



# Albany County Planning Office

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## Albany County Planning and Zoning Commission

### AGENDA

#### Regular Meeting

February 8, 2012 – 7:00 p.m.

Albany County Commissioners Chambers

CALL TO ORDER/ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES – January 11, 2012 and January 26, 2012

ELECTION- Election of chairman and vice-chairman

DISCLOSURES

PUBLIC APPLICATION

CURRENT PLANNING PROJECTS

- A. Zoning Resolution – Draft
- B. Subdivision Resolution - Amendment
- C. Casper Aquifer Protection Overlay Zone

OTHER ITEMS/ANNOUNCEMENTS

CALENDAR

- A. *February 8, -7:00 p.m.* – Planning and Zoning Commission
- B. *February 20* – Presidents Day – County Holiday
- C. *February 21, - 9:30 a.m.* - Board of County Commissioners

CITIZEN COMMENTS – Non-Agenda Related Topics

**\*NOTE – The Albany County Planning and Zoning Commission will table action on any application for which the Applicant or his/her representative is not present at the meeting for which the application is scheduled.**

**Minutes**  
**Albany County Planning and Zoning Commission**  
**January 11, 2012**  
**Albany County Commissioner's Room**

A regular meeting of the Albany County Planning and Zoning Commission was held on January 11, 2012, at 7:00 p.m. in the Albany County Board of County Commissioners Meeting Room of the Albany County Courthouse.

**I. CALL TO ORDER/ROLL CALL**

**Members present:** Sarah Gorin, Brett Moline and Chris Nicholson

**Staff present:** Susan Adler, David Gertsch

**County Engineer:** None

**Albany County Attorney Liaison:** Jennifer Stone

**Board of County Commissioners' Liaison:** None

**Public Present:** Mitch Edwards (Mountain Cement Company and Warren Livestock), George M. Markle, Zondra Markle and Brandon Markle (Markle Acres Subdivision)

**II. EXCUSE ABSENT MEMBERS – Mr. Moline made a motion to excuse absent members James Rinehart and Sue Ann Spencer of the Planning and Zoning Commission from the meeting. Ms. Gorin seconded the motion. Motion carried on voice vote.**

**III. APPROVAL OF AGENDA – Ms. Gorin made a motion to approve the agenda and to table the items under Current Planning Projects on the January 11, 2012 Planning and Zoning Commission meeting agenda. Mr. Moline seconded the motion. Motion carried on voice vote.**

**IV. APPROVAL OF MINUTES – Mr. Moline made a motion to approve the Minutes for December 14, 2011 meeting as presented. Ms. Gorin seconded the motion. Motion carried on voice vote.**

**V. DISCLOSURES – None**

**VI. PUBLIC APPLICATIONS**

**A. Markle Acres Subdivision Preliminary and Final Plats (SD-03-11) –** David Gertsch presented the staff report. The application is for preliminary and

final plats of the proposed Markle Acres Subdivision to divide a 12.9 acre parcel into two lots. Currently located on the property is a single family residence, a number of outbuildings and a small wastewater system. There are residential properties to the east and west with agricultural to the north and south. The lots will have permitted access from WYO HWY 130. The preliminary and final plats were sent out to review. The Laramie Rivers Conservation District indicated they had no issues and the County Engineer's comments were addressed. The Fire Warden requested the rural fire safety requirements for a cistern be waived because this subdivision is 4 miles from hydrants located at the Laramie Regional Airport. Wyoming Department of Environmental Quality issued a "No Adverse" recommendation. Wyoming Department of Transportation indicated that if one of the properties is changed from residential to commercial in the future, it will require a new approach permit. Mr. Gertsch stated there is no water source proposed and current residents haul water. An individual septic system may be installed on lot 2 to provide for the wastewater if needed. The applicants have provided all required information and staff has no significant problems with this proposal. Staff recommends the Planning and Zoning Commission recommend approval of the preliminary and final plats and grant a subdivision permit for Markle Acres Subdivision based upon and incorporating the findings of fact and conclusions of law listed in the staff report.

Chairman Nicholson opened the public hearing. There were no comments and Chairman Nicholson closed the public hearing. After discussion, **Ms. Gorin made a motion to forward a recommendation to approve the Markle Acres Subdivision based upon and incorporating the findings of fact and conclusions of law listed in the staff report. Mr. Moline seconded the motion. Motion carried on voice vote.**

## **VII. OTHER ITEMS/ANNOUNCEMENTS**

## **VIII. ADJOURNMENT**

Chairman Nicholson adjourned the meeting at 7:24 p.m.

Minutes taken by Susan Adler, Office Manager/Administrative Assistant

❧ Minutes ❧  
Albany County Planning and Zoning Commission  
January 26, 2012  
Albany County Commissioner's Room

A special meeting of the Albany County Planning and Zoning Commission was held on January 26, 2012, at 6:00 p.m. in the Circuit Courtroom of the Albany County Courthouse.

**I. CALL TO ORDER/ROLL CALL**

**Members present:** Sarah Gorin, Chris Nicholson, Brett Moline and Sue Ann Spencer

**Staff present:** Susan Adler, David Gertsch

**County Engineer:** None

**Albany County Attorney Liaison:** Jennifer Stone

**Board of County Commissioners' Liaison:** Tim Sullivan

**Public Present:** Mitch Edwards, Joe Vitale, Bob and Kimberly Starkey, Joel Farber, Linda Johnson, Anthony Classi, Dale Frincke, Judith Wingerd, Danny Dunlavy, Roberta Dunlavy, Diana Kocornik, Bonnie Heidel, Peggy McCrackin, Time Sullivan, Chris Moody, Reed Pedrick, Sandra Eike, Bob and Mary Brownell and Bern Hinkley

**II. DISCLOSURES** – Ms. Gorin disclosed she has worked with the Citizens for Clean Water and Ms. Spencer disclosed that she is a professional geologist.

**III. CURRENT PLANNING PROJECTS**

A. Casper Aquifer Protection Overlay Zone – The Planning and Zoning Commission held a public hearing on the Casper Aquifer Protection Overlay Zone to review of the draft resolution. Comments were presented by Mitch Edwards, Kimberly Starkey, Linda Johnson, Joel Farber, Joe Vitale, Bob Starkey, Diana Kocornik, Peggy McCrackin, Tim Sullivan, Chris Moody and Mary Brownell. Planning and Zoning Commission decided to continue the discussion at their February meeting.

**IV. OTHER ITEMS/ANNOUNCEMENTS**

**V. ADJOURNMENT**

Chairman Nicholson adjourned the meeting at 9:30 p.m.

Minutes taken by Susan Adler, Office Manager/Administrative Assistant



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## MEMORANDUM

To: Planning and Zoning Commission  
From: David Gertsch, Planning Director  
Date: January 3, 2012  
Re: Zoning Resolution

At our last meeting we received comments on the definition of development and on the non-mineral mining standards we are proposing in our amended/updated zoning resolution. I would like to provide comments on both of these subjects.

### Development Definition

I will first look at the proposed definition of development. At the meeting I could not verify where the definition came from, but can now confirm that it was taken from *The New Illustrated Book of Development Definitions*. Our current regulations refer to this book for definitions not defined in the regulations. Ultimately, the decision to use this specific definition for development came from the Zoning Advisory Committee after discussion of this specific definition.

Comments were made in the meeting by Mitch Edwards of Nicholas and Tangeman, LLC concerning this definition. He took issue specifically of the inclusion of the subdivision of land in our definition, which he believes is not development. He recommended the use of the current definition of development which comes from W.S. § 18-5-203. This portion of the statutes does not define “development”, but what requires a Zoning Certificate, which are not necessarily the same thing. This does not limit the County from adopting a definition of development or any other definition that apply specifically to our regulations. If the state actually defined development in the statutes I may feel differently, but it does not. The definitions in our regulations apply only to our regulations and how words are use in our regulations.

I did some quick research on development definitions used in other counties in Wyoming and found that the counties that did define “development” either included the subdivision of land (Teton and Teton Counties) or had more general definition that could be interpreted to include subdivisions (Natrona and Sublette Counties).

The most important consideration that your commission should consider is the question of how this word is used throughout the regulations. I have included excerpts from our regulations where “development” is used.

Chapter 3, Section 2, D, 5

- a. Developments requiring a minimum lot size of one (1) acre require a one hundred (100) foot lot frontage width.
- b. Developments requiring a minimum lot size of fifteen thousand (15,000) square feet requires a seventy-five (75) foot lot frontage width.
- c. Developments requiring a minimum lot size of ten thousand (10,000) square feet requires a seventy-five (75) foot lot frontage width.

*This excerpt comes from the Zoning Chapter. These are the standards for the Urban Residential zone dealing with required lot frontage. This refers to subdivisions and will be referenced in the Subdivision Regulations.*

Chapter 3, Section 3. Overlay Zones. This section establishes overlay zones which may include more than one (1) underlying zoning district and/or overlay zone. Development within an overlay zone must meet the additional standards of the overlay, in addition to the underlying zoning standards.

*This excerpt is from the Overlay Zones Section. Both the 201 Intergovernmental Agreement Overlay and the Aquifer Protection Overlay Zone should be applied to subdivisions. There is a broad statement in the subdivision regulations that requires conformance with zoning regulations (Chapter IV, Section 5, A).*

Chapter 3, Section 5, F, 3

Undesirable Patterns of Development: The proposed zoning change results in a logical and orderly development pattern in the area and will not create undesirable patterns of development such as leapfrog developments or strip patterns of development.

*This excerpt comes from the Zoning Change requirements. This finding could refer to subdivisions of land if the zoning changes from a non-residential zone to a residential zone for the purpose of doing a residential subdivision.*

There are many other places that “development” is used that do not apply to subdivisions, but as you can see there are many instances where development refers to the subdivision of land. If you do decide to change the definition, especially if it is not going to apply to subdivisions you will need to change the wording in these sections and maybe others. I would not recommend this.

I am comfortable with the draft definition and would recommend that we do not modify it for the following reasons. The Zoning Advisory Commission took time to specifically look at definitions of development and they reached consensus on the definition currently in the draft. The current definition is broad enough to cover all its uses in the regulations. If there are other

uses in the regulations that are outside the draft definition I haven't found them. There are a number of times when "development" is used in the regulations that may refer to the subdivision of land. There is nothing in the state statutes that precludes us from coming up with our own definitions for regulations they have authorized the county to have.

### **Non-Mineral Mining**

I have taken some time to look at our standards for non-mineral mining in our proposed zoning regulations after comments were made by Mr. Edwards at our previous meeting. There are a couple of ideas that were conveyed that I would like to address.

I want to make sure that it is understood that non-mineral mining can be regulated by the County. We can and should provide standards to protect the health, safety, and welfare of County citizens. We are not limited in our regulations to non-mineral mining activities that meet the 10 acre exemption. We can regulate and should regulate non-mineral mining activities that are larger than 10 acres due to an obvious larger impact on the land, roads, and neighbors even if the State requires a permit.

I spoke with Lowell Spackman at Wyoming Department of Environmental Quality about our discussion at the last meeting. He said that permitting at the State level, when required, does not look at nuisance issues and that counties can and do regulate these impacts. He mentioned Platte County as a good example of this (I have attached Platte County's regulations). He also mentioned, and I understand from our conversation, that when a non-mineral mining project requires a permit, they can, if requested by a county, put stipulations on permits that ensure the applicant follows county standards.

I also did some research on impacts to areas designated Priority Growth Area 3 if we changed from a property line setback from a residential area to a setback from a primary structure (home, business, school, etc.). After a quick look at our PGA 3 areas, there are already enough structures in these areas that ample buffers would be created if we required setbacks from a primary structure. This actually brings up an area that is not currently protected by setback, which are primary structures on agricultural or commercial properties. If we did change our setback requirement to be from a primary structure, that would provide a better buffer for these structures. Platte County requires a boundary line setback and a setback from a primary structure and their setbacks include the haul roads.

I would like to see a setback of a good distance kept in our regulations. A large or small gravel operation has the potential to create a lot of dust (combine dust with our "good" wind and that could be a major nuisance), noise, and large truck traffic.

The setback from a well seems reasonable, but I don't know what type of impacts non-mineral mining operations have on hydrology. Maybe Sue can address this.

In summary, I don't believe our current setbacks prohibit non-mineral mining. We had a conditional use permit that was approved and was able to meet the setbacks this year. So, I do not agree with such a comment. I am open to modification of these standards, but want you to

remember to consider surrounding property owners and the impact that they will face. And please don't think that because the state has a permit then we shouldn't take a look at these projects. The County has to look out for the County and cannot rely on the State.

I would recommend that we at least keep a minimum setback from the property line and add a setback from primary structures.





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## MEMORANDUM

To: Planning and Zoning Commission  
From: David Gertsch, Planning Director  
Date: December 8, 2011  
Re: Subdivision Regulations Amendment

When the Planning and Zoning Commission approves the Zoning Resolution, the Subdivision Regulations will need to be amended so the regulations match and are not contradictory. I suggest the following amendments to the Platting and Subdivision Regulations:

Chapter V, Section 6.

- A. ~~Setbacks and Lot Size Requirements. New subdivisions must meet all density, lot size, lot frontage, and setback standards established in the Albany County Zoning Resolution, Chapter 3. As set by the Albany County Zoning Resolution Chapter 4, Sections 1, 2, 3, and 4, the minimum setback for all water wells and sewage disposal systems shall be fifty feet (50') from all property lines. The minimum lot size in each zone and land use classification is as follows:~~
- ~~1. Agricultural minimum lot size is thirty five (35) acres.~~
  - ~~2. Commercial minimum lot size is one (1) acre.~~
  - ~~3. Industrial minimum lot size is one (1) acre.~~
  - ~~4. Residential minimum lot size is two (2) acres, but the maximum density shall be one (1) principal use/structure per five (5) acres. (Amended November 6, 2007)~~
- B. ~~Residential Density Bonus. The following schedule allows for a reduction in residential lot size only based on the provision that the lots are located in an approved subdivision or improvement district and connected to central water and/or sewer systems as approved by the Wyoming Department of Environmental Quality. The size of lots permitted in a subdivision or improvement district shall be determined according to the following schedule:~~
- ~~1. Lots which are not served by either a central water system or central~~

~~sewerage system shall have a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet but the maximum density shall be one principal use/structure per five (5) acres. (Amended November 6, 2007)~~

- ~~2. Lots which are connected to a central sewerage system only shall have a minimum area of fifteen thousand (15,000) square feet and a minimum lot width of seventy five (75) feet. Lots which are connected to a central water system only shall have a minimum area of one (1) acre and a minimum lot width of seventy five (75) feet. (Amended November 6, 2007)~~
- ~~3. Lots which are connected to both a public water system and a public sewerage system shall have a minimum area of seven thousand five hundred (7,500) square feet and a minimum lot width of sixty (60) feet for interior lots and seventy five (75) feet for corner lots.~~

Renumber Accordingly.