

Minutes
Regular Meeting
Albany County Planning and Zoning Commission
November 8, 2017
Albany County Commissioners Room

A regular meeting of the Albany County Planning and Zoning Commission was held on November 8, 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: Shaun Moore, Keith Kennedy, Carl Miller, John Spiegelberg and David Cunningham.
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: Heber Richardson
- III. Excused Absent Members:** None

- IV. Approval of Agenda –** MOTION by Kennedy, seconded by Moore to APPROVE the November 8, 2017 Agenda as presented. Motion carried on voice vote.

- V. Approval of Minutes –** Mr. Kennedy asked that the word “covenant” on page 2 under comments from Peggy Trent be changed to “covenants” and on page 4 under Section B., paragraph 3, the word “covenant” should also be changed to “covenants”. MOTION by Spiegelberg, seconded by Moore to APPROVE the October 11, 2017 Minutes with the corrections mentioned above. Motion carried on voice vote.

- VI. DISCLOSURES –** None

- VII. PUBLIC APPLICATIONS**
 - A. Atkinson Conditional Use Application CU-07-17 (Gertsch) –**

David Gertsch, County Planner reviewed the Leonard Atkinson, Sr. and Sharon Atkinson Conditional Use Application, CU-07-17. The applicants are requesting that a conditional use be granted to use their property which is currently zoned Industrial, for a residential dwelling and associated residential uses. The property is located on the west side of PFE Road approximately .37 miles from the intersection of U.S. Highway 30 and PFE Road. The Fire Warden nor the

Chair of Fire District #1 have any concerns. Rob Fisher, Road and Bridge Superintendent noted that although a portion of the PFE Road is in the County road system, it is a road that is not maintained and would be low priority.

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 the report).
 - a. Comprehensive Plan
Map 3.5: Priority Growth Area 1 shows this properties future land use as Industrial.
 - b. Leapfrog or strip Patterns of Development
Applicant Response: "There will be no leapfrog or strip development".
Staff comments: The property exists in an existing subdivision.
 - c. Economics
Applicant Response: "Residence will not have any negative economic impact. It will be a permanent home".
 - d. Air Quality
Applicant Response: "Wood burning stove will be used inside the home causing minimal smoke".
 - e. Water Quality
Applicant Response: "Water will be sued [sic] from a well and waste water will be attached to an existing sewer line. No potential adverse water quality".
Staff comments: The property is adjacent to an existing City of Laramie sewer line. The applicant is proposing to connect to this line. If the City of Laramie does not permit connection to this sewer line, the applicant should contact the County Water and Wastewater Engineer before siting the proposed home in order to determine the appropriate location of a septic system.
 - f. Separation of Uses
Applicant Response: "N/A"
 - g. Screening and Buffering
Applicant Response: "N/A"
 - h. General Nuisances
Applicant Response: "N/A"
 - i. Traffic
Applicant Response Summary: "Ingress and egress has existing approach".

- j. Parking
Applicants Response: “Parking will be in front of the house”.
- k. Exterior Lighting
Applicant response Summary: “Exterior light will be one yard light”.
- l. Refuse and Service Areas
Applicant Response Summary: “Refuse will be removed and taken to the City Dump by owners.”
- m. Signs
Applicant Response: “No signs needed. N/A”.

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 Industrial.
- A residential dwelling requires a conditional use permit within the Industrial zone.
- The applicant has provided a complete application and has addressed the potential impacts.
- This property is located within an existing commercial/industrial area and the area may further develop with land uses typical to commercial/industrial area.
- Commercial/industrial land uses may create impacts to surrounding properties (not typically allowed or appropriate within residential areas) which are acceptable within Industrial zoned areas.

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 proposed use is not consistent with the area’s current uses. However, impacts on the other properties in the area would be minimal. If the applicant knows and understands that existing and future uses of surrounding properties could potentially cause impacts to a residential use (traffic, nuisances, etc.) staff finds no issues with this application.

Staff Recommendation

APPROVE the Albany County conditional use application (CU-07-17) based upon and incorporating the Findings of Fact and Conclusions of Law as stated in the staff report.

David Gertsch informed the Board that a Letter was received today, November 8, 2017 from Western Research Institute (WRI), a land owner who owns property and a business next to the proposed property which stated that it has significant

concerns that allowing for adjacent residential use in the industrial zoning could significantly impact WRI's existing and future business operations. While WRI does not have any concerns per se with the proposed Applicant, WRI does have concerns with future residents, property owners and/or additional residential use applications and/or homes and neighbors. WRI desires to try and find a resolution with the Applicant, however, until and if such occurs, objects to the proposed conditional residential use and asks the County to deny the proposed application and use.

After much discussion between the Commission, the applicant and the CEO for WRI, the Public Hearing closed at 7:52 p.m.

MOTION by Moore, seconded by Miller to APPROVE the Albany County Conditional Use Application for Leonard Atkinson, Sr. and Sharon Atkinson, (CU-07-17) based upon and incorporating the Findings of Fact and Conclusions of Law as stated above in the staff report. Motion carried on voice vote.

VIII. CURRENT PLANNING PROJECTS

A. Subdivision Road Maintenance Discussion

David Gertsch, County Planner provided the Commission with a list of counties (13 counties from 4 different states) that listed how they address subdivision road maintenance. He informed the Commission that Albany County's regulations are very typical of what you find in other counties and in other states. Generally, road maintenance is the responsibility of the developer. Some counties suggest the use of covenants enforced through a Homeowners Association, Improvement District, or a similar entity. Wyoming Statutes requires all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners associations and mutual benefit corporations.

David Gertsch provided a full citation from the County Platting and Subdivision Regulation that address road maintenance and summarized the requirements below:

- If a privately maintained road is used to access a publicly maintained road from the proposed subdivision, a road maintenance agreement is required unless reasonable efforts are made to enter an agreement and not successful.
- Requires covenants for subdivision with more than 3 lots. A homeowners association, an improvement district, or a mutual benefit corporation is required to enforce covenants.
- A homeowners association may be required. If required, covenants must be filed when the final plat is recorded.

- Roadway maintenance mechanism is required within their subdivision or join an improvement district.
- All improvements are responsibility of the developer.

Discussion ensued by the Commission regarding covenants, special districts and homeowners associations and the problems that could occur of which the Commission has no authority over.

County and Prosecuting Attorney Peggy Trent believes that revisions need to be made to statutes to alleviate some of the problems that currently exist like accountability, budgeting and the required reporting.

B. Platting and Subdivision Regulations Update Discussion

David Gertsch informed the Commission that he does not have anything at this time, nor has he had the chance to work on anything.

IX. OTHER ITEMS/ANNOUNCEMENTS - None

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

XI. ADJOURNMENT

MOTION by Moore, seconded by Miller to ADJOURN the November 8, 2017 Planning and Zoning Commission meeting at 9:00 p.m. Motion carried on voice vote.