

**⌘ Minutes ⌘**  
**Regular Meeting**  
**Albany County Planning and Zoning Commission**  
**December 10, 2014**

**Albany County Commissioner's Room**

A regular meeting of the Albany County Planning and Zoning Commission was held on December 10, 2014, at 7:00 p.m. in the Albany County Board of County Commissioner's Meeting Room of the Albany County Courthouse.

**I. CALL TO ORDER/ROLL CALL**

**Members present:** David Cunningham, Brett Moline, Carl Miller, Shaun Moore and John Spiegelberg

**Staff present:** Susan Adler and David Gertsch

**County Engineer:** None

**Albany County Attorney Liaison:** Jennifer Stone

**Board of County Commissioners' Liaison:** None

**Public Present:** Ray Duvall, Scott Hemsher (Roger and Sheryl Sundberg), Amanda and Guy Johnson, Dave Birkholz, Sally Palmer, Cliff and Carlinda Asay, Roger Morgan, John Erickson, Kristy Palmer, and Kimberly Starkey

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA** – Susan Adler, Assistant Planner, explained the Breazeale Land Use Change Applicant requested her application be tabled until the next Planning and Zoning Commission Meeting. The Planning and Zoning Commission decided to leave the application on the table, but would hold the public hearing for the application. Chairman Moline indicated he would entertain a motion to accept the agenda as presented. **Mr. Cunningham made a motion to approve the December 10, 2014, Planning and Zoning Commission meeting agenda as presented. Mr. Miller seconded the motion. Motion carried on voice vote.**

**IV. APPROVAL OF MINUTES** – Chairman Moline asked if there were any corrections to the meeting minutes for the November 12, 2014, Regular Meeting. **Mr. Miller made a motion to approve the minutes for the November 12, 2014, Regular Meeting as presented. Mr. Moore seconded the motion. Motion carried on voice vote.**

**V. DISCLOSURES** – Commissioner Moore announced that he was the real estate agent working with Amanda Johnson on the purchase of the property that was the subject of the Johnson Conditional Use Application. He indicated he would abstain from voting.

Chairman Moline announced he is neighbors to the Asay Springs Subdivision and would abstain from voting.

## **VI. PUBLIC APPLICATIONS**

**A. Johnson Conditional Use Permit Application (CU-05-14)** – Susan Adler, Assistant Planner, gave the staff report. The Applicant is requesting a Conditional Use Permit to allow her to run a daycare in the residence at 920 Baruch Street. This parcel is located east of Soldier Springs Road approximately one-half mile from the Skyline/Soldier Springs Road intersection. The Applicant requests a conditional use permit to allow her to run an in home daycare. This application was sent out for review with comments revealing no concerns. The Applicant addressed the necessary impacts, indicating there should be no negative impact for the home daycare and all requirements have been met. Staff recommended approval of the conditional use permit. Chairman Moline opened the public hearing. After hearing no comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Cunningham made a motion to certify to the Board of County Commissioners a recommendation for approval of the proposed Johnson Conditional Use Permit, CU-05-14, based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report. Mr. Miller seconded the motion. All Commissioners voted in favor of the motion with Mr. Moore abstaining from the vote.**

**B. Breazeale Land Use Change (LUC-07-14)** – Susan Adler, Assistant Planner, explained that the Applicant, Beth Breazeale, requested her application be tabled until a later date. However, there were parties present who were there for the public hearing and requested they be allowed to speak. Chairman Moline opened the public hearing.

**Ray Duvall**, 1060 French Creek Road. Mr. Duvall explained that he is the owner of the Albany Lodge. He has no objection to competition; his convenience store is not a stand-alone business. If he did not have the lodge, snow mobile rental and restaurant, his convenience store would not be there. He was also concerned that there were already four residences on the property with wastewater systems, so to

put a convenience store did not make sense. This area is a destination area, meaning that people do not pass through this area on their way somewhere. Snow removal is a huge concern. He indicated he believes this is an example of leapfrog zoning. Mr. Duvall pointed out that the South Fork of the Little Laramie River flows through this property so concern with separation for an additional wastewater system is huge. He also pointed out that once the property is zoned commercial there is a long list of business that can be conducted on the property.

**Roger Morgan**, 19 French Creek Road. Mr. Morgan explained he has lived in this area since he was 9 years old. Some of the land exchanges were done to keep separation of uses and to protect the South Fork of the Little Laramie River. This has been historically a residential area with the one commercial use, Albany Lodge with a small convenience store, for as long as he could remember.

**Kristy Palmer**, 1088 Highway 11. Ms. Palmer explained her definition of a sense of place. She went on to state she thought the “sense of place” would change if this land use change was allowed.

**Sally Palmer** – 715 s. 11<sup>th</sup>. Ms. Palmer explained she and her husband have owned a cabin at 1088 Highway 11 for years. She expressed that the big question was fairness. She stated her concerns with the traffic flow and with the topography of the lot. She feels this will affect everyone in the area, especially her and her husband since it is directly across from their cabin.

After hearing no further comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Cunningham made a motion to leave the Breazeale Land Use Change, LUC-07-14, on the table until the May 13, 2015, Planning and Zoning Commission meeting. Mr. Moore seconded the motion. Motion carried on voice vote with Mr. Spiegelberg voting against the motion.**

**D. Asay Springs Subdivision Preliminary Plat (SD-03-14)** – David Gertsch, Planning Director, gave the staff report. The Applicant, Cliff Asay, was present to answer any questions. This is a 35 acre parcel located on the east side of Soldier Springs Road just south of Rosedale Road. The Board of County Commissioners recently approved a land use change for this property to change the zoning to residential. There is an existing access from Soldier Springs Road, a paved county road. This subdivision falls within the one mile of the city and the

preliminary plat has been approved by the City Council. Staff has received no substantial comments. This plan is consistent with other developments in the area. The drainage study indicates that Lot 4 has wet area/drainage. It might be difficult to locate a residence on this lot. The developer is proposing wildlife friendly fences. Each lot will develop individual well and septic systems. The study on the water and sewer water shows high amounts of sulfates which can be removed by reverse osmosis system. The subdivision will have one interior road, Shilo Springs Road, that access from Soldier Springs Road. Road maintenance for Shilo Springs Road is addressed in the covenants. Fire protection will be provided by a cistern in accordance with regulations.

Cliff Asay, 4225 Soldier Springs Road, Applicant, explained he developed another subdivision to the south of this parcel. This one will be the same.

Chairman Moline opened the public hearing advising anyone wishing to speak for or against the Asay Springs Subdivision Preliminary Plat please approach the lectern, state your name and address. There were no public comments and the Chairman closed the public hearing.

After discussion, **Mr. Moore made a motion to certify to the Board of County Commissioners a recommendation for approval of the proposed Asay Springs Subdivision Preliminary Plat SD-03-14 based upon and incorporating the findings of fact and conclusions of law listed in the staff report. Mr. Miller seconded the motion. Motion carried on voice vote with Chairman Moline abstaining from the vote.**

## **VII. CURRENT PLANNING PROJECTS**

Zoning Resolution Discussion –**Mr. Cunningham made a motion to remove the Draft Zoning Resolution Discussion from the table. Mr. Spiegelberg seconded the motion. The motion carried on voice vote.** Mr. Gertsch indicated he had researched the items the Commissioners had requested and reviewed the information. He explained the information on septic system maintenance and inspection requirements; political campaign signs; and small wind energy systems with guy wires. Mr. Gertsch indicated he had received a letter from C.C. Brown requesting to have his property north of Laramie changed to Commercial zoning. After discussion, it was decided to have Mr. Brown apply for a change in land use, because the Commission did not feel the change should be done in the Draft Zoning Resolution. **After discussion, Mr. Cunningham made a motion to accept and incorporate the corrections and edits**

**discussed during the December 10, 2014, meeting. Mr. Moore seconded the motion. Motion carried on voice vote.** Staff was directed to set up a special meeting in March to have a public hearing on the Draft Zoning Resolution.

#### **VIII. OTHER ITEMS/ANNOUNCEMENTS**

A. It was noted that Commissioners Millers term will expire at the end of the year. Mr. Spiegelberg made a motion to forward a letter of support to the Board of County Commissioners to have Carl Miller reappointed to the commission. Mr. Cunningham seconded the motion. Motion carried on voice vote with Mr. Miller abstaining from the vote.

#### **IX. PUBLIC COMMENT**

#### **X. ADJOURNMENT**

Chairman Moline adjourned the meeting at 9:05 p.m.

Minutes taken by Susan Adler, Assistant Planner