

ORIGINAL ORDINANCE NO. 1748A

INTRODUCED BY: \_\_\_\_\_

ENROLLED ORDINANCE NO.

AN ORDINANCE TO REPLACE LARAMIE MUNICIPAL CODE CHAPTER 17.82 THE AQUIFER PROTECTION OVERLAY ZONE IN ITS ENTIRETY FOR THE LONG TERM PROTECTION OF THE CITY OF LARAMIE'S MUNICIPAL WATER SUPPLY.

Whereas, the Council for the City of Laramie (City) has reaffirmed that safeguarding the City's drinking water provided by the Casper Aquifer is critical to the protection of public health, safety and welfare within the City;

Whereas, the Casper Aquifer supplies more than sixty percent (60%) of the City's fresh drinking water and one hundred percent (100%) of the fresh drinking water to the rural homeowners that fall within the Casper Aquifer Recharge Area;

Whereas, the delineated recharge area of the Casper Aquifer encompasses approximately seventy-two (72) square miles that lie east of the City and extends to the crest of the Laramie Range. The northern boundary is five (5) miles north of the City limits and the southern boundary is approximately six (6) miles south of the City limits. The City's four (4) municipal wellfields are included in the area. Exposure of the Casper Formation in the delineated area results in increased vulnerability to contamination from land uses;

Whereas, inappropriate development on the Aquifer Protection Overlay Zone can adversely affect the quality of the City's drinking water through the intentional or unintentional release of contaminants which is harmful to the health, safety and welfare of City residents;

Whereas, pursuant to Wyo. Stat. § 15-1-601 the City has the authority to adopt zoning and zoning districts to regulate development;

Whereas, the City has the authority pursuant to W.S. § 15-7-101 (a) (ii) and (iii) to regulate water systems supplying water to its inhabitants;

Whereas, pursuant to W.S. § 15-1-103 (a) (xli), the City further has the authority to adopt an ordinance which is necessary for the health, safety and welfare of the City, and necessary to give effect to the powers authorized by the State;

Whereas, the City, in Resolution 2002-02, charged the Environmental Advisory Committee (EAC) to study and monitor the groundwater quality and formulate an aquifer protection plan;

Whereas, in 2002, the City adopted the Casper Aquifer Protection Plan that provides scientific analysis, conclusions and policies for the protection of the Casper Aquifer;

Whereas, in 2002, the City adopted Ordinance No. 1404, establishing the Aquifer Protection Overlay Zone providing development standards for properties within the boundaries of the Casper Aquifer Protection Area;

Whereas, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which states that protection of the Casper Aquifer is of high priority, listed as a vulnerable feature and is the primary water supply for City residents.

Whereas, on September 30, 2006 due to growing concerns on the quality of the Casper Aquifer, members of the public petitioned the Laramie Planning Commission to amend the Land Use Element to protect the Casper Aquifer from land uses that are incompatible with vulnerable areas and the water quality of the Casper Aquifer;

Whereas, on September 13, 2006, the Laramie Planning Commission acknowledged the petition, took public comments and forwarded the petition to the City Council for acknowledgment and direction;

Whereas, the City has the authority to implement a temporary moratorium under Wyo. Stat. § 15-1-103 (a) (xxx), to take any action to regulate as deemed necessary any public water sources or supplies within the City;

Whereas, on October 3, 2006, the City Council acknowledged the petition, took public comments and remanded the petition back to the Laramie Planning Commission for further review, analysis and its recommendation on possible amendments to the Aquifer Protection Overlay Zone. It was also determined that a temporary moratorium suspend new building permits for development and subdivisions in the Aquifer Protection Overlay Zone. The moratorium is necessary until an updated Plan may be completed and recommendations implemented and/or adoption of an ordinance to amend chapter 17.82 of the Laramie Municipal Code to require an environmental report on all development within the Aquifer Protection Overlay Zone;

Whereas, on October 25, 2006, the City Planning Commission held a public hearing, which notice was given at least fifteen (15) days prior to hearing, and determined that a temporary moratorium suspending new building permits for development and subdivisions in the Aquifer Protection Overlay Zone. The moratorium is necessary until an updated Plan is completed and recommendations implemented and/or adoption of an ordinance to amend Chapter 17.82 of the Laramie Municipal Code to require an environmental report on all development within the Aquifer Protection Overlay Zone;

Whereas, on November 8, 2006, the City Council enacted Enrolled Ordinance No. 1500, placing a temporary moratorium on new building permits and subdivisions within the Aquifer Protection Overlay Zone, for a period not to exceed ninety (90) days, or until the effective date of the ordinance amending the Aquifer Protection Overlay Zone, or until the adoption of an updated Casper Aquifer Protection Plan by the City Council;

Whereas, on February 6, 2007, the City Council enacted Enrolled Ordinance No. 1506 extending Enrolled Ordinance No. 1500, to March 12, 2008 to insure there is sufficient amount of time for the adoption of an ordinance amending the Aquifer Protection Overlay Zone and publication of said ordinance;

Whereas, City Resolution 2006-78 authorized the update of the Casper Aquifer Protection Plan;

Whereas, on February 7, 2008 notice of the joint Laramie Planning Commission and Albany County Planning and Zoning Commission meeting to be held on February 11, 2008 was mailed to all City property owners within the proposed Aquifer Protection Overlay Zone and within 300 feet of the proposed Aquifer Protection Overlay Zone;

Whereas, on February 11, 2008 the City of Laramie Planning Commission and the Albany County Planning and Zoning Commission held a joint meeting to discuss updates to the Casper Aquifer Protection Plan, Aquifer Protection Ordinance and Resolution and took public comment;

Whereas, on February 25, 2008 the City of Laramie Planning Commission recommended approval of the Casper Aquifer Protection Plan and Aquifer Protection Ordinance to the City Council;

Whereas, on February 26, 2008 the Laramie City Council held a work session related to updates to the Casper Aquifer Protection Plan and Aquifer Protection Ordinance and took public comment;

Whereas, on March 4, 2008 the Laramie City Council held 1<sup>st</sup> reading of the Aquifer Protection Ordinance and took public comment;

Whereas, on March 5, 2008 notice of the March 25, 2008 public hearing was mailed to all City property owners within the proposed Aquifer Protection Overlay Zone and within 300 feet of the proposed Aquifer Protection Overlay Zone;

Whereas, on March 9, 2008 and March 23, 2008 a notice of public hearing was published in the Laramie Boomerang;

Whereas, on March 25, 2008 the Laramie City Council held a public hearing on the Aquifer Protection Ordinance;

Whereas, on May 6 and May 20, 2008 the Laramie City Council held 2<sup>nd</sup> reading on the Aquifer Protection Ordinance and took additional public comments.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.**

**17.82.010 - Legislative Findings.**

More than half of the City of Laramie's municipal water supply and all of the drinking water supplied to Albany County rural residences comes from wells and springs in the Casper Aquifer. The delineated recharge area of the Casper Aquifer Protection Area (CAPA) encompasses approximately seventy-two (72) square miles that lie east of the City of Laramie and extends to the crest of the Laramie Range. The north and south boundaries are approximately five (5) and six (6) miles north and south, respectively of Laramie's city limits. Approximately 450 Albany County residents and four (4) City of Laramie municipal wellfields draw water from the Casper Aquifer in this area. The vast majority of the CAPA is the recharge area for the Casper Aquifer, and consequently, the Casper Aquifer is vulnerable to contamination from land uses in the CAPA. Exposure of the Casper Aquifer in the delineated area results in increased vulnerability to contamination from land uses. In addition to the general vulnerability of the Casper Aquifer in the area where aquifer materials are exposed at the surface, there are specific features that enhance the vulnerability of the aquifer to contamination.

- A. Recharge into the Casper Aquifer system occurs rapidly as snowmelt and runoff infiltrates into porous sandstones and fractures that occur in drainages and on the land surface.
- B. There is continuous residential and commercial development pressure east of Laramie where the Casper Aquifer is recharged. Development in this area increases the risk of contamination in two ways:
  1. New contamination sources – Homes and businesses are new sources of potential contamination to the aquifer (volatile organic compounds from fuels and solvents, nutrient fertilizers and pesticides from lawn care, nitrates and pathogens from septic leachate).
  2. New contamination pathways – New wells and excavations which weaken the integrity of the confining layer may provide a direct conduit to the Casper Aquifer or reduce the hydraulic barrier provided by the Satanka Shale that overlies the Casper Aquifer.
- C. An unknown quantity of hazardous substances is transported along Interstate 80 (I-80) and I-80 transects the Casper Aquifer recharge area.

- D. There is the potential for the rapid transport of contaminants in the saturated zone due to a steep hydraulic gradient and enhanced aquifer permeability from fractures, joints, and dissolution features.
- E. The recharge area of the Casper Aquifer is in close physical proximity to withdrawal points for Albany County and City of Laramie residents.

The Laramie City Council adopts this ordinance because the Casper Aquifer provides a critical component of the existing and future drinking water supply for City residents – especially in drought conditions. The importance of the groundwater supply component was demonstrated in the summer of 2002 when the Laramie River supply was reduced significantly due to drought and the City had to rely almost exclusively on groundwater.

**Section 2.**

**17.82.020 – Purpose and Intent**

Inappropriate development over the Casper Aquifer can deteriorate the quality of the drinking water through the intentional or unintentional release of contaminants which is harmful to the health, safety, and welfare of residents. Therefore, the purpose and intent of this ordinance is to protect the high quality source water in the Casper Aquifer and to decrease the risk of contamination to the Casper Aquifer.

**Section 3.**

**17.82.030 - Definitions**

For the purpose of this Aquifer Protection Overlay Zone ordinance, the following words and terms shall have the meanings specified herein.

- A. “Aquifer” means a formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield sufficient, economical quantities of water to wells, springs, and drain tunnels.
- B. “City” means City of Laramie, Wyoming.
- C. “City Council” means the City Council of the City of Laramie, Wyoming.
- D. “Commercial” means an activity involving the sale of goods or services.
- E. “Commission” means the Planning Commission of the City of Laramie, Wyoming.
- F. “County” means Albany County, Wyoming.
- G. “Development” means the preliminary and final platting of land, construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mine, excavation, landfill; and/or any change in use, or alteration or extension of the use of land; excluded from this definition are additions to single-family residences that do not increase the amount of wastewater effluent, above the capacity of the permitted small wastewater system (effluent amount determined by number of bedrooms), residential accessory buildings, construction of a single-family home on an existing lot that will be attached to a municipal or centralized sewer collection line, or construction that does not require a building permit.
- H. “Development Department” means the Community Development Department of the City of Laramie, Wyoming.

I. "Hazardous Material" means any: chemical; combustible liquid; compressed gas; explosive; flammable aerosol, gas, liquid or solid; hazardous chemical; health hazard; mixture; organic peroxide, oxidizer; physical hazard; pyrophoric; unstable (reactive) or water reactive, as defined in 40 CFR 302.4 and listed therein Table 302.4 and any other chemical, material or substance identified by the State or the Commission as hazardous based on available scientific evidence but does not include natural gas or propane used to heat homes and businesses or the associated transmission lines. Hazardous materials include, but are not limited to, petroleum products, solvents, oil-based paint, and pesticides.

J. "Home occupation" means a business, profession, occupation or trade conducted for personal gain or support of the residential occupation and conducted within a residential building or accessory structure to a residential use.

K. "Overlay District" means a district that is superimposed over one or more zoning districts or parts of districts and imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

L. "Person" means and includes any individual, entity or association of individuals or entities of any kind, and includes without limitation, any developer, homeowner's association, group, partnership, limited partnership, corporation, joint venture, joint enterprise, trade association, regulatory government body including the City or any other legal entity.

M. "Potential contaminant" means any substance which may enter the Casper Aquifer and decrease water quality due to its introduction into the Casper Aquifer. Some examples include storm water, petroleum products, medical wastes, pesticides, and sewage effluent.

N. "Vulnerable feature" means any fault, fracture, fold, evidence of conduit flow, perennial drainage, intermittent drainage or ephemeral drainage.

Words that are not defined in this section shall be defined by the Laramie Municipal Code and then the common usage of the word.

#### **Section 4.**

##### **17.82.040 - Aquifer Protection Overlay Zone Established and Applicability.**

A. An aquifer protection overlay zone (APO zone) has been established within the incorporated City of Laramie, Wyoming and unincorporated area of Albany County. The APO zone is effective inside the City of Laramie corporate limits, as well as the unincorporated area of Albany County, and as delineated in the Casper Aquifer Protection Plan (CAPP) and in the attached map.

B. Delineation of the APO zone shall be as described by the CAPP approved by the City Council on June 3, 2008 and a map of the area has been included as Attachment A. Copies of the illustrations that accompany the CAPP shall be kept in appropriate City offices. All property within Zones 1, 2, and 3 are zoned APO by default.

C. Where the boundary line of the APO zone divides a lot or other parcel of land, the requirements established by this ordinance shall apply only to the portion of the lot or parcel that is located within the APO zone.

D. The establishment of the APO zone and the use of the APO zoned properties in accordance with this ordinance do not relieve any Person from liability provided by law for contamination of

the Casper Aquifer. This ordinance does not supersede or modify the requirements of any federal law, state law, or local regulation that has more stringent requirements.

E. Where the bounds of the identified CAPA, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the City Planning Commission. Upon receipt of a written appeal, the City Planning Commission shall suspend further action on development plans related to the area under appeal and shall engage, at the landowner's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the Casper Aquifer and recharge area relative to the property in question.

F. Pursuant to W.S. § 15-1-609, the decision of the Planning Commission may be reviewed by the district court in the same manner as provided in Rule 12 of the Wyoming Rules of Appellate Procedure, for review of decisions of boards of adjustment.

G. Applications filed and accepted after the effective date of this ordinance shall meet the requirements of this ordinance.

H. Where this ordinance is less strict or where this ordinance is silent as to a particular issue, developments shall conform to the requirements of the underlying zoning district(s) in which the developments are located.

**Section 5.**

**17.82.050 - Groundwater Monitoring Program Implementation.**

The City of Laramie, in cooperation with Albany County, shall implement the groundwater monitoring program as described in the Casper Aquifer Protection Plan and Groundwater Monitoring Program.

**Section 6.**

**17.82.060 - Prohibited Activity.**

A. Within the APO zone, the underlying zoning classification shall control all aspects of the property's zoning except that no property may be used for any activities prohibited in sections 17.82.060.B and 17.82.060.C below or otherwise prohibited or limited by operation of this ordinance.

B. No activities are approved in Zone 1 of the APO except natural and undeveloped open space. Zone 1 is delineated as a 100-foot radius from the municipal wells and any historic springs which are associated with the municipal wells and shall include any expansion of Zone 1 hereafter. The existing wellfields include Spur, Turner, Pope, and Soldier. The historic springs protected in Zone 1 are City Springs, Pope Springs, and Soldier Springs. Any future municipal wells shall be included under this section.

C. Each prohibited activity listed in the left column of the Table of Prohibited Activities below is prohibited in the APO Zones 2 and 3. The Table of Prohibited Activities can not and does not include all possible proposed land uses in the APO. Therefore, the City may review all developments for compliance with this ordinance.

**Table of Prohibited Activities**

<b>Prohibited Activity</b>	<b>Examples of Prohibited Activities</b>
<b>The following activities are prohibited in the APO zone:</b>	<b>The following are examples of businesses or activities which may conduct the prohibited activity.</b>
1. Activities involving any equipment for the storage or transmission of any hazardous material to the extent that it is not pre-empted by federal law.	Petroleum pipelines or gasoline stations.
2. The discharge to groundwater of any waste product.	Any business or facility.
3. Commercial car or truck washes, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works or centralized wastewater treatment system.	Car or truck washes, detail shops or car dealership.
4. Commercial and home occupation production or refining of chemicals, including without limitation, hazardous materials or asphalt.	Chemical, petroleum, asphalt or pesticide manufacturer.
5. Commercial and home occupation clothes or cloth cleaning service which involves the use, storage, or disposal of hazardous materials, including without limitation, dry-cleaning solvents.	Dry cleaner.
6. Commercial and home occupation generation of electrical power by means of fossil fuels except generation by means of natural gas or propane.	Fossil-fueled electric power producer.
7. Commercial and home occupation production or fabrication of metal products, electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, metal cleaning or degreasing of parts or equipment with industrial solvents, or etching operations.	Metal foundry, metal finisher, metal machinist metal fabricator, metal plating, electronic circuit board, electrical components or other electrical equipment manufacturer.
8. Commercial and home occupation on-site storage of oil, petroleum or gasoline for the purpose of wholesale or retail sale.	Bulk plant, gasoline station or oil and lube shop.
9. Commercial and home occupation embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works or centralized wastewater treatment system.	Funeral home or crematory.
10. Commercial and home occupation furniture stripping operations which involve the use, storage or disposal of hazardous materials.	Furniture stripper.
11. Commercial and home occupation furniture finishing operations which involve the use, storage or disposal of hazardous materials.	Furniture repair.
12. Storage, treatment, or disposal of hazardous waste.	Hazardous waste treatment, storage or disposal facility.

<b>Prohibited Activity</b>  <b>The following activities are prohibited in the APO zone:</b>	<b>Examples of Prohibited Activities</b>  <b>The following are examples of businesses or activities which may conduct the prohibited activity.</b>
13. Commercial and home occupation clothes or cloth cleaning service for any industrial activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works or centralized wastewater treatment system.	Industrial laundry.
14. Commercial and home occupation of any biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material.	Laboratory: biological, chemical, clinical, educational, product testing or research.
15. Commercial and home occupation pest control businesses which involve storage, mixing or loading of pesticides or other hazardous materials.	Lawn care or pest control business.
16. Commercial and home occupation salvage operations of metal or vehicle parts.	Metal salvage yards, vehicle parts, salvage yards or junk yards.
17. Commercial and home occupation photographic finishing which involves the use, storage, or disposal of hazardous materials.	Photographic finishing laboratory.
18. Commercial and home occupation printing, plate making, lithography, photoengraving or gravure, which involves the use, storage or disposal of hazardous materials.	Printer or publisher.
19. Commercial and home occupation pulp production, which involves the use, storage or disposal of any hazardous materials.	Pulp, paper or cardboard manufacturer.
20. Accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries.	Recycling facility which accepts waste oil, spent anti-freeze or spent lead-acid batteries.
21. Commercial and home occupation production or processing of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials.	Rubber, plastic, fabric coating, elastomer or resin cement manufacturer.
22. Storage of pavement de-icing chemicals unless storage takes place within a weather-tight waterproof structure.	Salt or de-icing storage facilities.
23. Commercial and home occupation accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste.	Solid waste facility or intermediate processing center. Landfill or dumps on residential or commercial property (such as cars, appliances, lawn mowers).
24. Commercial and home occupation finishing or etching of stone, clay, concrete or glass products or painting of clay products which involves the use, storage, or disposal of hazardous materials.	Stone, clay or glass products manufacturer.
25. Commercial and home occupation dyeing, coating or printing of textiles, or tanning or finishing of leather, which involves the use, storage, or disposal of hazardous materials.	Textile mill, tannery.

<b>Prohibited Activity</b>	<b>Examples of Prohibited Activities</b>
<b>The following activities are prohibited in the APO zone:</b>	<b>The following are examples of businesses or activities which may conduct the prohibited activity.</b>
26. Commercial and home occupations involving the repair or maintenance of automotive or marine vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids or the generation of hazardous wastes.	Vehicle service facilities which may include: new or used car dealership, automobile body repair or paint shop, aircraft repair shop, automobile radiator, or transmission repair; small-engine repair; boat dealer; recreational vehicle dealer; motorcycle dealer; truck dealer; truck stop; diesel service station; automotive service station, municipal garage, employee fleet maintenance garage or construction equipment repair or rental.
27. Commercial and home occupation of on-site storage of hazardous materials for the purpose of wholesale or retail sale.	Wholesale trade, storage or warehousing of hazardous substances, hazardous wastes, pesticides, oil or petroleum.
28. Commercial and home occupation production or treatment of wood, veneer, plywood, or reconstituted wood, which involves the use, storage or disposal of any hazardous material.	Manufacturer of wood veneer, plywood or reconstituted wood products.
29. All Underground Injection Control (UIC) wells except Class V subclasses 5B2, 5B3, 5B4, 5B5, 5B6, 5B7, 5E3, 5E4, and 5E5 and Class V subclasses 5A1 and 5A2, if 5A1 and 5A2 facilities do not use any additives, as defined in WDEQ Chapter 16.	Underground injection control facilities.
30. Water wells which are not capped. Water wells which are not cased at least to the top of the production zone with the annular space sealed from the top of the production zone to the surface, or in accordance with the state engineer's requirements or recommendations, whichever is stricter.	Residential, commercial, or agricultural uses.
31. Application of pesticides and herbicides which do not become non-hazardous within 48 hours of application or which are not applied according to the manufacturer's instructions.	Residential, commercial or agricultural uses.
32. Application of fertilizer at greater than the agronomic uptake rate of the vegetation fertilized.	Residential, commercial or agricultural uses.
33. Commercial and home occupation quarrying and sand and gravel mining unless the operations are conducted pursuant to valid permits issued by the Wyoming Department of Environmental Quality, Bureau of Land Management or other federal or state regulatory agency.	
34. Above ground storage of any hazardous material, including oil and petroleum, unless enclosed in secondary containment as described in Section 17.82.120.D of this ordinance.	Agricultural gasoline storage.
35. Installation and use of on-site wastewater treatment systems or septic-systems.	Residential lots with septic systems or on-site wastewater treatment systems.

<b>Prohibited Activity</b>	<b>Examples of Prohibited Activities</b>
<b>The following activities are prohibited in the APO zone:</b>	<b>The following are examples of businesses or activities which may conduct the prohibited activity.</b>
36. Commercial and home occupation animal feeding operations where a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.	Feedlot, concentrated animal feeding operation, stockyards, or boarding stable.
37. Commercial and home occupation golf courses or intensely managed turf.	Golf course or driving range.
38. Commercial and home occupation cemeteries.	Commercial cemeteries of all types.

**Section 7.**

**17.82.070 - Vulnerable Features that require a Setback.**

A. *Vulnerable features* that require a setback in the Casper Aquifer are:

1. Folds, faults, fractures or other evidence of conduit flow that extend to the ground surface.
2. Perennial, intermittent, and ephemeral drainages.

B. No development shall be approved within the APO until the applicant demonstrates to the City that there is no portion of a vulnerable feature within 100 feet of any point of the proposed development. At a minimum, the certification must include a signed and stamped site-specific investigation, as described in Section 17.82.080 of this ordinance, by a Wyoming licensed professional engineer, geologist, hydrologist or other qualified professional who, by experience and/or by training has the required skills in the areas of groundwater evaluation, geologic formation analysis, and the science of contaminant transport.

**Section 8.**

**17.82.080 - Site-specific Investigation for All Proposed Developments.**

A. A site-specific investigation shall be performed for all developments proposed within the APO Zones 2 and 3. The investigation shall be conducted by a professional engineer or professional geologist who, by experience and/or by training has the required skills in the areas of groundwater evaluation, geologic formation analysis, and the science of contaminant transport.

B. The purpose of the site-specific investigation is to identify, as a minimum, the impacts, if any, of the proposed development(s) on the Casper Aquifer.

C. The site-specific investigation shall describe, to the extent possible given the existing data and site-plan information, the existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to mitigate risks.

D. The site-specific investigation shall consist of:

1. A literature search to determine the presence of mapped faults, folds, fractures, and other evidence of conduit flow on the subject property.
2. A site narrative that includes historical information on previous land use, contaminant releases, abandoned wells, underground storage tanks, and septic systems as well as any other information relevant to the site.
3. A site plan showing the proposed use and zoning of the property including existing and proposed ground contours accurate to a two-foot interval as referenced to the USGS contour map for the area or other specified elevation standard as required by the City, and for a distance of at least five hundred feet beyond any proposed development activity, existing and proposed structures, parking areas, driveways, landscaping areas, setbacks, surface and subsurface drainage facilities, potential contaminant storage locations and methods of storage, above ground storage tanks, best management practices, utilities, roads, stormwater management, and a vicinity map. Where necessary, specific construction details shall be provided to assure adequacy to accepted design standards.
4. Identification of potential contaminants and amounts stored, generated or handled on the subject property.
5. A field inspection shall be conducted to verify the presence or absence of vulnerable features as defined in Section 7.82.070.A. A summary of the field inspection shall include a written report, maps identifying the vulnerable features, and the distance and direction of the nearest well and vulnerable feature. Where subsurface wastewater disposal is proposed, the investigator shall conduct deep pit soil analysis to a depth of at least five feet below the proposed bottom of the leaching system to establish that there are no obstructions such as bedrock, water table or other forms of refusal that could interfere with the proper functioning of the wastewater disposal system.
6. A map showing the area and types of exposed bedrock, marshes, perennial drainages, intermittent drainages, ephemeral drainages, creeks, and other bodies of water on the subject property.
7. Where the 100-year flood plain mapping is unavailable, the professional geologist and/or engineer will calculate the 100-year flood plain for the drainage. The flood plain mapping will be provided on a site map with a scale not to exceed 1 inch equals 200 feet.
8. An evaluation of the water supply and sewage system that includes the potential effects or risks of the systems to the Casper Aquifer and its recharge area and the adequacy and safety of the systems. Items such as floor drains and plumbing schematics and the locations of potential contaminants, waste storage, and liquid transfer area locations shall be provided.
9. A map(s) depicting the potentiometric surface of the Casper Aquifer at the subject property using data from historical water level measurements and published potentiometric surface maps. No new wells shall be drilled for the purpose of determining the potentiometric surface.
10. A surface water risk assessment and mitigation plan for any impacts caused by storm water runoff, retention and/or detention basins on the City water supply and the Casper Aquifer.

11. A maintenance plan and agreement for any retention and/or detention basins and associated improvements will be required. Such plan and agreements shall be recorded in the Albany County Clerk's Office.
12. A groundwater risk assessment and mitigation plan to respond to any evidence of contamination or vulnerability which is the result of the development. Such plan shall not limit the liability of any Person for impacts to the Casper Aquifer.
13. Demonstration of compliance with all applicable City Standards.

**Section 9.**

**17.82.090 - Conditions of Approval for Development in the Aquifer Protection Overlay Zone.**

A. No development shall be permitted in the APO zone unless the effects of such development meet the following criteria.

1. The proposed type of development and area in which the development is proposed meets the standards of this ordinance.
2. No vulnerable feature, as defined in Section 17.82.070.A exists within 100 feet of the proposed development.
3. A site-specific investigation, as defined in Section 17.82.080 has been performed for the property and a written report, including maps, of the site-specific investigation has been submitted to the City.
4. A professional engineer (the City Engineer or other licensed professional engineer), geologist, hydrologist, or other qualified designee who, by experience and/or by training has the required skills in the areas of groundwater evaluation, geologic formation analysis, and the science of contaminant transport, other than the professional that performed the site-specific investigation, must review the site-specific investigation and verify that the proposed development meets the requirements of this ordinance. If review of the site-specific investigation is conducted by anyone other than the City Engineer, the City may be reimbursed for the cost of the review.

In review of the site-specific investigation, the qualified professional will assess and determine whether the site and development plans meet the overall objectives of the Casper Aquifer Protection Plan and this ordinance.

B. The City may attach conditions of approval to ensure the protection of the groundwater quality, including, but not limited to, further evaluation, reasonable technical improvements, monitoring or other mitigation measures. All conditions of approval shall be reviewed and evaluated by the professional engineer, geologist, hydrologist, or other qualified designee who reviews the site-specific investigation to ensure that the condition(s) of approval are of sound scientific and technical reasoning.

**Section 10.**

**17.82.100 - Design Standards for On-Site Wastewater Treatment System/Septic Systems.**

A. No new septic systems shall be permitted within the APO zone.

B. Installation, design, repair, and removal of septic systems located within the APO zone must be in accordance with plans and specifications prepared by and certified by a professional engineer skilled in the science of wastewater disposal and licensed to practice in the State of Wyoming. This ordinance does not grant the right to install a septic system or on-site wastewater treatment system otherwise forbidden by City regulations.

C. Each existing septic system shall be pumped to prevent solids, oils, and grease from building up to a level in the tank where these materials will begin washing out to the leach field and clogging the field lines. Pumping shall occur not less than every five years or on a schedule as otherwise recommended by a City licensed wastewater system pumper/hauler. A database regarding the septic systems and their pumping and inspection schedules will be maintained and updated by the City GIS to maintain records and track schedules, which information shall be made available to the County.

D. Each existing septic system and leach field within the APO shall be inspected by the City Engineer or other City qualified designee skilled in the science of wastewater disposal.

1. During installation of replacement system, before backfilling; and
2. At least once every three years.

E. If upon inspection a septic system is found to be inadequately designed or constructed to serve the use for which it is intended, without undue risk to the Casper Aquifer, it shall not be used for the disposal of wastewater until it is cleaned, repaired or otherwise made to operate properly or replaced.

#### **Section 11.**

##### **17.82.110 - Connection to Municipal or District Sewage Collection Lines.**

A. For properties within the APO zone no private on-site wastewater treatment system may be used after the earlier of:

1. One year after installation of a municipal sewer collection line in a right of way or easement that is contiguous to the property on which the system is location; or
2. One year after the inclusion of the property containing the on-site system in a district connected to the City of Laramie's wastewater treatment system or another wastewater treatment facility and if the sewage collection line is in a right of way or easement that is contiguous to the property.

B. This section shall be consistent with the provisions within the existing City of Laramie - Albany County 201 Wastewater Agreement. If there is a disagreement between this ordinance and the 201 Wastewater Agreement, the stricter of the two shall apply.

#### **Section 12.**

##### **17.82.120 - Pre-Existing Nonconforming Uses.**

Pre-existing nonconforming uses within the APO zone are subject to the terms of this ordinance and to other general ordinance provisions on pre-existing nonconforming uses.

A. A pre-existing nonconforming use is a use prohibited by this regulation but which is in place upon property included in the APO zone as of the date the property was included in the APO zone. That date may be the effective date of this ordinance or the date a use becomes nonconforming because of an amendment to this ordinance. Septic systems and other on-site wastewater treatment systems are controlled by this ordinance and are not subject to these provisions on pre-existing nonconforming uses.

B. Pre-existing nonconforming uses may continue in the same location they were in when they became nonconforming uses, but shall not be expanded in size or scope. Pre-existing nonconforming uses which are damaged may be repaired and resumed at the same location, size, and scope, provided that after repairs are complete, the best available control technology shall be in place to prevent contact between hazardous materials and the surface of the ground or groundwater.

C. A pre-existing nonconforming use may be expanded under these conditions.

1. All provisions in Section 17.82.080 and Section 17.82.090 are met.
2. The expansion does not increase the risk of contamination of the Casper Aquifer.
3. Control technology built in to the expansion will prevent any increased risk to the Casper Aquifer because:
  - a. Substitution is made of one hazardous material for another provided the substituted material is used for the same function and in equal or lesser amounts as the original material;
  - b. Substitution of equipment or process for equipment or process provided that the substituted equipment or process performs the same function as the original equipment or process, without increasing the storage volume of hazardous materials stored at the subject business or facility;
  - c. Expansion of wholesale or retail sales volume which increases the use of hazardous materials but which does not increase the storage capacity for hazardous material; and
  - d. Initiation at the subject facility or business of an activity that is not a prohibited activity.

D. Every pre-existing nonconforming use shall:

1. Store hazardous material in an enclosed structure or under a roof which eliminates storm water entry to the containment area;
2. Provide floors within a structure where hazardous material is stored, coated to protect the surface of the floor from deterioration due to spillage of any such material. A structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on and ground water intrusion;
3. Store hazardous material within an enclosed impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in the area or 110% of the total volume of all such containers in the area, whichever is larger, without overflow of released hazardous material from the containment area;

4. Store hazardous material in a manner that will prevent the contact of chemicals with any materials so as to create a hazard of fire, explosion or generation of toxic substances;
5. Store hazardous materials only in containers that have been certified by a state or federal agency or the American Society of Testing Materials as suitable for the transport or storage of the material;
6. Store all hazardous material in an area secured against entry by the public, except items offered for retail sale in their original unopened containers;
7. Not use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of wastewater to the ground water; and
8. Not discharge any substance or material to the ground in the APO zone unless the discharge is permitted by law.

E. These requirements are intended to supplement, and not to supersede, any other applicable requirements of federal, state or local law.

### **Section 13.**

#### **17.82.130 - Proper Plugging and Abandonment of Unused Wells.**

All wells, including but not limited to groundwater pumping wells and monitoring wells, that are no longer in use by the owner must be properly plugged and abandoned in accordance with Chapter 11, Section 70, Part G of the Wyoming Department of Environmental Quality Rules and Regulations.

### **Section 14.**

#### **17.82.140 - Exception From 100-foot Setback from Vulnerable Features for Infrastructure.**

The construction of sewer and water lines that are attached to either a centralized wastewater or water system or the City of Laramie's Wastewater or Water system, may be installed within the APO in order to protect water quality. Sewer lines shall be engineered in such a way as to limit the possibility of an undetected leak; this may include double walled pipes and regular pressure testing or other engineering techniques and leak detection systems that reduce the possibility of undetected leaks. Exceptions also include other general utilities used specifically to serve local developments such as electric lines, gas lines for heating, cable television, and telephone lines. Roads may also be excepted if appropriate stormwater drainage and management is included.

### **Section 15.**

#### **17.82.150 - Existing Law on Aquifer Contamination Unaffected.**

The establishment of the APO zone, and the use of APO-zoned properties in accord with this ordinance, does not relieve any Person from liability provided by law for contamination of the Casper Aquifer. This ordinance does not supersede or modify the requirements of any federal, state or local law which makes stricter requirements.

### **Section 16.**

**17.82.160 - Severability.**

The provisions of this ordinance are severable. If any provision is declared to be invalid or unenforceable by any court of competent jurisdiction, those provisions not so declared shall remain in effect.

**Section 17.**

**17.82.170** - This ordinance is effective immediately upon publication.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Klaus Hanson,  
Mayor and President  
Laramie City Council, Laramie, Wyoming

ATTEST:

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Sue Morris-Jones, CMC  
City Clerk

Work Session: February 25, 2008

1<sup>st</sup> reading: March 4, 2008

Public hearing: March 25, 2008

2<sup>nd</sup> reading: May 20, 2008

3<sup>rd</sup> reading: June 3, 2008

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**ATTACHMENT A**  
Map of the Casper Aquifer Protection Area