

Minutes
Regular Meeting
Albany County Planning and Zoning Commission
May 10, 2017

Albany County Commissioners' Room

A regular meeting of the Albany County Planning and Zoning Commission was held on May 10, 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, Keith Kennedy, John Spiegelberg, Carl Miller and Shaun Moore

Staff present: David Gertsch, County Planner

County Clerk: Jackie R. Gonzales

County Engineer: None

Albany County Attorney Liaison: None

Board of County Commissioners' Liaison: None

Public Present: Dave Coffey, Hal Burns

III. APPROVAL OF AGENDA – David Gertsch, County Planner indicated to the Commission that Agenda item #C. – Procedure for prioritization of Planning Projects be removed. Chairman Cunningham indicated he would explain later why this was not done. MOTION by Spiegelberg, seconded by Miller to APPROVE the May 10, 2017 Agenda. Motion carried on voice vote.

IV. APPROVAL of MINUTES – April 12, 2017.

MOTION by Miller, seconded by Moore to APPROVE the April 12, 2017 Minutes as presented. Motion carried on voice vote.

V. DISCLOSURES – None

VI. PUBLIC APPLICATIONS

A. **High Plains Subdivision Final Plats (SD-05-16)** – David Gertsch, County Planner gave the following staff report:

Applicant: Hal Burns, applicant is requesting approval of the Final Plat for High Plains Subdivision (SD-07-16) on property located on the east side of U.S. Highway 30 and north of Little Worth Lane.

This is a 50 acre tract of land. The request is for a ten lot subdivision final plat.

Zoning: Property is zoned Rural Residential and is currently vacant land.

Access: Access will be from U.S. Highway 30 onto Little Worth Lane.

Reviews:

County Engineer: County Engineer reviewed the application and his concerns were met.

Laramie Rivers Conservation District: Laramie Rivers Conservation District recommended quickly reseeding disturbed areas.

Wyoming Department of Transportation: WYDOT reviewed and advised any drainage reaching WYDOT right-of-way must not exceed historic rates and should not be trapped or allowed to pond in the right-of-way. If the access for Little Worth Lane is to be upgraded to County Standards, an access permit will be required for modifications at the cattle guard. The current cattle guard is not wide enough to accommodate two-way traffic.

Wyoming Game and Fish: The Habitat Protection Supervisor, Mary Flanderka, recommends restricting the introduction of non-native shrubs and trees, construction of new fences should be minimized and construct the minimum standard and number of roads needed to serve the subdivision. She also recommended subdivision covenants include an explanation that wildlife inhabits, winters and/or migrates through the area be placed in the covenants. WDEQ provided a non-adverse recommendation.

Wyoming Department of Environmental Quality: The WDEQ required the following notes to be added to the Final Plat and other pertinent documents:

1. The absorption system in the 160 soil type will need to be designed by a licensed engineer (due to rapid perc rate).
2. The upper portion of the private wells shall be sealed with a grout, cement, or bentonite seal, which is at least forty (40') feet thick.

Water: Water will be provided by individual wells for each lot permitted through the State Engineer's Office. One of the notes on the Final Plat is "Water treatment for sulfate may be desired".

Sewer: Each lot will be serviced by a wastewater system permitted through the Albany County Wastewater Engineer. A note on the Final Plat indicated "the absorption system in the 160 soil type will need to be designated by a licensed engineer (due to rapid perc rate)".

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

Utilities: Applicant indicated power and phone will be provided.

Roads: Applicant is proposing one new road named Phantom Road running north from Little Worth Road, in the middle of the subdivision. The roads will be built to County standards.

Comprehensive Plan: The property is within an area designated Priority Growth Area (PGA) 4. This area is identified as areas where low density residential uses are encouraged.

Fire Protection: This subdivision will be required to provide access to a fire protection water source.

Landscaping: Landscaping is required for all new residential subdivisions along the following major

corridors which include Interstate 80 and Highways 130, 230, and 287. The applicant is requesting that in lieu of landscaping, they provide a donation to the Laramie Beautification Committee to be used for the planting of trees. The applicant points out that there will not be irrigation or maintenance of any landscaping he would put along the highway and the trees and shrubs would die quickly and be a waste. However, he sees great value in making a financial contribution to a holistic plan designed to benefit County highways and entries and exits in and out of town by and through the Laramie Beautification Committee. Our rules that a landscaping plan be provided. What's being asked is to waive rules which is not allowed in our regulations.

Findings of Fact:

1. Notice has been provided in accordance with Chapter IV, Section 9 of the Albany County Platting and Subdivision Regulations.

2. This property is zoned rural residential.

3. Water will be provided by individual on-site wells permitted by the Wyoming State Engineer's Office.

4. Sewer will be provided by individual on-site wastewater systems permitted by the Albany County Wastewater Engineer.

5. Applicant has provided covenants addressing road maintenance for Little Worth Lane and Phantom Road. We have preliminary covenants and should be filed with the final plat.

6. This subdivision is consistent with the guidance of the Albany County Comprehensive Plan.

Conclusions of Law:

Requirements of the Albany County Platting and Subdivision Regulation, Chapter I-VII for the Final Plat have been met and will be complied with.

Staff Analysis:

- The proposed subdivision is consistent with the guidance of the Albany County Comprehensive Plan because it falls within Priority Growth Area 3.
- Legal access exists.
- The information on the final plat appears to be complete and other required final reports and information has been provided.
- This property is zoned Rural Residential.
- Staff received a written comment from William Stuart (included in your packet).

Staff Recommendation: Staff recommends approval of the High Plains Subdivision Final Plat to the Planning and Zoning Commission incorporating the Findings of Fact and Conclusions of Law as listed in the Staff Report to include a contingency that the covenants be finalized and filed with the Clerk's Office at the time of filing of the plat as well as that landscaping plans be provided in accordance with our rules or whatever you determine.

Chairman Cunningham indicated that there is a conflict with the Comprehensive Priority Growth Area. It is listed as CPGA 3 on one page and CPGA 4 on another. David Gertsch indicated that it is CPGA 3. Chairman Cunningham also pointed out as a point of comment from him that somehow the landscaping idea that has been presented is a solid one. He would prefer to see landscaping placed where it could be maintained and taken care of.

David Gertsch indicated that in our regulations, if ground is along the corridor, landscaping is required. However, if it isn't along a corridor, landscaping is not required.

Commissioner Moore indicated that this should be looked at. What's the purpose if it is not going to be maintained or taken care of?

David Gertsch indicated that there have been cases where landscaping has been waived (Mountain West Subdivision). As staff, I have to go by the rules.

Commissioner Kennedy indicated that this might be a reasonable accommodation to waive because it was site specific.

Chairman Cunningham thinks it is something to look at in the future, however this solution is a good one and would recommend that we approve this particular solution for this issue.

Commissioner Spiegelberg indicated that there were concerns raised at the first introduction of this subdivision and someone lead us to believe that there was a drainage problem. Three of us went and looked and all of those concerns in his view were put to rest and was unfounded.

Chairman Cunningham commented about the low area where a concern was expressed about low-lying areas flooding. I've never seen a low lying area that flooded that had cactus in it, so I don't think it is an issue.

Dave Coffey, Coffey Engineering – Engineer of record for the project. Dave was pleased to hear there are some feelings that he shares about drainage. Bill Gorman, County Engineer, made recommendations that a note be placed on the final plat limiting the amount of development or building that could be done below the calculated high water level of the low lying area. He stated it was his public duty as an engineer, and I agree with him that it is our public duty as an engineer to protect the health and safety of the public, however, I disagree with him that this poses a threat to the health and safety of the public however, folks that choose to build in that area are doing so at their own risk. We have identified the risks and have made those risks known to the public. We've submitted a final plat that says that no land can be built below this specific elevation. I would like

that note eliminated and taken off the plat because I don't believe it is a health and safety concern, it's a personal choice concern.

Commission Spiegelberg agreed with Mr. Coffey's comments.

Chairman Cunningham felt that the note should be left on the plat and let somebody who wants to purchase the property and deal with the issue can do so if they choose.

Commissioner Moore indicated that he would like Note #6 eliminated from the final plat.

"Construction Restricted Area: In the event of a 100 year storm, land below elevation 7148.75 feet may flood and it is designated on the map. No construction below elevation 7148.75 feet is permitted within this area".

Commissioner Kennedy agreed with Commissioners' Moore statement.

Dave Coffey recommended to leave the high water level and eliminate Note 6.

Commissioner Moore accepted the removal of Note 6 but suggested keeping the language on the plat where the 100 year level is so that anyone who purchases can readily see where it is available.

Chairman Cunningham agreed with the removal of the last sentence on Note 6.

Applicant Burns commented that he appreciated the opportunity to place trees in other areas of the County.

PUBLIC COMMENT - None

MOTION by Moore and seconded by Miller to APPROVE the High Plains Subdivision (SD-07-16) Final Plat to the Board of County Commissioners incorporating the Findings of Fact and Conclusions of Law as listed in the Staff Report with the following contingencies:

1. The removal of the last sentence of Note 6 that states "No construction below elevation 7148.75 feet is permitted within this area".

2. Covenants must be filed for the subdivision before or at the time the final plat is filed with the County Clerk, and;

3. Waiving the landscaping requirement in lieu of donating that money to the Beautification Committee.

Motion carried on voice vote.

Dave Coffey discussed his thoughts on the landscaping ordinance. In typical situations, landscaping is left to the ultimate landowner of development. Landscaping is good. It needs to be re-evaluated as to who is responsible. The landscaping requirements come into play during the building permit and site plan review process with individuals who own the land developing those lots so that landscaping can be taken care of. By leaving it up to the developer, it doesn't allow them to manage because ultimately they aren't going to own the property.

CURRENT PLANNING PROJECTS

A. Amendment to the Albany County Zoning Resolution (ZA-02-17) – Withdrawal process, density standards, additional dwellings, and zoning map changes.

David Gertsch commented that in response to concerns discussed at the March meeting, amendments to the Albany County Zoning Resolution were discussed that included multi-family dwellings units and allowing for a second residence of which is not allowed at this time; an application withdrawal process, changes to density standards, and zoning map changes. The withdrawal process amendment was moved into Section 3 that was renamed from “Completed Application” to “Complete Application Submittal and Withdrawal”. Owners of the two properties proposed for a zoning change were sent letters informing them of the change and asking them to contact my office if they had any concerns. Only one of the two property owners responded. Suggested modifications to the density standards are included which would eliminate the dwelling density standard and replaced with a lot density standard. There are additions of specific standards for additional dwellings regarding the minimum lot size, the determination of whether wastewater can be handled adequately and the limitation of additional dwellings. There is also amendments to the Official Zoning map to correct errors that occurred during the 2015 update. All of the information that has been provided takes into account #B also – Amendment to the Albany County Platting and Subdivision Regulations (lot standards).

MOTION by Moore, seconded by Miller to certify to the Board of County Commissioners the recommendation for approval of Amendments to the Albany County Zoning Resolution that includes the addition of an application withdrawal process, changes to density standards and amends the Official Zoning Map and also recommends for approval amendments to the Albany County Platting and Subdivision Regulations that amends the subsection pertaining to lot standards to read “Subdivision applications must meet the zoning district standards found in Chapter 3, Section 2 of the Albany County Zoning Resolution. If further subdivision is proposed within an existing recorded subdivision, an increase in the original density of the subdivision shall only be permitted if the zoning district standards can be met and the applicant receives a non-adverse recommendation from the Wyoming Department of Environmental Quality”. MOTION carried on a voice vote

C. Procedure for prioritization of Planning Projects.

Chairman Cunningham indicated that the County Attorney recommend that we not proceed until procedures are developed and approved. A meeting was planned, but cancelled. When the meeting occurs, I will have things ready. Ms. Trent was clear that we should not do this until we have procedures in place.

VII. OTHER ITEMS/ANNOUNCEMENTS

Commissioner Moore suggested that Susan Adler, Stan Gibson and Dale Thymian be acknowledged for their service to the Planning Office. A gift card with a letter was suggested.

VIII. CITIZEN COMMENTS – None

IX. ADJOURNMENT –

MOTION by Spiegelberg, seconded by Kennedy to ADJOURN the May 10, 2017 meeting of the Albany County Planning and Zoning Commission meeting at 7:44 p.m. MOTION carried on a voice vote.