

Minutes
Regular Meeting
Albany County Planning and Zoning Commission
September 13, 2017

Albany County Commissioners' Room

A regular meeting of the Albany County Planning and Zoning Commission was held on September 13, 2017, at 7:00 p.m. in the Albany County Commissioners' meeting room in the Albany County Courthouse.

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER/ROLL CALL -

Members present: David Cunningham, Carl Miller Shaun Moore and John Spiegelberg in person and Keith Kennedy was present via telephone.

Staff present: David Gertsch, County Planner

County Clerk: Jackie R. Gonzales

County Engineer: None

Albany County Attorney Liaison: Peggy Trent

Board of County Commissioners' Liaison: None

III. Excused Absent Members: None

IV. APPROVAL OF AGENDA – Chairman Cunningham indicated he would entertain a motion to accept the agenda for the September 13, 2017 meeting as presented. MOTION by Spiegelberg, seconded by Miller to APPROVE the September 13, 2017 Agenda as presented. Motion carried on voice vote.

V. APPROVAL of MINUTES – Chairman Cunningham indicated he would entertain a motion to approve the minutes of the Planning and Zoning Commission meeting of August 9, 2017, as presented. MOTION by Miller, seconded by Spiegelberg to APPROVE the August 9, 2017 Minutes as presented. Motion carried on voice vote.

VI. DISCLOSURES – None

VII. PUBLIC APPLICATIONS

A. DH Subdivision Permit Application (Preliminary and Final Plats) SD-02-17.

David Gertsch, County Planner gave the staff report. He indicated the request is for approval of Preliminary and Final Plats and Subdivision Permit for James and Leona Rogers, applicants in Section 29, Township 17 North, Range 76 West. The current zoning is rural residential and the current use is vacant. Lots 1 and 3 will be accessed off Dutton Creek Road (CR-57) and Lot 2 will be accessed off Hunt Road (CR-59). Scott Davis, Fire Warden, sited no concerns. He waived the requirement to install a cistern per the Platting and Subdivision Regulations, Chapter IV, Section 6, 5. The Chairman of Albany County Fire District #1, Art Sigel, had no comments or concerns. Rob Fisher, Albany County Road and Bridge Superintendent provided no comments prior to the writing of the report. Albany County Engineer, Bill Gorman review the plats and the drainage reports. Laramie Rivers Conservation District Director, Tony Hoch reviewed the application but had no natural resource concerns. He recommended quick reseeding of disturbed areas with native grasses. Wyoming Department of Game and Fish Deputy Director, Scott Smith recommended restricting the planting of non-native shrubs and trees. Subdivision covenants

should explain that wildlife in the area may damage vegetation and fencing and that damage claims will not be accepted by Game and Fish. Supplemental feeding of wildlife should not be permitted. Domestic pets should be restrained to prevent harm to wildlife. Wildlife friendly fencing is recommended and wildlife corridors should be preserved. Consultation with Wyoming Game and Fish prior to erecting a fence is recommended.

Albany County Comprehensive Plan

The proposed subdivision is located in Priority Growth Area (PGA) 4. PGA 4 recommends low density residential uses. This area has some attributes of PGA 3. Including access to improved and maintained County roads (Hunt Road and Dutton Creek Road), electrical power lines exist in the area, the Little Laramie Volunteer Fire Department has a firehouse about 3 miles from the property, and it is within a mile of an existing commercial area (AKAL Truck Stop).

Summary of Subdivision Permit Requirement

Subdivision Type – This subdivision meets the criteria to be considered a small subdivision and will be reviewed and approved under these standards.

Water – Water will be provided by individual wells for each lot permitted through the State Engineer’s Office.

Sewer – Each lot will be serviced by a properly permitted wastewater system.

Storm Drainage – A storm drainage plan was submitted by the applicant and reviewed by the County Engineer.

Utilities – The applicant notes electrical power can be provided by Carbon Power and light.

U.S. Postal Service – The applicant notes that postal service exists in the area and individual lot owners will have their own boxes.

Roads – The applicant is not proposing any new roads.

Fire Protection – The required fire safety facilities have been waived by the Fire Warden as per the small subdivision standards.

Findings of Fact:

- Notice has been provided as required.
- This application is being reviewed as a Small Subdivision.
- The applicant has provided a complete application including preliminary and final plats.
- Water will be provided to each lot by individual wells.
- Sewer will be provided by on-site wastewater systems.

Conclusions of Law:

- The requirements of the Albany County Platting and Subdivision Regulation, Chapter I-VII for the Preliminary and Final Plats have been met and will be complied with.

Staff Analysis

The applicant provided a complete application. The proposed subdivision is consistent with the Albany County Comprehensive Plan.

John Spiegelberg inquired if each lot would have access to Dutton Creek and Hunt Road and if Hunt Road is a dedicated road to the public.

David Gertsch indicated that no, only Lot 1 would have access and that Hunt Road is not a dedicated road to the public.

John Spiegelberg also asked if the lot would have access to other roads for egress and ingress.

Dave Hammond, Surveyor for the applicants told the Commission that he could not find a County road description for Hunt Road or Dutton Creek Road. He checked with GIS, Road and Bridge and Bill Gorman. Dutton Creek Road has never been dedicated as a County Road and Hunt Road has no easement.

John Spiegelberg asked if a buyer buys a lot, would they have access to the Road?

David Gertsch indicated that the information would be on the plat.

Jim Rogers, applicant indicated that there aren't any easements on those roads. Hunt Road is on his property and he owns the property east of the subdivision.

Albany County and Prosecuting Attorney Peggy Trent questioned why an easement for the road wasn't required. She also indicated that the waiver stated by Scott Davis, Fire Warden should be included in the Findings of Fact and Conclusions of Law.

County Planner, David Gertsch indicated that there is an easement across the property that is going to be provided for Hunt Road. He indicated that is all that would be required under our regulations.

Jim Rogers, applicant, indicated that once this all gets cleaned up, he would dedicate the easement to the County.

Peggy Trent, County and Prosecuting Attorney indicated that her concerns were answered since our regulations do not require it.

Hearing no further comments, the Public Hearing was CLOSED at 7:19 p.m.

MOTION by Spiegelberg, seconded by Miller to recommend APPROVAL of the DH Subdivision Permit Application SD-02-17 to the Board of County

Commissioners incorporating the Findings of Fact and Conclusions of Law as listed above contingent upon typographical errors be changed on the plats and contours be shown on the Preliminary Plat. Motion carried on voice vote.

**B. Tri-State Generation and Transmission Association, Inc.
Conditional Use Application CU-06-17.**

David Gertsch, County Planner informed the Commission that the applicant is Tri-State Generation and Transmission Association, Inc., for a project site that is located on the south side of River Ranch Road (a private road) approximately 1³/₄miles west of the River Ranch Road/Sand Creek Road intersection in the NE¹/₄, NE¹/₄ of Section 24, Township 15 North, Range 74 West. The request is a Conditional Use to construct an electric substation and the applicant will secure easements prior to construction. The applicant intends to construct a 115-34.5/24.0 kV electrical substation (Monolith Substation). The site will be approximately 5 acres. The purpose of the Monolith Substation is to provide better service to the southeastern service area via Carbon Power and Light, Inc. The substation is expected to improve electrical reliability around Laramie, including Highway 230, 130, 30 and the Centennial Valley. In addition, the electrical capacity could be doubled around the County. Mr. Gertsch indicated that Art Sigel, Chair of Fire District #1, the Sheriff and the Assessor had no concerns. Mary Flanderka, Habitat Protection Supervisor provided comment in a letter dated December 9, 2016 to the applicant recommending best management practices be employed to contain sediment during construction, staging areas should be 500 feet from riparian areas, fueling of equipment should be done away from riparian areas, and Wyoming Game and Fish Regulations concerning the prevention of aquatic invasive species (AIS) is required.

Conditional Use Requirements

Applicable Sections of the Albany County Zoning Resolution

- Chapter 5, Section 5
- Chapter 5, Section 7

Notice - Notice has been provided by posted sign, publication, and certified mailing as required.

Findings Necessary for Approval:

1. The Applicant has provided the required site plans and/or survey.
2. The proposed conditional use shall not harm the public health, safety and welfare.
3. Adequate public services are available for the proposed conditional use without creating an undue financial burden on the County.
4. The applicant has addressed the following impacts (brief summary provided, full response from application is attached to this report):
 - a. Comprehensive Plan
Staff Comment: Chapter 12 section 12.4.8 states: "Work with utility providers to identify and remedy areas of the county that have inadequate services."

- b. Leapfrog or Strip Patterns of Development
Applicant Response Summary: The project site is near an existing gas pipeline corridor and near Mountain Cement property. Site will be accessed using River Ranch Road and water and other utilities will not be needed.
- c. Economic
Applicant Response Summary: "Electric power is an essential component of community growth, economic development, public health, welfare, and safety ... " This project will generate additional taxes for Albany County.
- d. Air Quality
Applicant Response Summary: Air quality impacts will be limited to those typically associated with construction activities. Environmental Protection Measures (EPMs) for construction will be utilized.
- e. Water Quality
Applicant Response Summary: When regular operation of the substation begins, no water quality impacts are anticipated. "Prior to construction, a Stormwater Permit for Construction Activities will be acquired from the Wyoming Department of Environmental Quality. The Stormwater Pollution Prevention Plan prepared as part of the Construction General Permit would include the use of sediment control measures, covering of exposed soils, and other established Best Management Practices (BMP) that will control runoff."
- f. Separation of Uses
Applicant Response: "The Proposed Substation site is located adjacent to Priority Growth Areas identified in the Comprehensive Plan and will provide benefits to the Centennial Valley and south to the state line. The proposed 5-acre substation site is adjacent to an existing gas pipeline corridor and the Mountain Cement commercial property."
- g. Screening and Buffering
Applicant Response Summary: The substation is a compatible to the agricultural zoning. Screening and buffering is not expected to be required.
- h. General Nuisances
Applicant Response Summary: Construction activities may cause some temporary nuisances, such as, odors, glare from construction vehicles, and noise.
- 1. Traffic
Applicant Response Summary: "Tri-State is currently engaged in negotiations [sic] for the purchase of access easements along the private River Ranch Road. During construction, the temporary halting of traffic for short periods of time on River Ranch Road or Sand Creek Roads to allow construction vehicles to enter and exit the construction area may occur." Federal, state and local traffic safety standards will be followed. After construction, only occasional vehicle traffic will be needed to inspect and maintain the substation.

Staff comments: The purchase of access easements will be necessary for legal access to this site. I spoke with Curtis Miller, Transmission Siting & Environmental Planner for Tri-State Generation and

Transmission Association, Inc., about this and he said that with these projects these issues are typically addressed after permits are secured.

j. Parking

Applicants Response Summary: Parking will be available on the 5 acre site.

k. Exterior Lighting

Applicant Response Summary: "The proposed substation will have outdoor lighting. These lights are generally only on in emergency situations when maintenance is required during low light conditions. All lights will be shielded and face downward towards the interior of the substation yard. The purpose of the lighting is to provide adequate visibility for electrical workers to safely work on equipment."

l. Refuse and Service Areas

Applicant Response Summary: "Enclosed containment would be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials would be removed from the site and transported to a disposal facility authorized to accept such materials."

m. Signs

Applicant Response: A small nameplate will be on the fence and safety warning signs will be installed.

Findings of Fact:

- The Findings Necessary for Approval, as listed in this report, are incorporated herein as Findings of Fact.
- The property is currently zoned Agricultural.
- The use requires a conditional use permit within the Agricultural zone.
- The applicant has provided a complete application and has addressed the potential impacts this use may cause.
- Access easements must be obtained to legally access the property prior to construction.

Conclusions of Law:

The provisions of the Albany County Zoning Resolution, Chapter 5, Section 5 and Chapter 5, Section 7 have been met.

Staff Analysis

The site of this project should not cause any conflicts with other uses. The project benefits the community. As long as easements can be secured, the Planning Office has no objections to this application.

Staff Recommendation

Approve the Albany County conditional use application (CU-06-17) based upon and incorporating the Findings of Fact and Conclusions of Law as stated in the staff report with the condition that legal access to the site is obtained prior to construction.

John Spiegelberg asked if there was any access now to the site from the state highway and then dropping into that site along the City of Laramie's land?

Carl Miller indicated River Ranch Road.

Thayne McKinsey, an adjacent property owner told the Commissioner that Tri-State Generation will have to acquire an easement from his family. He also raised concerns about the lights. He indicated that Tri State would take care of the road and they would have to work that out with him.

David Gertsch told Mr. McKinsey that the applicant plans to downward shield the lights and wondered if that would still be an issue.

Mr. McKinsey indicated that he believes the light creates pollution and prohibits star gazing.

Curtis Miller, Transmission Siting and Environmental Planner from Tri-State and Denise Gibbons and Jim Beckman all indicated that the lights will be angled down and shielded to minimize the impacts. They lights will not be on all the time, specifically only when the applicant is at the site.

Mr. McKinsey also expressed concern related to the pipeline corridor. He does not want Tri-State to go around the sub-station.

Denise Gibbons from Tri- State indicated that they've been working on this Issue to make sure if there is another pipeline installed, that there will be plenty of room.

Carl Miller inquired as to the type of pipeline.

Mr. McKinsey indicated that they are fiber optic and that there are 7 of them. He also raised the question regarding whether a fence would be placed.

Curtis Miller from Tri-State indicated that a security fence is going to be installed.

Hearing no further comments the Public Hearing was CLOSED at 7:36 p.m.

MOTION by Moore, seconded by Miller to recommend APPROVAL of the Tri-State Generation and Transmission Association, Inc., Conditional Use Application to the Board of County Commissioners incorporating the Findings of Fact and Conclusions of Law as listed above with the condition that legal access to the site is obtained prior to construction. Motion carried on voice vote.

VIII. CURRENT PLANNING PROJECTS

A. Zoning Resolution Amendment ZA-02-17, Item #2

David Gertsch, County Planner informed the Commission that the Board of County Commissioners returned the proposed amendments concerning additional dwellings. Public comments were heard by the Board of County Commissioners and subsequently by the Planning and Zoning Commission that questioned the added provision that states, "An additional dwelling or a

multi-family dwelling shall not be permitted if the property is within the Aquifer Protection Overlay Zone, unless the parcel is at least ten (10) acres". The commenters believed that this provision could potentially threaten the Casper Aquifer. They advocated that this standard be modified to prohibit additional dwellings in the Aquifer Protection Overlay Zone (APOZ). It was also advocated that a conditional use for an additional dwelling should be continued. Staff was asked to consult with the County Water and Wastewater Engineer to determine the impacts of a large home with the same number of bedrooms as two homes with the same combined number of bedrooms.

Barney Bisson, County Water and Wastewater Engineer, generally speaking, believed that the impacts to ground water would be about the same.

Options:

1. No change to proposed language. "An additional dwelling or a multi-family dwelling shall not be permitted if the property is within the APOZ, unless the parcel is at least ten (10) acres".
2. Do not allow additional dwellings on parcels in the APOZ. Amend as follows: "An additional dwelling or a multi-family dwelling shall not be permitted if the property is within the Aquifer Protection Overlay Zone:., unless the parcel is at least ten (10) acres".
3. Require a conditional use in addition to meeting the 10 acre standard in the APOZ. "An additional dwelling or a multi-family dwelling shall not be permitted if the property is within the Aquifer Protection Overlay Zone, unless the parcel is at least ten (10) acres and a conditional use application is approved".
4. Change the minimum lot size for an additional dwelling in the APOZ. "An additional dwelling or a multi-family dwelling shall not be permitted if the property is within the Aquifer Protection Overlay Zone, unless the parcel is at least ten (10) acres 20, 35 acres?"

David Gertsch indicated to the Commission that he would not have opposition to recommend #3 to the Board of County Commissioners because basically that is what is being done everywhere in the County.

John Spiegelberg indicated that these zoning regulations were reviewed about a year and a half ago and not once did this come up as an issue. He indicated that it was publicized and had it culminated in a public meeting with no word of opposition. He believes changing this would derail what had already been approved. He believes the recommendation made by David Gertsch is very appropriate.

Chairman Cunningham disagreed on the point made. He believes having no change on the proposed language avoids tremendous amount on the expense and it is burdensome to property rights. He recommends Option 1 because it would facilitate and improve the ability for people to use their property properly and not endure the expenses in doing so. He stated that #3 is burdensome and unnecessary and represents a burden to property rights. "Going any other direction says we don't trust the professionals in the APOZ

that has been established". #1 is the way to go because we have protection built in through the APOZ regulations.

Shaun Moore indicated that he could live with Option 1.

Carl Miller agreed.

The Public Hearing was opened at 7:52 p.m. Sarah Gorin commented that she believed this was a new proposal removing public input.

Hearing no further comments, the Public Hearing was CLOSED at 7:56 p.m.

MOTION was made by John Spiegelberg, seconded by Chairman Cunningham to stay with Option 1 with no change and FORWARD to the Board of County Commissioners. Motion carried on voice vote.

B. Planning project list/prioritization

David Gertsch reported that the score sheets have been turned in and tallied and Platting and Subdivision Updates is the #1 priority.

Chairman Cunningham indicated that the Aquifer Protection Overlay Updates and the Casper Aquifer Protection Plan Updated have been declined. He indicated that he'd like to proceed on both of the areas with Platting and Subdivision Updates and Road Maintenance/Improvement District (Subdivision) Amendments.

X. OTHER ITEMS/ANNOUNCEMENTS - None

XI. CITIZEN COMMENTS – Non-Agenda Related Topics – None

XII. ADJOURNMENT

MOTION by Miller, seconded by Moore to ADJOURN the September 13, 2017 Planning and Zoning Commission meeting at 8:00 p.m. Motion carried on voice vote.