

RESOLUTION 2023-004

RESOLUTION CONTINUING RESOLUTION 2022-021, THE TEMPORARY FREEZE/MORATORIUM ON ANY NEW SUBDIVISION PERMIT APPLICATIONS AND/OR ZONING DISTRICT AMENDMENT APPLICATIONS WITHIN THE AQUIFER PROTECTION OVERLAY ZONE

Whereas, the Board of Commissioners for Albany, County (County) have reaffirmed that safeguarding the County's drinking water in the Casper Aquifer is critical to the protection of public health and safety within County;

Whereas, the Casper Aquifer supplies more than fifty percent (50%) of the County's fresh drinking water and one hundred percent (100%) to the rural homeowners that fall within the Casper aquifer recharge area;

Whereas, the delineated recharge area of the Casper Aquifer in the Laramie area encompasses approximately 79 square miles that lie east of the City and extends to the crest of the Laramie Range, with the northern boundary approximately six (6) miles north and the southern boundary six (6) miles south of City limits. The City of Laramie has municipal well fields 3-6 which draw water from this area. Exposure of the Casper Formation in the delineated area results in increased vulnerability to contamination from land uses;

Whereas, on January 4, 2011, the County Commissioners adopted the Casper Aquifer Protection Plan (CAPP);

Whereas, the CAPP indicated that care should be taken to protect the Casper Aquifer from potential contamination and drawdown resulting from residential densities becoming too high and recommended areas over the Casper Aquifer be utilized for further low-density residential development and that commercial land uses not be extended into this area;

Whereas, the CAPP includes a delineation report, contaminant source inventory, contaminant management plan and contingency plan for the Casper Aquifer wells and springs and provides standards for development within the CAPP area;

Whereas, County Commissioners adopted zoning regulations creating the Aquifer Protection Overlay Zone to safeguard the Casper Aquifer wells and spring area, thereby safeguarding drinking water for Albany County residents;

Whereas, in 2021 the County and the City of Laramie determined it necessary to update the 2011 Casper Aquifer Protection Plan to reflect the scientific data published regarding the Casper Aquifer in the ten years after its initial publication;

RESOLUTION 2023-004

RESOLUTION CONTINUING RESOLUTION 2022-021, THE TEMPORARY FREEZE/MORATORIUM ON ANY NEW SUBDIVISION PERMIT APPLICATIONS AND/OR ZONING DISTRICT AMENDMENT APPLICATIONS REGARDING PROPERTY SITUATED IN WHOLE OR IN PART WITHIN THE AQUIFER PROTECTION OVERLAY ZONE

Whereas, to begin the updating of the CAPP the County and City published an RFQ for the revision of the 2011 Casper Aquifer Protection Plan and Stantec Consulting, Inc. (Stantec) was awarded the CAPP update project;

Whereas, since being awarded the CAPP update project, Stantec has been working with the County, the City of Laramie, and numerous subcommittees and citizen groups as they revise the Casper Aquifer Protection Plan to reflect the most up-to-date scientific data and then will suggest new regulations and regulation changes to ensure both the County and City have updated regulations to help ensure protection of the Casper Aquifer;

Whereas, the Supreme Court has recognized that the zoning authority which has been granted to counties includes the power to adopt temporary freeze resolutions so that the status quo may be preserved until planning and zoning decisions can be made.” (citing *Schoeller v. Bd. Of County Commissioners*, 568 P.2d at 874-75). However, the power is subject to restrictions. “A freeze resolution may initially continue only for a length of time which affords an opportunity to give notice and hold a hearing on the issue of whether such resolution should be given more permanent status under Wyo. Stat. § 18-5-202.” *Schoeller* at 878-879.

Whereas, until the CAPP update project and resulting regulations are complete, development on the Aquifer Protection Overlay Zone that is not in-line with the most recent scientific data regarding the Casper Aquifer can adversely affect the water quality for all County residents, including those within the municipal boundaries of the City of Laramie, through the intentional or unintentional release of contaminants harmful to the health and welfare of County residents;

Whereas, for the protection of the public welfare, health and safety of the citizens of the County, a revision of the CAPP and subsequent revision of the County’s Aquifer Protection Overlay Zone area and regulations is necessary to ensure the protection of the County’s water supply from inappropriate development and pollution that could degrade the aquifer and be harmful to the health and safety of the County’s citizens;

Whereas, on December 14, 2022, the County Planning and Zoning Commission met, recommended, and certified the recommendation that the County should place a temporary freeze/moratorium on any new subdivision permit applications and/or zoning district amendment applications regarding property situated in whole or in part within the Aquifer Protection Overlay Zone, within the unincorporated area of Albany County, until such time as the CAPP update project and subsequent regulation changes are complete;

Whereas, Wyoming law requires that a hearing on the temporary freeze/ moratorium occur after 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, on December 20, 2022, the Board of County Commissioners of Albany County approved Resolution 2022-021, Resolution Declaring a Temporary Freeze/Moratorium on any

new Subdivision Permit Applications and/or Zoning District Amendment Applications within the Aquifer Protection Overlay Zone and set a public hearing on said Resolution for 6:00 p.m. on January 17, 2023; and

Whereas, said public hearing was properly noticed by the County Clerk and open to the public and public comments were received on the extension of the temporary moratorium for 120 days.

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 declare that a temporary freeze/moratorium for up to 120 days from December 20, 2022 should be placed on any new subdivision permit applications and/or zoning district amendment applications regarding property situated in whole or in part within the Aquifer Protection Overlay Zone and located in the unincorporated area of Albany County.

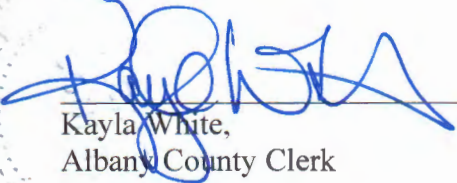
PASSED, APPROVED, AND ADOPTED this 20th day of January 2023.

THE BOARD OF COUNTY COMMISSIONERS OF ALBANY COUNTY, WYOMING



Pete Gosar, Chairperson

ATTEST:



Kayla White,
Albany County Clerk