently serve the proposed lots. The new lots will require new services for power, telephone, natural gas, and U.S. Postal Service. Solid waste will be contracted to be removed from the proposed subdivision by separate contracts with a private service provider. Water will be served by individual wells to be drilled in the future when development of the lots occurs. Sewer will be served by private septic systems. The project design complies with applicable standards.

City Water and Sewer mains exist within a quarter-mile of this subdivision.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on July 18, 2015. Letters were sent to surrounding property owners within 300 feet of the subject property on July 17, 2015. Staff has received one public comment from a resident in opposition of the subdivision.

CONCLUSION OF PRELIMINARY PLAT FINDINGS AND FINDINGS OF LAW:**Findings of Fact:**

- The Preliminary Plat has been conditioned to comply with applicable and necessary design and subdivision requirements of Laramie Municipal Code Titles 15.
- The Preliminary Plat proposes allows for the construction of eight (8) new septic systems within the Casper Aquifer Protection Area.
- The applicant prepared a Site Specific Investigation for the subdivision which underwent a peer review by the City. The peer review has indicated concerns with pesticides, fertilizers and wastewater systems.
- Because this property is located outside the City limits, the Preliminary Plat has not been recommended to fully comply with the design and zoning requirements of Laramie Municipal Code, Title 15, and engineering design standards including appropriate variances thereto. Staff's recommended conditions would not be in conflict with County standards, as has typically been the case in the extraterritorial jurisdiction.

Conclusions of Law:

- The petitioner is proceeding in accordance with the applicable requirements of the Laramie Municipal Code Title 15.
- The creation of covenants addressing water quality and the City's role in the covenant adequately addresses water quality concerns.

STAFF RECOMMENDATION:

Staff recommends **approval** of PP-15-03 Mountain West Estates Subdivision Preliminary Plat based on findings of fact and conclusions of law and subject to the following conditions:

- 1) That each lot be afforded a maximum of one access to Sherman Hill Road and Happy Jack Trail and a note indication the access restriction shall be added to the Final Plat.
- 2) Only enhanced wastewater systems shall be installed within the subdivision and a note reflecting such shall be included on corresponding Final Plats.
- 3) Prior to approval of the first Final Plat by the City Council covenants shall be approved by the City. The covenants shall run with the land, shall include the City as a party and shall:
 - a. prohibit the use of pesticides, herbicides and fertilizer that do not become non-hazardous within 48 hours of application and that the application of fertilizer shall not be greater than the agronomic uptake of the vegetation fertilized,
 - b. require the use of enhanced septic systems,
 - c. require septic systems to be designed by a licensed engineer,
 - d. require third party review by either WYDEQ or a licensed engineer of proposed enhanced septic systems prior to installation with all costs borne by the City of Laramie and

- e. define a septic system maintenance and inspection schedule to be determined at final plat.
- 4) Concurrent with filing of Final Plats within the preliminary platted area, the developer shall provide the City a copy of proposed covenants addressing the items addressed in condition 3 above for review and approval by the City.
- 5) The Final Plat(s) shall include an easement on Lost 1-5, Block 1 along the entire west boundary, stating "No Access to Grand Avenue / U.S. 30" (or language equivalent to the foregoing and judged acceptable to all parties)
- 6) A cistern shall be installed within the boundaries of the subdivision pursuant to County standards.

ATTACHMENTS

1. Vicinity Map (1 page)
2. Request to reclassify Sherman Hill Road and Happy Jack Trail to Local Streets
3. SSI Submitted by Applicant (17 pages)
4. SSI Peer Review (8 pages)
5. Water Resource Coordinator Memo (3 pages)
6. Affiliation Letter (1 page)
7. Proposed Preliminary Plat: Mountain West Estates (1 page)
8. Future Land Use Plan (Map 3.2)
9. Urban Growth Area (Map 7.2)
10. Development Limitations Area (Map 7.3)

