

## RESOLUTION 2020-001

### **RESOLUTION EXTENDING THE NINETY (90) DAY FREEZE OR TEMPORARY MORATORIUM ON DEVELOPMENT IN THE AQUIFER PROTECTION OVERLAY ZONE SUBJECT TO EXEMPTIONS ADOPTED IN RESOLUTION 2019-21 FOR AN ADDITIONAL NINETY (90) DAYS OR UNTIL April 3, 2020.**

**WHEREAS**, the Board of Commissioners for Albany County (County) on July 5, 2019, adopted Resolution 2019-21, placing a freeze or temporary moratorium on any building permit, subdivision plat or any other development, construction, or land use or zoning application subject to exemptions for a period not to exceed ninety (90) days regarding property situated in whole or in part within the Aquifer Protection Overlay Zone located in the unincorporated area of Albany County except that the freeze will not apply to all pending permits and to all development or construction for projects previously approved by the County Commissioners pursuant to current County Zoning Regulations to allow Albany County, Wyoming the opportunity to revise the zoning regulations for the protection of the Casper Aquifer and for the health and safety of the citizens of the County.

**WHEREAS**, the County Planning and Zoning Commission desires additional time to discuss revisions to the zoning regulations pertaining to the Aquifer Protection Overlay Zone and for the public to have an opportunity to provide written and verbal comments to such revisions in accordance with Wyo. Stat. § 16-3-101 et. seq.

**WHEREAS**, the ninety (90) days freeze or temporary moratorium on development in the Aquifer Protection Overlay Zone expires on January 3, 2020 and on December 11, 2019, the County Planning and Zoning Commission approved the extension of Resolution 2019-021 declaring a freeze or a temporary moratorium on development in the Aquifer Protection Overlay Zone subject to exemptions for 90 days or until April 3, 2020 to provide additional time to receive public comments on proposed revisions to the zoning resolution on the Aquifer Protection Overlay Zone.

**WHEREAS**, Wyoming law requires that a public hearing of the Board of County Commissioners be held when revisions of zoning regulations after a notice of time and place of the hearing being given by one (1) publication in a newspaper of general circulation in Albany County at least fourteen (14) days before the date of the public hearing.

**WHEREAS**, a public hearing was held on January 2, 2020 which was properly noticed by the County Clerk and open to the public and public comment and public comments were received on the extension of the temporary moratorium for 90 days subject to the exemption process.

**NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS OF ALBANY COUNTY, WYOMING, RESOLVE:**

**Section 1.** That the foregoing recitals are incorporated in and made a part of this emergency resolution by this reference.

**Section 2.** That the Board of County Commissioners of Albany County hereby extends the temporary freeze or moratorium as outlined in Resolution 2019-021 on any building permit, subdivision plat or any other development, construction, or land use or zoning application subject to exemptions for an additional ninety (90) days or until April 3, 2020 regarding property situated in whole or in part within the Aquifer Protection Overlay Zone located in the unincorporated area of Albany County except that the freeze will not apply to all pending permits and to all development or construction for projects previously approved by the County Commissioners pursuant to current County Zoning Regulations to allow Albany County, Wyoming the opportunity to revise the zoning regulations for the protection of the Casper Aquifer and for the health and safety of the citizens of the County.


**Section 3.** That the temporary freeze or moratorium is subject to the exemptions as adopted and certified by the County Planning and Zoning Commission and adopted by the Board of County Commissioners of Albany County in Resolution 2019-021 which is marked Exhibit 1 and is attached hereto and incorporated herein.

**PASSED, APPROVED, AND ADOPTED THIS** 2nd day of January 2020.

**THE BOARD OF COUNTY COMMISSIONERS OF  
ALBANY COUNTY, WYOMING**

  
\_\_\_\_\_  
Terri Jones, Chairperson

**ATTEST:**

  
\_\_\_\_\_  
Jackie R. Gonzales,  
Albany County Clerk

## **EXHIBIT 1**

### **Temporary Moratorium Exemption Process**

**I) Exemptions in the Aquifer Protection Overlay Zone (APOZ) that are eligible for approval include the following:**

- A) Residential, Agricultural, Commercial, or Industrial Uses that are not listed as prohibited uses in the Aquifer Protection Overlay Zone Prohibited Use Table and that meet Zoning Certificate requirements, where applicable.**
- B) Home businesses/occupations that are not listed as prohibited uses in the Aquifer Protection Overlay Zone Prohibited Uses Table and that meet the standards in the Zoning Resolution.**
- C) Subdivisions that meet County regulations and that are approved by the Board of County Commissioners.**
- D) Outdoor signs.**
- E) Towers, including temporary towers, small wind energy towers, commercial wind energy systems, and tower co-locations.**
- F) Pre-existing non-conforming uses, structures, and lots as well as verification of continuous uses.**
- G) Subdivision Exemptions.**
- H) Properly designed and approved Small Wastewater Systems.**
- I) Variances approved by the Board of County Commissioners.**
- J) Conditional Use applications approved by the Board of County Commissioners.**
- K) Zoning Change applications approved by the Board of County Commissioners.**
- L) Mobile Home Park applications approved by the Board of County Commissioners.**

**II) Exemption Approval Process.**

- A) All proposed development in the APOZ, during the temporary moratorium, shall require the submittal of a completed exemption form to the Albany County Planning Office for approval before beginning construction, excavation, or other development activities. If a Zoning Certificate, Small Wastewater Permit, or any other land use permit is required, the exemption form may not be required as long as all information required on the exemption form is included.**
- B) A site plan for the proposed development must be included with the exemption form and shall require the following criteria:**
  - 1) Show the entire lot or parcel with dimensions and orient the drawing to the North Arrow.**
  - 2) Indicate adjacent roads and their names.**
  - 3) Indicate locations and outside dimensions of all buildings.**
  - 4) Setbacks are required for buildings. Please show setbacks from property**

lines for all proposed structures and provide the distances on the site plan.

- 5) Setbacks are required from the property lines for both the well and septic system. Setbacks must be 50 feet from all property lines and 100 feet between well and nearest corner of any septic system.
- 6) Indicate other significant features or improvements of the subject property, such as streams, ponds, irrigation ditches, wells, floodplains, septic systems, corrals, fences, towers, overhead power lines.
- 7) Indicate any known vulnerable features on the property which may include: faults, folds, exposed bedrock, drainages, or shallow depth to groundwater.

**C) Site Specific Investigation.**

- 1) Any new Commercial/Industrial uses must complete a Site Specific Investigation in accordance with Chapter 3, Section 3, D of the Albany County Zoning Resolution and include findings with the exemption form.
- 2) Any modification, upgrade, expansion, repair of a pre-existing nonconforming use must complete a Site Specific Investigation and include findings with the exemption form.

**D) Inspections.** The Planning Office may make inspections on any approved moratorium exemptions to ensure compliance with moratorium requirements.

**E) Approval of the moratorium exemptions.**

**1) Approval Criteria.**

- (a) A complete moratorium exemption form is submitted.
- (b) All Zoning Resolution, including Aquifer Protection Overlay Zoning, requirements are met.
- (c) The use is listed as a moratorium exemption above.
- (d) If a Site-Specific Investigation is required, the proposed development must conform to any recommendations of the report.

2) The Albany County Planning Office will approve moratorium exemption requests that meet the criteria above except those exemptions where underlying regulations require Planning & Zoning Commission and County Commissioner approval.

**F) Enforcement.** Enforcement shall be done in accordance with Chapter 1, Section 11 of the Albany County Zoning Resolution and W.S. § 18-5-204 through W.S. § 18-5-206.