

Minutes
Regular Meeting
Albany County Planning and Zoning Commission
October 11, 2017
Albany County Commissioners Room

A regular meeting of the Albany County Planning and Zoning Commission was held on October 11, 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, Shaun Moore and Keith Kennedy.

Staff Present: David Gertsch, County Planner

Deputy County Clerk: Kayla White

County Engineer: None

Albany County Attorney Liaison: Peggy Trent

Board of County Commissioners’ Liaison: None

III. Excuse Absent Members: Carl Miller and John Spiegelberg.

Chairman Cunningham indicated he would entertain a motion to excuse absent members. MOTION by Kennedy, seconded by Moore to EXCUSE Carl Miller and John Spiegelberg from the October 11, 2017 meeting. Motion carried on voice vote.

IV. Approval of Agenda – Chairman Cunningham indicated he would entertain a motion to accept the agenda of the October 11, 2017 meeting as presented. MOTION by Kennedy, seconded by Moore to APPROVE the October 11, 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 on September 13, 2017, as presented. MOTION by Moore, seconded by Kennedy to APPROVE the September 13, 2017 Minutes as presented. Motion carried on voice vote.

VI. DISCLOSURES - None

VII. PUBLIC APPLICATIONS – None

VIII. CURRENT PLANNING PROJECTS

A. Subdivision Road Maintenance Discussion

Chairman Cunningham said at the request of the Board of County Commissioners, we will start on the discussion on the Subdivision Road Maintenance. There will be no particular action taken tonight but David has gotten us an MOU to review. It has been a long time since updates have been made on these regulations. We are very fortunate to have Shaun Moore with us as he is very knowledgeable in this area.

Shaun Moore indicated that it has become more and more required to have a road maintenance agreement as underwriters are requested that these be put in place as a condition when closing on properties in the County. There are a lot of

existing properties in the County that have road maintenance agreements but have no teeth. Therefore moving forward we as a commission would like to look at these road maintenance agreements and it will be interesting to see where this will go and everyone's thoughts on the subject.

Keith Kennedy indicated that he was not aware of those issues. Although the several existing landowners find that when new subdivisions come in, the new landowners felt that the existing landowners should take care of the roads. It is hard to convince someone of the costs of road maintenance. To me it is like sharing a fence line, all owners should help in the maintenance and cost of that said maintenance.

Shaun Moore indicated that the issue with Pope Springs road is a good example. 13 years ago there were a few properties and since those properties have been split up and it has not been a dedicated county road but all have easements, no one has wanted to pay to fix the roads. They are now forming a road district to take care of the roads.

Chairman Cunningham indicated that he had asked Peggy Trent a couple of weeks ago what our authority was in respect to this issue with road maintenance agreements in the county. Her answer was just do what we need to do and if she finds errors in our ways she would let us know.

Peggy Trent asked the Chair what direction you want to go and as long as you stay within the parameters of the state statutes it is really your decision. The statutes are as such that it leaves the commission to decide what roads to maintain. David Gertsch would probably agree that in regards to school districts and bus routes that there are roads that need to be maintained by state law. It really depends on how far you want to go in terms of regulations although you as a board do have some authority. I know that the Board of County Commissioners has suggested that in the regulations for subdivisions, that we require them to form a road district. I am a bit apprehensive of this requirement due to the problems that we have currently with road districts and the fact that they are not all in compliance. The County Clerk and I have decided to start doing a training with all special districts to help them with these issues. We are afraid of the new legislation that it may come back on the counties. In understanding road maintenance agreements, we have many issues with places such as Cottonwood Estates. When the city annexed there were issues with who would take care of the roads. The same with Richards Park which is a disaster because of the regulations and who does snow removal and maintenance. I would say the best way to look at this would be to look at the pros and cons of this subject. You as a board can provide your pros and cons and then I can provide what I see legally and compliment it with case law. I am not sure that being told to do road districts is the best way to go.

Chairman Cunningham asked the question that if there are working arrangements and covenants, should those be replaced? I would say no.

Peggy Trent indicated that the covenant should parallel and putting another level of regulation on property owners is just getting into private property rights. I would say that there is another disaster in the city and that is the Turner Tract. They have covenant, associations and condominiums and is a

nightmare. You just have to think it through and also look at different parcels. One may work for one community and not for another.

Chairman Cunningham said that we need to address these issues in a logical way.

David Gertsch indicated that road districts are actually quasi-governmental and although there is a district does not mean that the road will actually get maintained. The only way we can guarantee a road will get maintained is if it is a dedicated county road. I feel the commission is looking for some kind of guarantee which I don't believe exists.

Keith Kennedy indicated that with the changes in the special district statutes that there will be some issues that we don't yet know about. I don't believe there can be that many changes and know exactly what is going to happen with those changes. I have one client we have that with a change they shifted in and now have audit requirements. They have an annual budget of \$20,000.00 and will use half of their budget because of these requirements. I myself wonder if there is some kind of hybrid with a road district and possibly the county so that there will be funding. I don't pretend to have the answer but it also seems unreasonable for those property owners that have come first to have to do all the work and build a proper road to not get a proportional amount back when development starts.

Peggy Trent said it is same with her property at Wild Horse Ranch. They were to get money back in regards to the road and it has not happened. What I am trying to say is that there are no guarantees and signed agreements and they are still not working. We need a thoughtful process. I wonder if we gather info to bring back to you.

David Gertsch said we will need to go out of state to look for solutions. It was a few years back that we made tweaks and I looked to other jurisdictions in Wyoming and we were stricter than most.

Shaun Moore said that if you look at places with high property taxes, they take care of the roads better. In our jurisdiction where property taxes are not as high, the major roads are what are being maintained and plowed.

Keith Kennedy indicated that it is even different in counties where county roads are on section lines. If you are off a county road, it is your problem.

Peggy Trent said that there is a state statute that says we don't have to maintain the roads and it is ultimately what we decide.

Shaun Moore asked, what are the problem areas? The roads I can think of are in the Pope springs area and Alaquad. In some areas the agreements are working really well and some of them are not. We really only have a few areas that are bad within the county.

David Gertsch asked the board what they want to do with Road Districts in terms of requirements. Will the burden be on the whole subdivision or will it be only for a few lots.

David Gertsch informed the board that the subdivision that Brandon Markle did was very well done. He paved all the roads in the subdivision when he was only required to pave Skyline Road.

David Gertsch is going to do research on other like communities that have road maintenance agreements as well as road districts. He will look at possibly areas in Southwest South Dakota as well as areas in Utah and Colorado.

Chairman Cunningham has tabled this discussion until further information is gathered from the County Planner.

B. Platting and Subdivision Regulations Update Discussion

David Gertsch said I wrote up a quick memo and there has not been an update done since 1997. There are quite a few regulations that we will need to look at but not quite as extensive as our zoning regulations. The State Statutes will need to be looked at to make sure that all minimum standards are being met. Look at right of ways and roads as well as driveway standards. Right of ways are set at 80 feet but for some local roads that may not go anywhere, it may be a bit extensive.

Shaun Moore said that as long as we get easements on those subdivisions, who cares if it is a 3 lot subdivision with 16 or 24 foot easements. Having the easements and road maintenance agreements will help in the long run. An example of that is Rosedale Road and the fact that it is in the 1 mile jurisdiction. They were only doing a 3 lot subdivision and we did not require them to have a major throughway as someday it may be annexed if town expands into that area.

David Gertsch said that we can look at mountain subdivision and landscaping standards. We have had things come up that are going to need to be reviewed. In terms of the landscaping standards, the gateways corridors such as 287, I-80 and HWY 30 outside of Rock River will be looked at as some of those areas are difficult to get anything to grow. The portion on improvement agreements as well as covenant and HOA's will need to be reviewed and possibly organizational changes will need to be made. I would like to look at mobile home park regulations and whatever else the board would like to discuss. We started the process in 2013 and visited all the state, local and county offices to gather information as well as disseminate information. I have attached that information for your review. I would suggest that we look at state statutes and work our way down chapter by chapter and hit the topics we want and then send the whole document for review.

Chairman Cunningham indicated that this was the way we did zoning and this should work fine. We can have comments on a meeting by meeting basis and then we will not have to hold individual hearings.

Keith Kennedy said he would like to see us start on the roads and then move on from there. The question is, has there been any discussion with the BOCC regarding possible upfront payments for roads or impact fees?

David Gertsch indicated that impact fees have not been looked at.

Keith Kennedy said that regardless of which one of these issues we look at whether it be roads, law enforcement or fire protection, we don't want to discourage people from developing but we also want everyone to pay their own way.

David Gertsch said this is like with the fire safety stuff. We allow in our regulations for the developer to come up with a plan other than a cistern. They deal directly with the fire district and they ok the developers plan. The fire district now has a scale of how much they pay for how many lots they are developing in lieu of a cistern for each lot. This is kind of an impact fee and we could look at something like that but it would be hard to charge that for roads that are not County Roads which a lot of our roads are.

Shaun Moore said it was a good thing that we got away from the cisterns.

David Gertsch said the fire issue is a fire district or fire warden issue. Other than that we want to take their direction on the way they want to go.

Keith Kennedy is curious to know if the insurance organization knows whether or not these cisterns are maintained.

David Gertsch said that cisterns are appropriate for some areas but not for all places. There are cisterns that are up in the north Albany area and they are appropriate for those areas.

David Gertsch said that I will look into road maintenance issues and subdivision requirements and bring back to the board.

Chairman Cunningham has tabled this discussion until information is gathered from the County Planner.

X. OTHER ITEMS/ANNOUNCEMENTS

David Gertsch indicated that there are a couple of conditional use permits in the works. There is one on PFE road that will come forward. It is industrial property and they will need a conditional use so that they can put a residence on the property. The other is a 10 acre lot that wants to add an additional residence. The update on the grant for the septic system is that it will go to the board next week and if approved, we will send out an RPF for that project and start moving forward. Hopefully we will get a good contractor and find a spot for the study on the aquifer. The one thing with this study is a template study and look at one site. Once the project is designed we would possibly come back and do it again.

Shaun Moore asked if it will got on a monitoring system or an existing septic?

David Gertsch said that there will be lysimeter wells placed 6 or 8 feet in the ground. This will test how well the system is working. We may look at putting in another monitoring well if the funding allows. We will look how the systems are leaching and if it is going into the groundwater or not. The 205(j) grant is federally funded and comes through the DEQ. The DEQ is really excited because they don't have a lot of data in the state as this has never been done before in Wyoming. The EPA has data although they are done in high moisture and high carbon soils which we do not have here.

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

XII. ADJOURNMENT

MOTION by Moore, seconded by Kennedy to AJOURN the October 11, 2017 Planning and Zoning Commission meeting at 7:49 p.m. Motion carried on voice vote.