

Albany County Planning and Zoning Commission
REGULAR MEETING of October 13, 2021
Minutes

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

I. CALL TO ORDER/ROLL CALL (Time 2:01 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: Absent

Chairman Moore: Present

Ms. Hanning: Present

II. Excuse Absent Members:

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

So moved by Commissioner Kennedy.

Seconded by Commissioner Hinckley.

The vote was unanimous.

Motion carried.

III. Approval of Agenda

Chairman: Are there any additions or deletions to the agenda for October 13, 2021?

Chair will entertain a motion to accept the agenda October 13, 2021 (as AMENDED).

Commissioner Hinckley made a motion to approve the agenda as presented with a general discussion added in with the regulation changes requested from the Board of County Commissioners. Commissioner Hanning seconded.

The vote was unanimous.

Motion carried.

IV. Approval of Minutes

Chairman: Are there any corrections to the minutes for the September 8, 2021, meeting?

David Gertsch, Planning Director, told the commission that Commissioner Spiegelberg wanted “A discussion took place and Commissioner Spiegelberg felt that DEQ should not go outside of their normal protocol of just looking at the project property” added to the minutes.

Commissioner asked a question to staff about the process of taking minutes.

Chair will entertain a motion to accept the minutes for the September 8, 2021, meeting as presented/with corrections.

So moved by Commissioner Hinckley.

Seconded by Commissioner Kennedy.

The vote was unanimous.

Motion carried.

V. DISCLOSURES:

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

No disclosures were made.

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.

VI. PUBLIC APPLICATIONS

A. Vistabeam (Harmony) Tower Application LUCT-02-21

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning had a question for staff regarding whether it would matter what the zoning would be for a tower. David Gertsch looked at the regulations and determined that it would not matter, as a tower may be erected in any kind of zoning with a tower permit. She also mentioned that she would be asking the applicant about potential lighting on the tower.

Commissioner Hinckley had questions regarding who the applications are sent to for review and a question regarding outside agencies reviews and how we can enforce them.

Drew Wicker, the applicant's representative, confirmed that there would be no lighting on the proposed tower or cabinet structure.

There was no public comments.

Commissioner Kennedy moves and Commissioner Hinckley seconded to approve the Vistabeam (Harmony) Tower Application LUCT-02-21 incorporating the findings of fact and conclusions of law as stated in the staff report.

The vote was unanimous.

Motion carried.

B. Powell Zoning Change Application LUC-08-21

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hinckley had some questions for staff regarding how the zoning was determined for this area, whether the commission would have to approve what the applicant is applying for, a question on the variances asked for by the applicant, public notice, and a question about city water.

Commissioner Hanning had questions for staff regarding neighbor's water source, the school districts thoughts, and traffic issues.

Commissioner Hinckley asked about future division possibilities.

Tammy Powell, the applicant, spoke to the commission and brought up that there would be a covenants placed upon these properties that would not allow future development.

Commissioner Hinckley had some questions for the applicant regarding a 5-acre lot minimum and gave a chance to respond to the neighbor's comments.

Commissioner Hanning told the applicant that she won't be able to support this application but would be able to support Rural Residential zoning.

Commissioner Kennedy asked the applicant about her potential covenants.

There were a couple of public comments made.

The first public comment was from Nathan Nielson and he brought up a previous covenants that was on the land and road traffic.

The next public comment was from Troy Brin with concerns of how this impacts the neighbors.

The next public comment was from Kally Lenhardt who said that adding lots is not ideal.

The final public comment was from Troy Brin with questions about how the covenants that would be applied to the subdivision would effect the neighbors.

Commissioner Hinckley had a comment that we need to be focused on the zoning change right now and he thinks the comments should be focused on that. He also mentioned that he is skeptical of the potential covenants because they could change at any time.

Commissioner Kennedy had a comment responding to Commissioner Hinckley that the commission could have the covenants filed with the final plat which would make changing the covenants much more difficult.

Commissioner Hanning wouldn't like to depend on a covenants and would like more information regarding public facilities.

Chairman Moore commented that he understands the neighbors would be upset but the commission has to look at the regulations and determine whether the application fits inside of those regulations.

A motion was made by Commissioner Hinckley and seconded by Commissioner Hanning on the basis that the density proposed is incompatible with the

comprehensive plan, surrounding land uses, and impacts on public facilities has not been adequately demonstrated.

Commissioner Kennedy cautions the commission of mentioning anything about the comprehensive plan in a motion.

The vote was 2-2.

Motion fails.

Commissioner Kennedy motions to table this application to the November 10th meeting, seconded by Commissioner Hinckley.

The vote was 3-1.

Motion carried.

C. HarLeah Acres Subdivision Application SD-08-21

A motion was made by Commissioner Kennedy and seconded by Commissioner Hinckley to table this application until a decision on LUC-08-21 is made.

The vote was 3-1.

Motion carried.

IX. CURRENT PLANNING PROJECTS

- A.** Discuss regulation changes requested from the Board of County Commissioners and a general discussion.

David Gertsch, Planning Director, introduced the Commissioner's discussion on running preliminary and final plats separately on any subdivision with more than 3 lots and second dwelling unit issues.

Commissioner Hinckley had a question on how the process works with going about writing regulations. He likes the idea of separating preliminary and final plats. He also thinks that bringing back the work on second dwelling units from several years ago would be a good place to start. He thinks that some regulations need to be changed on how we can require an applicant to follow suggestions from outside agencies that receive the application in the review period. He asked about the ranking system that was implemented by the planning and zoning commission a couple of years ago.

Chairman Moore doesn't remember ever following the ranking system.

Commissioner Kennedy remembers that they did try to use the ranking system but it took a lot of time. He says that he is okay with running preliminary and final plats separately and that bringing back the regulations from a couple years ago would be a good place to start on the second dwelling issues. However, he thinks that we should try to solve these issues separately so that the Commission can focus on one issue at a time.

Chairman Moore thinks that holding off on the second dwelling units issue would be best until his and Commissioner Spiegelberg's spot on the planning and

zoning commission are filled, because jumping in halfway through for the new commission members is difficult.

Commissioner Hanning is in favor of breaking it up into smaller chunks for the Commissioners as well as holding off for the new planning and zoning commission members.

Chairman Moore asked David Gertsch to write up a potential regulation regarding separating preliminary and final plats.

Commissioner Hinckley asked whether the commission should look at the regulations and the comprehensive plan and look to bring what they would like included in the regulations from the comprehensive plan forward.

Jennifer Curran, County Civil Attorney, asked whether her and Matt Ayres should look at the zoning resolution and remove any reference to the comprehensive plan and anything that they would recommend removing for legal purposes forward.

Chairman Moore thinks that looking at that would be great but thinks that holding off until the new members join the commission would be the best way to go about this.

Commissioner Kennedy thinks that getting the zoning resolution into compliance should come first and then add what they want from the comprehensive plan.

Commissioner Hanning wouldn't feel comfortable just getting rid of the wording in the zoning resolution and would rather wait until replacement wording is ready to go in. She also had some questions regarding the comprehensive plan.

Commissioner Kennedy stated that Asphalt Specialties v Laramie County was the beginning of it, the statutory limits that went into effect in July is why the comprehensive plan shouldn't be used.

X. OTHER ITEMS/ANNOUNCEMENTS

A. Next Meeting November 10, 2021, at 2 p.m.

XI. CITIZEN COMMENTS – Non-Agenda Related Topics

No public comments were made.

David Gertsch, Planning Director, gave an update on the Natural Resource Plan, the joint City/County Aquifer Protection Plan, and Extraterritorial Planning between the City and County

XII. ADJOURNMENT

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

So moved by Commissioner Kennedy.

Seconded by Commissioner Hinckley.

The vote was unanimous.

Meeting adjourned at 4:20 p.m.

A recording of the meeting can be found on the Albany County website:

<https://www.co.albany.wy.us/agendacenter>