



Albany County Planning Office

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Albany County Planning and Zoning Commission

AGENDA

Regular Meeting

September 12, 2012 – 7:00 p.m.

Albany County Commissioners Chambers

CALL TO ORDER/ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES – August 8, 2012

DISCLOSURES

PUBLIC APPLICATION

CURRENT PLANNING PROJECTS

- A. Discussion of the Comprehensive Plan in relation to Zoning Regulations

OTHER ITEMS/ANNOUNCEMENTS

CALENDAR

- A. *September 18 - 9:30 a.m.* – Board of County Commissioners
- B. *October 2 - 9:30 a.m.* – Board of County Commissioners
- C. *October 10 - 7:00 p.m.* – Planning and Zoning Commission

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
August 8, 2012
Albany County Commissioner's Room

A regular meeting of the Albany County Planning and Zoning Commission was held on August 8, 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: James Rinehart, Sarah Gorin, Chris Nicholson and Brett Moline

Staff present: Susan Adler, David Gertsch

County Engineer: None

Albany County Attorney Liaison: Jennifer Stone

Board of County Commissioners' Liaison: None

Public Present: Frank Cylvick, Jim Hardekopf, Marilyn Romsa, Casey Atkinson (Griffin LUC), Candy Hamaker, Mark Ziemann, Kelly Cole and Jon James Sweckard (Sweckard LUC)

II. APPROVAL OF AGENDA – Staff requested the election of Vice-Chair added to the agenda following the approval of the agenda. **Mr. Rinehart made a motion to approve the August 8, 2012 Planning and Zoning Commission meeting agenda as adding in the election of Vice Chair. Mr. Moline seconded the motion. Motion carried on voice vote.**

III. ELECTION OF VICE-CHAIR – Chairperson Gorin explained that Commissioner Sue Spencer had tendered her resignation from the Planning and Zoning Commission and the Commission needed to elect a new Vice-Chair. **Mr. Rinehart nominated Chris Nicholson. Mr. Moline seconded the nomination. Nomination carried on voice vote.**

IV. APPROVAL OF MINUTES – **Mr. Rinehart made a motion to approve the Minutes for July 11, 2012 Planning and Zoning Commission meetings as presented. Mr. Moline seconded the motion. Motion carried on voice vote.**

V. DISCLOSURES – None

VI. PUBLIC APPLICATIONS

A. **Griffin Land Use Change LUC-03-12** -- David Gertsch gave the staff report. He indicated the applicant, Marian Griffin, is requesting a change in zoning from Agriculture to Commercial. This property is south of Laramie on the east side of US Highway 287 between Huron and Kiowa Street. The property to the north and south are commercial with agriculture and residential to the east and west. This parcel may be accessed from Huron on the north and Kiowa on the south. The property is serviced by the South of Laramie Water and Sewer District and there is a fire hydrant near the south end of the property. Once developed, the Fire Warden indicated they might need additional hydrants from the South of Laramie Water and Sewer District. The District indicated there is a 2” meter pit but depending on the types of commercial business they may require additional taps. The Applicant has adequately addressed the findings necessary for approval. Staff is recommending the Planning and Zoning Commission recommends approval to the Board of County Commissioners.

Chairperson Gorin opened the public hearing and invited anyone wishing to speak for or against the LUC to step to the microphones and state their name and address.

Mark Ziemans, 228 Huron, indicated he had some questions. He wanted to know how the business would be accessed and Mr. Gertsch had provided the answer in his presentation. He expressed his concern that the land use change would bring more traffic than just people renting the storage units.

Marion Griffin, 112 Corthell, indicated she is the applicant. She stated she is not planning to put storage units on the property, but plans to sell it and one of the interested parties mentioned storage units. She believes this property is in a good location for a commercial development.

Chairperson Gorin closed the public hearing. **Mr. Moline made a motion to forward a recommendation of approval for the Griffin Land Use Change to the Board of County Commissioners based upon and incorporating in the Findings of Fact and Conclusions of Law listed in the staff report. Mr. Rinehart seconded the motion. Motion carried on voice vote.**

B. **Sweckard Land Use Change LUC-02-12** – Ms. Adler presented the staff report. This is a 35 acre parcel currently zoned Agricultural. The Applicant has submitted an application for a subdivision which requires the land use change to residential. There is a house and garage with mother-in-law quarters currently on the property. There is a small lot in the middle of the property owned by the City of Laramie which is a transfer/chlorination station. The County Fire Warden reviewed the land use change application, but directed his comments to the subdivision. He indicated he would like to exempt the subdivision from the water storage requirements because it is located between the City of Laramie and South of Laramie Water and Sewer District and within one mile of two other storage tanks. But will defer to comments from Albany County Fire District #1, if they are different from his. Staff has received no comments from the Albany County Fire District #1. The Comprehensive Plan's future land use map shows this parcel as rural residential and it lies in a PGA 3 area. The applicant has posted the development sign and mailed notice to contiguous landowners by certified mail as required. Notice was also published in the Boomerang. This land use will not create leapfrog development and should not negatively affect the surrounding properties. There are no water and air quality impacts anticipated. Staff recommends approval of the land use change.

Chairperson Gorin opened the public hearing and invited anyone wishing to speak for or against the LUC to step to the microphones and state their name and address.

Jim Sweckard was present and responded to Ms. Gorin's question in reference to the water storage tanks explaining he is in the process of talking to the storage owners.

Chairperson Gorin closed the public hearing. **Mr. Nicholson made a motion to forward a recommendation of approval for the Griffin Land Use Change to the Board of County Commissioners based upon and incorporating in the Findings of Fact and Conclusions of Law listed in the staff report. Mr. Moline seconded the motion. Motion carried on voice vote.**

VII. CURRENT PLANNING PROJECTS

A. **Draft Zoning Resolution and Zoning Map-** David Gertsch gave a brief recap of the discussion from the July meeting. Mr. Gertsch offered some wording to address the concerns that small acreage land owners will not be allowed to raise a

few animals for 4-H projects or for their own enjoyment. He also recommended the Home Business section be left as it currently is in the zoning regulations.

Commissioner Nicholson made a motion to remove from the table the Draft Zoning Resolution and Zoning Map. Motion failed due to lack of second. Commissioner Nicholson inquired about the reason the Planning and Zoning Commission members did not want to remove it from the table. Discussion followed with comments from Kelly Cole and Candy Hamaker. The Commission requested staff research a number of items and give a report at the next meeting.

VIII. OTHER ITEMS/ANNOUNCEMENTS

IX. ADJOURNMENT

Chairperson Gorin adjourned the meeting at 8:43 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: September 5, 2012
Re: Albany County Zoning Resolution

First off, I have been directed by one of the County Commissioners to advise you to take a break from doing any type of work on the Zoning Resolution until after the first of next year. If you need a letter from the Board, I was told that one can be provided.

That being said, I want to attempt to provide some understanding of the purpose of the comprehensive plan and the zoning resolution in response to questions made at the last Planning and Zoning Commission meeting.

Legal Authority and Mandate for Comprehensive Plans in Wyoming

Why a comprehensive plan? First off, counties are required by state statute to have a land use plan (W.S. 9-8-301). Also, W.S. 18-5-202 says a comprehensive plan may be prepared by the Planning and Zoning Commission "for promoting the public health, safety, morals and general welfare of the unincorporated areas of the county". The State does not provide any guidelines as to what has to be provided in a comprehensive plan.

Many communities, even if they weren't compelled to have a comprehensive plan, want them. Comprehensive plans are a community document created through a lot of public input. Input is solicited in a variety of ways. Some methods are public meetings (in a variety of forms), surveys, individual interviews, focus groups, and other methods. The comprehensive plan is a direct result of this input and creates a pathway to reaching community goals.

Vision, Goals, Objectives and Actions

Comprehensive plans usually plan 20-25 years into the future. They are based on a "vision" that is created through public input. A vision is what community members want their community to become or look like in the future.

The vision then trickles down into more specific goals (big picture) and objectives (measurable ideas). These goals and objectives, as defined, are implemented through strategies

and actions in the individual elements (chapters). An example from our comprehensive plan of how the vision becomes an action goes as follows:

1. Vision (first sentence of our vision statement): support responsible and sustainable growth.
2. Goal: encourage growth efficiency (develop where public services are available and will not create a burden on taxpayers).
3. Objective: Promote growth efficient development that can be efficiently served by public services. Direct growth to specific areas that have infrastructure and efficiently served by public services.
4. Strategy: Long Range Growth Plan (includes concept of growth efficiency).
5. Action: Adopt Priority Growth Areas developed during public meetings.

Each comprehensive plan is broken into elements which become the chapters of the document. Common elements are land use, transportation, and housing. There are many other elements that can be included. Some states require that certain elements be included in comprehensive plans, Wyoming does not.

I want to further emphasize that the drafting of a comprehensive plan goes through an extensive public process. The Albany County Comprehensive Plan, specifically, went through a long and tedious public input process. Public input is solicited at the beginning, the middle, and the end of the process. Committees that make the decisions are community members, not planners or consultants. Comprehensive plans are a product of community values that are captured through input from community members.

Comprehensive Plan to Zoning Regulations

Now that you have a better or maybe just a refreshed understanding of what a comprehensive plan is and why we have a comprehensive plan, how does this relate to zoning regulations? Simply put zoning regulations are the regulatory implementation tool of the comprehensive plan. If you look in the different chapters of the comprehensive plan you will see action items that recommend specific updates to the zoning regulations. Once a comprehensive plan is adopted, the next step is almost always updating the zoning regulations.

Zoning regulations are the law and the comprehensive plan is policy. There are a couple of Wyoming Supreme Court Cases that make this clear (see *Ford v. Board of County Commissioners of Converse County* and *Crouthamel v. Board of Albany County Commissioners*). Our zoning regulations should be updated to include the recommendations of the comprehensive plan to include the goals created by the public.

Consistency between the Comprehensive Plan and the Zoning Regulations

The term “consistency” is often used when we talk about the relationship of a comprehensive plan to zoning regulations. The Albany County Comprehensive Plan states that our land use regulations must be consistent with the direction of the Comprehensive Plan.

Consistency of the documents is not a 1:1 ratio, but the regulations need to meet the goals and general direction of the plan.

Always keep in mind that the comprehensive plan is a long range plan that is intended to reach 20 years into the future. This is very apparent when it comes to the future land use map. A future land use map is not equivalent to a zoning map. An example of this is that there may be an area where the future land use map shows that an area should be zoned for high density residential developments requiring services from a public water and sewer system. This property may be located where public water and sewer are not available, but will be in 5-10 years. Just because the future land use map shows this as a high density residential land use does not mean that the zoning map should reflect this now. That is not what consistency means.

Using the example above, if a land use change is proposed to create a commercial zone, then this is inconsistent with the designation of high density residential area shown on the future land use map in the comprehensive plan. In order for approval of this proposed land use change, the comprehensive plan should be changed to be consistent with this proposal. This may or may not be appropriate depending on current development patterns. Note that the comprehensive plan is a "living" document and needs to be looked at from time to time. Any changes should receive a good look by the public whose plan this is.

Comprehensive Plan and Zoning Regulations Work Together

Just to reiterate a comprehensive plan is a policy/guidance document and the zoning resolutions is the law. In some circumstances zoning regulations refer to the comprehensive plan. For example, what is proposed in our draft update to the zoning regulations is that zoning change applications consider guidance from the comprehensive plan. This may be appropriate to make sure the zoning change is consistent with the comprehensive plan future land use map, priority growth areas, and the goals of the plan. Inconsistencies could lead to a denial of the application or the amendment of the comprehensive plan. Some of our permits are somewhat subjective. Staff, the Commission, and the Board should look to the comprehensive plan to make subjective decisions. A comprehensive plan is not law but it can guide and direct these decisions taking the ambiguity out of these decisions.

Most of the regulations in a zoning resolution do not refer to the comprehensive plan for guidance. Most recommendations in a comprehensive plan are inserted directly into the regulations. Sometimes you will see the guidance from the comprehensive plan inserted into the zoning regulations in a purpose statement for a specific regulation. These insertions do not require staff or the Commission to review the comprehensive plan because it is already in the regulations.

The comprehensive plan and zoning regulations really do work together. Zoning regulations as already mentioned put into effect the goals of the comprehensive plan that deal with land use. Also note that a comprehensive plan is more "comprehensive" than simply dealing with land use. Although much of what a comprehensive plan recommends affects land use, it also deals with other issues such as infrastructure, community services, working with other jurisdiction, and other community issues that are important to the citizens who create these plans.

Our comprehensive plan was created by the people of Albany County. I believe in the public process that this document went through. It is not a product of what planners think is best; it is a product of what was important to our community.