

Albany County Planning and Zoning Commission  
REGULAR MEETING of September 8, 2021  
**Minutes**

**Staff Present:** David Gertsch – Planning Director, Joe Wilmes – Assistant Planner,  
Jennifer Curran – County Civil Attorney

**I. CALL TO ORDER/ROLL CALL (Time 2:09 p.m.)**

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

**Chairman:** Will the secretary call the roll.

Vote: Mr. Hinckley: Present

Mr. Kennedy: Present

Mr. Spiegelberg: Present

Chairman Moore: Present

Ms. Hanning: Present

**II. Approval of Agenda**

**Chairman:** Are there any additions or deletions to the agenda for September 8, 2021?

Chair will entertain a motion to accept the agenda for September 8, 2021, as AMENDED.

So moved by Commissioner Hanning.

Seconded by Commissioner Kennedy.

Commissioner Spiegelberg wanted the letter that Commissioner Hinckley wrote to Dave Gertsch about the Stone Ridge Estates Subdivision Application to be not included with the application.

The vote was 4-1.

Commissioner Spiegelberg voted against the agenda because he wanted the letter to not be included.

Motion carried.

**III. Approval of Minutes**

**Chairman:** Are there any corrections to the minutes for the August 11, 2021, meeting?

Chair will entertain a motion to accept the minutes for the August 11, 2021, meeting as presented/with corrections.

So moved by Commissioner Kennedy.

Seconded by Commissioner Hinckley.

The vote was unanimous.

Motion carried.

#### **IV. DISCLOSURES:**

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

Commissioner Hinckley disclosed that he is in communication with DEQ about Chapter 23 reports.

Chairman Moore disclosed that from 2010 to 2015 he owned the land directly to the west of this property, and in 2015 the land was deeded to a trust that is owned by his father.

**Chairman:** The discussion will be conducted in accordance with the State Statutes, the Rules of the Planning and Zoning Commission, and other applicable laws. I would ask the individuals who address the Commission to approach the lectern, identify yourself, and state your address.

#### **V. PUBLIC APPLICATIONS**

##### **A. Delbert Johnson Variance Request**

David Gertsch, Planning Director, gave the staff report.

Delbert Johnson, applicant, spoke to the Planning and Zoning Commission.

Commissioner Spiegelberg voiced concern for not having 2 ingress/egress points.

Commissioner Hinckley had a question for David Gertsch on why he recommended denial.

Commissioner Hanning had a question for David Gertsch on whether variances have happened where the county waives the bonding requirement for road improvement.

Commissioner Kennedy had a question for David Gertsch whether the applicant would be willing to do all of the things he says he will do.

Delbert Johnson assured the commission that he would be.

There was no public comments.

Commissioner Hinckley moves and Commissioner Kennedy seconded to approve the variance from subdivision requirements request incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

##### **B. Stone Ridge Estates Subdivision Application SD-03-21**

David Gertsch, Planning Director, gave the staff report.

Commissioner Hanning had a question for David Gertsch regarding road access.

Jennifer Curran, County Civil Attorney, recommends that if the Planning and Zoning Commission chooses to approve this application they do it with the

contingency that the applicant works out legal access to Quarterhorse Drive with the city.

Commissioner Hanning confirmed with Jennifer Curran that no parcels would be able to be sold before the agreement with the city takes place.

Commissioner Hanning asked questions about covenants, DEQ reports, site specific investigations and peer reviews all answered by David Gertsch.

Commissioner Spiegelberg asked Jennifer Curran if Commissioner Hinckley's letter should be thrown out. Ms. Curran stated that any information submitted by anyone can be used to make a decision, but noted that everything that is required to be turned in has been turned in.

Commissioner Hinckley asked David Gertsch why the preliminary plat and final plat were being run together, the relationship with the city during comment periods, the draft letter, average lot size, and current status of the parcel all answered by David Gertsch.

Chairman Moore commented on the legal access issues.

Commissioner Hinckley had a question about variance requests which was answered by David Gertsch.

Megan Goetz, applicant's representative, confirmed that the property is residential. She also addressed access, DEQ, and covenants.

Commissioner Hanning had a question for Megan Goetz and Jennifer Curran about the DEQ non-adverse recommendation and their disclaimer. Megan Goetz stated that Albany County Regulations say that a non-adverse recommendation is satisfactory to the county. Jennifer Curran states that the non-adverse recommendation is just this piece of the application but doesn't guarantee approval for the full application.

Commissioner Spiegelberg commented that maybe we should include representation from DEQ in future meetings.

Commissioner Kennedy had a question for the applicant about access language in the staff report. Megan Goetz believes that they have adequately proven that they have legal access. Jennifer Curran says the issue that the county has is with the new access permit from the city and that they don't want to create more residences that could be affected.

Megan Goetz stated that if the city takes issue with the application, they will deal with that when it happens.

There was one public comment from Martin Greller regarding septic systems and the incremental impact that they have.

Commissioner Kennedy moves and Commissioner Spiegelberg seconded to approve the Stone Ridge Estates Subdivision Application SD-03-21, including the preliminary and final plat based upon and incorporating the Findings of Fact and Conclusions of Law as stated in the Staff Report, contingent up on the following:

- The draft covenants addressing road maintenance for the proposed subdivision roads are received prior to review by the Board of County Commissioners;
- Finalized covenants are filed with County Clerk with the final plat;
- Documentation necessary to create a homeowners' association to manage the entity and enforce covenants are filed with the state prior to filing the final plat; and
- Financial assurance for the proposed improvements is provided prior to approval by the board of County Commissioners.

The vote was 3-2.

Commissioner Hinckley's reason for voting against this application was because he does not believe the access issue from Quarterhorse Drive has been resolved, would like to allow the City to perform a peer review of the Site Specific Investigation, and would like to request that WDEQ provide a more thoughtful analysis of groundwater impacts of the subdivision.

Commissioner Hanning did not give a reason at the time of voting.

Motion carried.

### **C. Murphy Land Use Change Application LUC-05-21**

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning questioned why this parcel was zoned commercial in the first place. It was explained that it was a church camp and was sold to the current owner.

Commissioner Hinckley questioned why the zoning change was necessary. It was explained that either a conditional use application or land use change would need to take place to have a second dwelling on the property and the land use change would make more sense for the future of the county.

No public comment was made.

Commissioner Kennedy moves and Commissioner Spiegelberg seconded to approve the Murphy Land Use Change Application LUC-05-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

### **D. McCardell Land Use Change Application LUC-06-21**

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning had questions regarding how this situation came about as well as the composting toilet.

Commissioner Hinckley questioned why this application is being rezoned commercial and not urban residential.

Commissioner Kennedy had a question regarding grandfathering.

Julianna Franklin, resident in second dwelling, made comments to the commission.

Commissioner Hinckley questioned whether this had anything to do with sewage.

No public comments were made.

A motion was made by Commissioner Spiegelberg and seconded by Commissioner Kennedy to approve the McCardell Land Use Change Application LUC-06-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

#### **E. McCardell Conditional Use Application CU-03-21**

Because this project and the previous one are pretty much the same, the commission members did not have the staff report read.

No questions were presented to staff or the applicant.

No public comments were made.

A motion was made by Commissioner Spiegelberg and seconded by Commissioner Hinckley to approve the McCardell Conditional Use Application CU-03-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

#### **F. Chesser Land Use Change Application LUC-07-21**

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hinckley had a question for Jennifer Curran regarding the difference between the original zoning procedures versus zoning change procedures.

Commissioner Hinckley asked David Gertsch why this would not be considered spot zoning.

Chairman Moore asked staff if changing the zoning was the only way to get to the end goal of being able to have a second dwelling unit. He also asked about the covenants of Wild Horse Ranch for subdividing.

Christie Roberts, the applicant's representative, spoke to the commission that all the applicant wants to do is build a primary residence.

Commissioner Hinckley asked if there was any way to consider the cabin that is already there as an outbuilding.

No public comments were made.

A motion was made by Commissioner Spiegelberg and seconded by Commissioner Hanning to approve the Chesser Land Use Change Application LUC-07-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

Commissioner Hinckley brought up that working on regulations about second dwelling units would be best for these situations.

David Gertsch stated that family subdivisions are happening in Wild Horse Ranch, Land Use Changes are also already being done.

Commissioner Hanning had a question for David Gertsch regarding what is considered a single-family home.

The vote was 4-1.

Commissioner Hinkley's reason for voting against this application was due to not wanting a future subdivision to be applied for in this location of Wild Horse Ranch.

Motion carried.

#### **G. Chesser Conditional Use Application CU-04-21**

Because this project and the previous one are pretty much the same, the commission members did not have the staff report read.

No questions were presented to staff or the applicant.

No public comments were made.

A motion was made by Commissioner Kennedy and seconded by Commissioner Spiegelberg to approve the Chesser Conditional Use Application CU-04-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was 4-1.

Commissioner Hinckley did not give a reason why he voted against this application.

Motion carried.

#### **Lady Bug Ridge Subdivision Application SD-04-21**

Joe Wilmes, Assistant Planner, gave the staff report.

No questions were asked to staff.

No questions were asked to the applicant.

No public comments were made.

A motion was made by Commissioner Hinckley and seconded by Commissioner Kennedy to approve the Lady Bug Ridge Subdivision Application SD-04-21 Preliminary Plat incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

**IX. OTHER ITEMS/ANNOUNCEMENTS**

A. Next Meeting October 13, 2021, at 2 p.m.

**XI. CITIZEN COMMENTS – Non-Agenda Related Topics**

**XII. ADJOURNMENT**

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

So moved by Commissioner Spiegelberg.

Seconded by Commissioner Kennedy.

The vote was unanimous.

Motion carried.

Meeting adjourned at 5:26 p.m.