

Minutes  
Regular Meeting  
Albany County Planning and Zoning Commission  
July 12, 2017

Albany County Commissioners' Room

A regular meeting of the Albany County Planning and Zoning Commission was held on July 12, 2017 at 7:00 p.m. in the Albany County Commissioners' meeting room in the Albany County Courthouse.

- I. PLEDGE OF ALLEGENCE**
- II. CALL TO ORDER/ROLL CALL-**  
**Members present:** David Cunningham, Carl Miller, John Spiegelberg and Shaun Moore. Keith Kennedy absent.  
**Staff Present:** David Gertsch, County Planner  
**Deputy County Clerk:** Kayla White  
**County Engineer:** absent  
**Albany County Attorney:** Peggy Trent  
**Board of County Commissioners' Liaison:** None
- III. Excuse Absent Members-** Chairman Cunningham indicated he would entertain a motion to excuse absent member Keith Kennedy. Mr. Miller made a motion to excuse absent member Keith Kennedy. Mr. Moore seconded the motion. Motion carried on voice vote.
- IV. Approval of Agenda-** Chairman Cunningham indicated he would entertain a motion to accept the agenda as presented. Mr. Moore made a motion to approve the July 12, 2017, Planning and Zoning Commission Meeting agenda as presented. Mr. Miller seconded the motion. Motion carried on voice vote.
- V. Approval of Minutes -** Chairman Cunningham indicated he would entertain a motion to approve the minutes as of the Planning and Zoning Commission meeting for June 14, 2017, as presented. Mr. Moore made a motion to approve the minutes for the June 14, 2017, regular meeting as presented. Mr. Spiegelberg seconded the motion. Motion carried on voice vote.
- VI. DISCLOSURES-** None
- VII. PUBLIC APPLICATIONS**
  - A. High Plains Biochar Conditional Use Application (CU-05-17) –** David Gertsch, County Planner gave the staff report. He indicated this is an application for a conditional use to produce biochar (charcoal) at his property. The applicant is Cullen "Rowdy" Yeatts. The proposed conditional use is for the property located at 5028 Stone Road. The property is accessed from an established access off Stone Road (a private road) which intersects with Howe Road (County Road 22). He indicated that Scott Davis, Fire Warden reviewed the application and had 2 questions. The first was what the size of the raw material piles is and the other is whether a spark arrestor will be used or needed? Art Sigel of the Albany County Fire District #1 would like to get a

copy of an operating and management plan for the raw materials piles associated with this use. Tony Hoch of the Laramie Rivers Conservation District reviewed the application, but had no concerns. Randy Griesbach of WYDOT noted that Howe Road must be used for their primary access to US HWY 287. He also states that storm drainage generated by the development of the site must enter WYDOT right-of-way at or below historic rates. The applicant has provided a complete application and has addressed the potential impacts this use may cause.

Chairman Cunningham has questions for the applicant. Please describe the process?

Mr. Yeatts, Applicant explained that this is not like a wood boiler system which uses mass amounts of wood to heat. This system uses wood chips which feeds a small amount at a time and keeps a steady temperature. Unlike a wood boiler system that needs to be shut down by shutting off the air or a turn down, our system feeds the wood chips at a constant speed. The manufacturer found that if you turn up the ash auger, it pulls the wood chips down before they are completely burned up. This in turn produces the biochar. This is being used to feed cattle at the University of Nebraska. It absorbs methane and in turn helps them grow faster. It is almost pure carbon. The system is virtually self-sustaining once it gets started. It uses a propane igniter and once the temperature gets high enough, the woods chips take over and keep it heated.

Chairman Cunningham asked about the use of hammer mill and how the biochar is packaged?

Mr. Yeatts indicated that they do use a hammer mill to get the wood chips the same size. They cook more evenly when the wood chips are the same size. There is a cyclone system in the fan which does not allow for any sparks to be emitted. There is a chute attached to the auger side which the super sacks are attached and are filled from there. Once filled they are stored in the portable room out of the weather. The bags are then sealed with a rope system. Once they are sealed they are placed on a pallet and sold that way. We go through approximately 10 yards of chips a day which produces about 2 yards of biochar. It is not a large volume.

Chairman Cunningham asked about the off gases?

Mr. Yeatts indicated that there is little off gasses. Basically it emits some CO<sub>2</sub> and you can see heat waves coming off the pipe. It emits less gas than a fireplace.

Mr. Moore asked if this was a new business that you wanted to bring specifically to Laramie.

Mr. Yeatts indicated that their customer base is mainly in Colorado therefore they wanted a place that was close but not across the border.

Susan Adler, 5334 Southview and member of the South of Laramie Water and Sewer District would request that the questions that were asked by the Fire Warden about the raw material pile and the danger of a fire be answered?

Mr. Yeatts indicated that the stock pile is not large as they do not have a large space to store. The lodgepole products are less than a mile away therefore we do not need to store them on site. Due to the dry conditions in the region our machine was specifically built with a cyclone to remove any particulate from the flue gas to prevent sparks. The machine vents the hot air into the atmosphere with a stainless cowling.

The chairman closed the public hearing since there were no further comments.

Mr. Moore made a MOTION to APPROVE the High Plains Biochar Conditional Use Application CU-05-17 to the Board of County Commissioners incorporating the following findings of fact and conclusions of law as listed in the staff report. Mr. Miller seconded the motion. Motion carried on voice vote.

**Findings Necessary for Approval:**

1. The Applicant has provided the required site plans and/or survey.
2. The proposed conditional use shall not harm the public health, safety and welfare.
3. Adequate public services are available for the proposed conditional use without creating an undue financial burden on the County.
4. The applicant has addressed the following impacts:
  - a. Comprehensive Plan  
*Staff Comment: This request consistent with the guidance of the Comprehensive Plan. The property is in Priority Growth Area (PGA) 2 which is growth efficient area for future development. PGA 2 is the existing water and/or sewer districts.*
  - b. Leapfrog or Strip Patterns of Development  
Applicant Response: “The surrounding development is commercial use so this would seem to be a good fit avoiding a strip development. In fact since we process wood chips and do lots of conservation work with biochar it would seem to be a perfect fit for the surrounding businesses.
  - c. Economic  
Applicant Response: “I am not aware of any potential negative economic impacts, only positive. We are taking local wood waste and turning that into a value added agricultural product which brings economic activity to Albany County in a variety of ways one of which is bringing Colorado dollars to Wyoming.”
  - d. Air Quality  
Applicant Response: “The BC-1,000 biochar maker is built utilizing the latest technology to give the most complete burn. It was manufactured by LEI products, [www.leoprod.com](http://www.leoprod.com) in Madisonville, KY. LEI is a leader in biomass heating and processing systems with systems all over North America. As the operator it’s my job to operate the machine as efficiently as possible while monitoring opacity of exhaust. The heat from the machine is either utilized for heating purposes or vented to the atmosphere.”
  - e. Water Quality  
Applicant Response: “I am not aware of any potential negative water quality impacts. In fact biochar is used to capture contaminants from water in many applications.”
  - f. Separation of Uses  
Applicant Response: “We are surrounded by commercial

uses from offices to equipment yards and do not see any compatibility issues or issues our operation would cause to surrounding landowners. We operated in city limits last summer in Grand Island adjacent to a neighborhood and had no issues or complaints.”

g. Screening and Buffering

Applicant Response: “We will plan to put our equipment behind the shop/garage to minimize impact to adjacent landowners. We will also plan to construct a 30 ft. long wood fence off the garage to both block the North wind and view of our equipment. This will be completed before winter.”

*Staff comments: The property has mature landscaping along U.S. Highway 287 and along Howe Road.*

h. General Nuisances

Applicant Response: “Our machine operated with a 5hp fan which makes a humming noise when operating. This is not loud as you can carry a conversation standing next to the machine without raising your voice. We also operate a 70 HP tractor for moving wood chips, typically twice per day for about 30 minutes.”

i. Traffic

Applicant Response: “I am not aware of any issues our operation will cause for traffic, pedestrians, or emergency response access.”

*Staff comments: Traffic will be minimal for this business. The product will be produced onsite, but there will be no retail operation. Small amounts of raw materials will be transported to the site periodically and the finished product will be shipped off the property, but additionally traffic will be minimal.*

j. Parking

Applicants Response: “Our equipment will be on our property with the tractor and trailers parked behind our shop/garage. I am not aware of any parking issues our operations will cause

k. Exterior Lighting

Applicant Response: “There are no exterior lights on the property aside from those on the house.”

l. Refuse and Service Areas

Applicant Response: “We will have local trash service for garbage utilizing a dumpster.”

m. Signs

Applicant Response: “We have no plans for additional signs on the property but we do have an existing sign on the NE corner of the property that the neighboring landowners use to advertise their businesses which we may use at some point.”

**Findings of Fact:**

-The Findings Necessary for Approval, as listed in this report, are incorporated herein as findings of fact.

-The property is currently zoned Commercial.

-The use is considered light manufacturing, which requires a conditional use permit within the commercial zone.

-The applicant has provided a complete application and has addressed the potential impacts this use may cause.

**Conclusions of Law:** The provisions of the Albany County Zoning Resolution, Chapter 5, Section 5 and Chapter 5, Section 7 have been met.

## **VIII. CURRENT PLANNING PROJECTS**

### **A. Planning project list/prioritization**

David Gertsch, County Planner presented the board with the adopted prioritization list from the last meeting. He indicated that we will go back to the list and can add or delete projects per the board.

Chairman Cunningham indicated that he has 2 places he would like to add. Comments from the board will need to be added to the list. We will take the list that David provided in January and follow the process that we agreed upon as a board. At the next meeting I would like to have an agreed upon list that everyone can deliver their comments and score sheet on. Once done, we will submit the forms to David to tally.

The items to be removed from the list are as follows:

- Comprehensive Plan Amendments
- Extraterritorial Permit Review Agreement with City
- Planned Unit Development Regulations (Zoning and Subdivision)
- Tower Permit Amendment (zoning) – will go to Peggy
- Zoning Regulation Amendments (completed as contemplated at the time) – David is working on this and will get to the Board for approval at the next meeting.

The items to be discussed and remain on the list are as follows:

- Aquifer Protection Overlay Zone Amendments (Zoning)
- Casper Aquifer Protection Plan Updates
- Subdivision Regulations Update
- Road Maintenance/Improvement Districts (Subdivision)

Peggy informed the board of the potential land purchase that will be on the Board of County Commissioners July 18<sup>th</sup> Agenda. This purchase is for the land behind the old Walmart and up to telephone canyon/I-80 area. Phil Nicholas is bringing this forward on behalf of his client to allow the county first right to purchase.

Mr. Moore made a motion to APPROVE the Planning Project List as follows: Aquifer Protection Overlay Zone Amendments (Zoning), Casper Aquifer Protection Plan Updates, Subdivision Regulations Update and Road Maintenance/Improvement Districts (Subdivision). Mr. Miller seconded the motion. Motion carried on voice vote.

### **B. Planning project proposal process**

Chairman Cunningham submitted the process to the Board at the last meeting.

He would like to submit the proposal process for approval.

Motion by Mr. Moore to APPROVE the planning process proposal process. Mr. Miller seconded the motion. Motion carried on voice vote.

**X. OTHER ITEMS/ANNOUNCEMENTS -None**

**XI. CITIZEN COMMENTS – Non-Agenda Related Topics - None**

**XII. ADJOURNMENT**

Motion by Mr. Moore to adjourn the July 12, 2017 Planning and Zoning Commission meeting at 8:02 p.m. Mr. Miller seconded the motion. Motion carried on voice vote.