

Albany County Planning and Zoning Commission
REGULAR MEETING of April 13, 2022
Minutes

Staff Present: David Gertsch – Planning Director, Joe Wilmes – Assistant Planner,
Matt Ayres – County Civil Attorney

I. CALL TO ORDER/ROLL CALL (Time 5:00)

Chairman: The Regular Meeting of the Planning and Zoning Commission will come to order.

Chairman: Will the secretary call the roll.

Vote: Mr. Thyne: Absent (Arrived during item VI, B)

Mr. Kennedy: Present

Mr. Platt: Present

Ms. Hanning: Present

Chairman Hinckley: Present

II. Excuse Absent Members:

Chairman: The Chair will entertain a motion to excuse absent member Thyne, of the Planning and Zoning Commission from this meeting.

So moved by Commissioner Kennedy.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

III. Approval of Agenda

Chairman: Are there any additions or deletions to the agenda for April 13, 2022?

Chair will entertain a motion to accept the agenda April 13, 2022 (as AMENDED).

So moved by Commissioner Kennedy.

Seconded by Commissioner Platt.

The vote was unanimous.

Motion Carried.

IV. Approval of Minutes

Chairman: Are there any corrections to the minutes for the March 9, 2022, meeting?

Chair will entertain a motion to accept the minutes for the March 9, 2022, meeting as presented/with corrections.

So moved by Commissioner Kennedy with deleting the “Commissioner Kennedy” line.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

V. DISCLOSURES:

Chairman: The Chair calls for any disclosures to be known.

There were none.

VI. PUBLIC APPLICATIONS

A. Faxon Conditional Use Application CU-04-22

David Gertsch, Planning Director, gave the staff report.

Commissioner Hanning had a question regarding the septic tank/leach field and the quality of the drinking water.

Chairman Hinckley had a question whether the commission could require portable toilets to brought in for events.

Andy Faxon, the applicant, responded to the questions that the commission members asked.

Commissioner Hanning asked if the outbuildings had bathrooms in the facilities. They do not. She also wondered if this use would kick the well into the “transient/non-public water supply” category where they are required to get their water tested.

Public comment was opened.

Steve Kozlowski asked a question about how big the parties would be. The applicant said less than 100 people and they will not be having events every weekend. Steve asked how often these would be happening. The applicant guessed multiple weekends a month.

The commission members brought up a potential limit on how many people may be allowed.

Commissioner Platt asked Mr. Gertsch how many times the county has dealt with this before.

Commissioner Kennedy moved, and Commissioner Platt seconded, to recommend to the Board of County Commissioners to approve the Faxon Conditional Use Application (CU-04-22) adopting and incorporating the Staff

Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

Discussion amongst the Planning and Zoning Commission Members took place.

The vote was unanimous.

Motion Carried.

B. Fortman Zoning Change Application LUC-02-22

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning asked about water and wastewater.

Chairman Hinckley had a question regarding the County Attorney Comment. He also asked which Priority Growth Area this parcel would be in. He also asked about the non-conforming lot comment in the Staff Report.

Commissioner Platt had a comment that the City knew about this project and had no objections.

Mike Fortman, the applicant, wants to downsize and get something more energy efficient to retire in.

Commissioner Thyne asked if there was a possible second subdivision coming from this zoning change.

Chairman Hinckley asked what size of lots the potential subdivision would be.

Steve Kozlowski had a question for the applicant regarding single family housing.

Commissioner Platt commented that apartments shouldn't be allowed on any properties around this property.

Commissioner Thyne moved, and Commissioner Kennedy seconded, to recommend to the Board of County Commissioners to approve the Fortman Zoning Change Application (LUC-02-22) adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

Discussion amongst the Planning and Zoning Commission Members was opened, there was none.

The vote was unanimous.

Motion Carried.

C. Peterson Zoning Change Application LUC-03-22

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning asked if the WYDOT comments would come into play when the subdivision comes forward. She also asked about future subdivisions.

Chairman Hinckley asked a question about Karen Bowman's comment. Asked if staff feels if a subdivision does as many lots as possible in this new zoning if it would still be compatible with surrounding properties.

Matt Peterson, the applicant, discussed drainage, reclamation plans, and the potential for future subdividing.

Chairman Hinckley asked staff if the applicant would like to go forward with a subdivision the Planning and Zoning Commission would see it.

Public comment was opened.

Shane Zumpf would like the zoning change to be denied. Subdivision are not allowed in the subdivision unless it is done via the family subdivision. He thinks there will be a negative impact to the other landowners in the subdivision.

Commissioner Kennedy had a question for staff about whether the covenants were incorporated with the final plat. David Gertsch, Planning Director, explained that this was not a county subdivision, and it was made via a record of survey.

Chairman Hinckley explained that covenants are a contract between private landowners and the County is not authorized to enforce.

Matt Ayres, Deputy County Attorney, agreed with Chairman Hinckley.

Commissioner Thyne asked if this application is attempting to circumvent the rules that were agreed to within the original covenants.

Matt Peterson, the applicant, said that all lot owners within Harney Creek can split their lots one time.

Commissioner Thyne asked about the no negative impacts comment that was in the application.

Chairman Hinckley said that we are only dealing with the zoning change right now, and under current regulations they could split down to smaller lots.

Shane Zumpf explained that this has potential economic impacts.

Chairman Hinckley wanted a comment from staff because they found that there would be no negative impacts.

Joe Wilmes, Assistant Planner, explained that because this lot is on the eastern edge of the subdivision, which is closest to the highway, and the current plan for the subdivision is to split it into two lots, he does not see a huge impact on surrounding landowners.

Shane Zumpf explained that all landowners drive by this lot every day.

Matt Peterson explained that it is currently a gravel pit, a hole in the ground, and he is attempting to make it nice.

Public Comment was closed

Commissioner Hanning asked staff if it was possible to do a lot split and keep it as agricultural zoning.

Commissioner Platt had some comments regarding the commercial node, surrounding landowners, and this lot being a gravel pit.

Commissioner Kennedy moved, and Commissioner Platt seconded, to recommend to the Board of County Commissioners to approve the Peterson Zoning Change Application (LUC-03-22) adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Las as each are stated in this Staff Report.

Discussion was opened amongst the Planning and Zoning Commission.

Commissioner Kennedy said that the covenants are not part of the commission's per view and asked staff if the family subdivision would even come to the Planning and Zoning Commission.

Commissioner Thyne wanted to clarify that the commission are not in power when it comes to changes within an HOA.

Matt Ayres, County Civil Attorney, says that there is nothing in our regulations that can deal with covenants during a zoning change.

The vote was unanimous.

Motion Carried

D. Epler Zoning Change Application LUC-04-22

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning asked about the proposed commercial activity, well and septic, commercial setbacks, the water way to the south, if there is another way to get to the wanted outcome.

Commissioner Platt asked about which priority growth area this parcel is in. He also asked about the road access.

Commissioner Thyne commented on the neighbors' comments.

Chairman Hinckley wanted clarification on the reason for needing to change zoning in order to put up a sign.

Commissioner Hanning asked if we can do a variance process instead of changing zoning.

David Gertsch, Planning Director, said that the variance process is an option, but the applicant wanted to go forward with the zoning change.

Reba Epler, the applicant, explained that she's an attorney and has a business, wants a bigger sign than 2x3, her commercial use is her law business, she is turning the garage into a commercial building.

Commissioner Hanning has concern over the road and would like a variance to be used.

Reba Epler, the applicant, says road use will not be anymore than it currently is. She also addressed the variance process.

Commissioner Hanning asked if the applicant understands that if she were to sell it, whoever buys it could do many other commercial options.

Chairman Hinckley asked staff if there could be any conditions placed on a zoning change application.

Commissioner Thyne asked what commercial activities she has planned for the building.

Reba Epler, the applicant, is looking to make it a conference room to meet people add a bathroom.

Chairman Hinckley asked if she would like it to be commercially zoned and not just for a sign.

Reba Epler, the applicant, she confirmed that she does want the commercial zoning as well as the sign.

Public comment was opened, there was none.

Commissioner Kennedy moved, and Commissioner Thyne seconded, to recommend to the Board of County Commissioners to approve the Epler Zoning Change Application (LUC-04-22) adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

Discussion amongst the Planning and Zoning Commission was opened.

Commissioner Kennedy thinks that this is compatible with the surrounding properties and thinks the road issue is out of the Commissions' control.

Commissioner Hanning is concerned about the road issue and would prefer to address this with a variance.

Matt Ayres, County Civil Attorney, discussed Kiowa Street and would like to see property records.

Commissioner Hanning asked if it could be addressed as an on-premise sign with a variance from requiring the parcel to be zoned commercial or industrial.

Commissioner Platt would also like this to be addressed with a variance.

The vote was 3-2.

Motion Carried.

E. Markle Zoning change Application LUC-05-22

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning asked about water for the subdivision.

Commissioner Thyne confirmed with Commissioner Hanning that water is very deep in this area.

Chairman Hinckley had a question about compatibility with surrounding properties. He also asked about the bakery.

David Gertsch, Planning Director, said that the bakery is applied for as a home business.

Brandon Markle, the applicant, said there is no water, and they will need cisterns.

Commissioner Thyne asked about the lots for the potential subdivision.

Chairman Hinckley asked about the compatibility with surrounding properties.

Brandon Markle thinks that this is compatible with surrounding properties, and he has spoken to the surrounding properties about this.

Public comment was opened, there was none.

Commissioner Hanning moved, and Commissioner Kennedy seconded, to recommend to the Board of County Commissioners to approve the Markle Zoning Change Application (LUC-05-22) adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

Discussion amongst the Planning and Zoning commission was opened, there was none.

The vote was unanimous.

Motion Carried.

IX. CURRENT PLANNING PROJECTS

A. Natural Resource Management Plan

i. David Gertsch, Planning Director, gave an update.

- 1. Much of the legal information is being placed into the appendix.**
- 2. The steering committee came up with a list of people to reach out to for this plan.**

B. Casper Aquifer Protection Plan

i. David Gertsch, Planning Director, gave an update.

- 1. Consultant is gathering information**
 - a. Commissioner Hanning had a question about the flyover.**

C. Growth Area Management Plan Update

i. David Gertsch, Planning Director, gave an update.

1. Field trip
2. Public engagement plan
3. Possible meetings

X. OTHER ITEMS/ANNOUNCEMENTS

- A. Commissioner Comments
- B. Next Meeting May 11, 2022, at 5:00 p.m.

XI. CITIZEN COMMENTS – Non-Agenda Related Topics

- a. No comments were made.

XII. ADJOURNMENT

Chairman: There being no further business to conduct, the Chair would entertain a motion to adjourn the meeting.

Chair adjourned.

Meeting adjourned at 7:52 p.m.