

**⌘ Minutes ⌘**  
**Regular Meeting**  
**Albany County Planning and Zoning Commission**  
**October 14, 2015**

**Albany County Commissioner's Room**

A regular meeting of the Albany County Planning and Zoning Commission was held on October 14, 2015, at 7:00 p.m. in the Albany County Board of County Commissioner's Meeting Room in the Albany County Courthouse.

**I. PLEDGE OF ALLEGIANCE**

**II. CALL TO ORDER/ROLL CALL**

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

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

**County Engineer:** None

**Albany County Attorney Liaison:** Peggy Trent

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

**Public Present:** Erica and Austin Wright, Billy Schutte, Jim Doster, Jennifer and Mike Corbett and George Brooks

**III. APPROVAL OF AGENDA** – Chairman Moline indicated he would entertain a motion to accept the agenda as presented. **Mr. Cunningham made a motion to approve the October 14, 2015, Planning and Zoning Commission Meeting agenda as presented. Mr. Moore 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 September 9, 2015, Regular Meeting. **Mr. Miller made a motion to approve the minutes for the September 9, 2015, Regular Meeting as presented. Mr. Cunningham seconded the motion. Motion carried on voice vote.**

**V. DISCLOSURES** – None

**VI. PUBLIC APPLICATIONS**

**A. Schutte Land Use Change Application (LUC-05-15)** – Staff Report – Susan Adler, Assistant Planner, gave the staff report. The applicant is Billy Schutte and his daughter Erica Wright. The property is currently zoned agricultural and the applicants request a change to residential to allow for two residential dwellings on the property. This application was filed on September 8, 2015, which requires it

is reviewed according to the old Zoning Resolution. The surrounding properties are zoned agricultural but are used for residential purposes. The future land use map in the Albany County Comprehensive Plan designates this area as rural residential. Notice has been provided as required and the applicant addressed potential impacts. The request meets the requirement of the Zoning Resolution. The land use change meets the requirements of the Zoning Resolution. Staff received several letters from surrounding land owners against this land use change. The intent of the applicant is to change the zoning to allow a second residential structure on the 35 acre parcel. It is not the intent of the owner or applicant to subdivide this parcel. The main objection to the land use change is that future owners could subdivide this parcel once it is rezoned residential. The Comprehensive Plan's Future Land Use Map shows this area as rural residential and the County Assessor's Office taxes these properties along Brittany Lane as residential except for one parcel which is classified as agriculture. One of the letters from a property owner in the area talks about covenants not allowing mobile homes. Covenants for this area were not found on record at the clerk's office in land records. However, Pronghorn Construction, Ltd. included a deed restriction stating no mobile homes when the property was originally platted. Whether this restriction is in covenants or a deed restriction, the County Planning Office does not see this as an issue that will be pursued by the County. If this is a deed restriction or covenants, those will have to be enforced by the landowners within that subdivision. According to the Albany County Zoning Resolution the definition of mobile home (uses Manufactured Home) is a factory built single-family structures that meet the National Manufactured Home Construction and Safety Standards. This structure does not meet that description. It is a stick built house the applicant constructed on a vehicle hauler trailer that is enclosed. The Applicant has indicated he is willing to make this a permanent structure by putting it on a foundation.

The Chairman announced that the public hearing was open for anyone wishing to speak for or against the Schutte Land Use Change. Billy Schutte and Erica Wright spoke in favor of the Land Use Change with Mike Corbett, George Brooks and James Doster speaking against.

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 Schutte Land Use Change, LUC-06-15, based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report. Mr. Spiegelberg seconded the motion. Motion carried on voice vote.**

## **VII. CURRENT PLANNING PROJECTS**

- A. Discussion on Zoning Resolution Amendment** - David Gertsch, Planning Director, indicated the Board of County Commissioners suggested changing the zoning certificate process. Currently, the zoning certificate applications are turned in, reviewed and put on the Board of County Commissioner's agenda for approval. The suggestion has been made to authorize the Planning Office Staff to review and approve zoning certificates. Peggy Trent, Albany County Attorney, read the State Statute and indicated she felt the language was clear and the approval was for the Board of County Commissioners to give. She stated she did not see a way around the wording in the Statute. The Planning and Zoning Commission decided to take no action.

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

- A.** Staff indicated that the Planning and Zoning Commission's November meeting is a county holiday. Mr. Moore made a motion to move the November Planning and Zoning Commission meeting to November 18, 2015 at 7:00 p.m. Mr. Cunningham seconded the motion. Motion carried on voice vote.

## **IX. PUBLIC COMMENT**

## **X. ADJOURNMENT**

Chairman Moline adjourned the meeting at 7:50 p.m.

Minutes taken by Susan Adler, Administrative Assistant/Assistant Planner