

MEMBERS PRESENT

Hal Hutchinson, Chairman
Jason Gutierrez, Vice Chairman
Chad Ziehl, Member
Matt Mitchell, Member
Robert Grant, Member

MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Megan Nelms, Senior Planner
Holly Wilhelm, Associate Planner
Charmaine Reed, Deputy County Attorney
Lori Hall, Planning Secretary

OTHERS PRESENT

Kristi & Ross Sutton (ZC21-007), Applicants

Chairman Hutchinson called the Natrona County Planning and Zoning Commission meeting to order 5:30 p.m., he lead the Pledge of Allegiance, subsequently introduced himself, all commission members, staff, the applicants and welcomed all.

ELECTION OF OFFICERS

The election of officers for 2022; Chairman Hutchinson asked for nominations for Chairman and Vice-Chairman for 2022. Mr. Ziehl nominated Hal Hutchinson for Chairman and Mr. Gutierrez seconded. Matt Mitchell nominated Jason Gutierrez for Vice Chairman, seconded by Mr. Grant. Mr. Hutchinson and Mr. Gutierrez were both were amenable, and accepted the nominations. Chairman Hutchinson called for the vote and all members were in favor of the nominations. Motion to elect Chairman and Vice-Chairman passed 5/0.

Chairman Hutchinson stated he was thankful for the support in the past year and it was a pleasure to work with the other commission members. He and Mr. Gutierrez are looking forward to an adventure-filled year working with staff and the public.

APPROVAL OF MINUTES

Chairman Hutchinson asked for a motion to approve the meeting and workshop minutes dated September 14, 2021, October 12, 2021 and November 9, 2021 (workshop). Mr. Mitchell motioned and Mr. Ziehl seconded. All members were in favor of the approval of above dated minutes, as presented.

CASE NUMBER ZC21-007 - SUTTON REZONING REQUEST

Chairman Hutchinson opened the public hearing for ZC21-007 – a request to rezone 20.24-acres from SR-1 (Suburban Residential-1) to UA (Urban Agriculture) for the purpose of adding an accessory dwelling unit.

Ms. Nelms presented the planning staff report and planning considerations, and recommended approval of the rezoning request.

Chairman Hutchinson asked if the applicants could subdivide the parcel in the future. Ms. Nelms responded

yes, they could, as the parcel is large enough to split and still meet the minimum lot size for the UA zone district.

Chairman Hutchinson invited the applicants up to the podium to speak with the planning commission members. Ross & Kristi Sutton introduced themselves and provided details of what they would like to do on the property, which is to convert an existing tack building into an accessory living unit for the use of family and possibly a ranch hand in the future. The Suttons indicated in favor of the application.

Chairman Hutchinson requested that anyone opposed to the zone change approach the podium. No one spoke in opposition.

Chairman Hutchinson closed the public hearing and asked if any of the commissioners had any additional questions or comments on the case?

Vice-Chairman, Gutierrez commented that in the current zoning regulations, a zone change application has six (6) criteria listed that the commission will shall consider for approval. He recommended the use of a one or two of the criteria in this circumstance; those being Number (5) *the land or surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; and/or (6) the proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of the adoption of the development plan.* Vice-Chairman Gutierrez felt the commission should use one of those criteria when considering the zone change if they were going to approve it.

Chairman Hutchinson asked if there had been any public comments opposing the zone change. Ms. Wilhelm responded that no written or official complaint had been received, but that an inquiry was received via phone call inquiring about the zone change with no official opposition.

Chairman Hutchinson then asked staff to address Vice-Chairman Gutierrez's comments. Ms. Nelms responded that yes, the criteria are referenced within Chapter 10 of the Zoning Resolution, and staff agrees that Numbers 5 and 6 would be the best to cite for approval of the zone change. She went on to state that, with the upcoming amendments to the zoning resolution, staff and the consultants are going to take a look at the zone map and text amendment language. Currently, the County is binding themselves to these criteria to be able to approve or deny a zone change. Ms. Nelms stated that generally, zone map amendments like this are legislative decisions, and the county is looking to ensure that the request is consistent with our adopted land use plans, that there is district uniformity, i.e., no spot zoning, and that the request is in the interest of the public health, safety and welfare. Ms. Nelms thanked the Vice-Chairman for highlighting the criteria, and stated that staff still recommends approval of the rezoning request.

Chairman Hutchinson asked if the motion for the case should include the criteria listed in the resolution. Ms. Nelms stated that yes; they could include the criteria in their motion. He thanked Ms. Nelms and asked if there were any further questions. There were none. With that, he asked for a motion on the case.

Vice-Chairman, Mr. Gutierrez motioned to approve the rezone request and cited Criteria Number Six (6). Mr. Ziehl seconded the motion.

All members voted in favor.

Motion carried – 5/0

Ms. Nelms let the applicants know to attend the Natrona County Commissioners regular meeting on February 1, 2022 for formal BOCC consideration of the application.

CASPER MOUNTAIN DEVELOPMENT APPLICATION MORATORIUM

Ms. Nelms presented the staff report for the commission to consider a moratorium on development applications for Casper Mountain, within Ranges 78W, 79W and 80W, Township 32N, for a period of six months upon formal initiation by the Board of County Commissioners, or until the completion and adoption of the ongoing Casper Mountain Land Use Plan (CMLUP), whichever comes first. Staff recommends the Planning Commission send a recommendation to the Board of County Commissioners to enact the Development Application Moratorium, effectively immediately.

The Chairman asked if there were any questions for staff. Mr. Mitchell asked if there were any active or current applications within this area. Ms. Nelms responded that there is one; a five (5) lot, major subdivision that was submitted last month. She stated she plans on meeting with Deputy Attorney Reed and County Attorney Nelson on the status of the application prior to the Board of Commissioners considering the moratorium on February 1, 2022.

Mr. Mitchell then inquired about any emergency applications or situations that may arise. Ms. Nelms responded that if it were an emergency, she believes the County would be able to take action, if needed, but deferred the question to Ms. Reed. Deputy Attorney Reed stated that it would depend; however, no applications, emergency or otherwise, would warrant special treatment during a moratorium as the County wants to avoid special treatment to any one applicant and that each application be treated the same. Ms. Nelms also reiterated that the moratorium does not include building permit applications, so in the event of a fire or loss of a structure, rebuilding would not be delayed. Only development applications, such as a change in use, or new lot split or subdivision would be affected.

Chairman Hutchinson requested a status report on the CMLUP, due to its inclusion in the moratorium. Ms. Nelms responded that the County expects to have a draft out for public review by February or early March, 2022. She went on to state that there is a steering committee meeting with the consultant scheduled for 1/13/22, and at that meeting she will get more information on the timeline for completion of the CMLUP and the zoning resolution amendments.

Mr. Ziehl stated that he felt the application that has already been submitted should be processed. Ms. Nelms stated she would be meeting with Ms. Reed and County Attorney Nelson on how to proceed with the application. Ms. Reed stated that automatically moving the application forward is not the only option. Chairman Hutchinson asked for clarification. Ms. Reed stated the County would not necessarily have to work with the applicant or process the case under the moratorium, as previous case law has determined that the applicant has no vested right just by merely submitting an application.

Mr. Ziehl then asked if there was a steering committee for the CMLUP. Ms. Nelms responded that no, there is not a steering committee, but the County held an open house last October that was highly attended by many residents and/or enthusiasts and stakeholders of the mountain. There is also a web page dedicated to the Plan update where citizens can leave comments and give input. Mr. Ziehl asked if the people on the mountain had been given notice about the current moratorium? Ms. Nelms said she was unsure about how many people were aware of the consideration of the moratorium, but stated that they will be informed within fourteen (14) days by public notice. She informed the commission that there is no statutory public notice requirement needed for the Planning Commission to consider the recommendation of the moratorium to the Board of County Commissioners. Notice and a public hearing are required prior to the Board of County Commissioners taking action.

Chairman Hutchinson mentioned a recent subdivision application on the mountain that had come before the Commission, which he felt highlighted some of the deficiencies within the rules for review of development on the mountain. He stated that if the intent of the moratorium is to ensure that the plan and rules are more equitable to everyone, more organized and include time for the public to speak about mountain needs, then he feels it is time to re-group and get a better grasp on our development processes.

Ms. Nelms agreed, and stated since she and Ms. Wilhelm are new to the county staff they did not experience the Mountain Acres Subdivision discussions, but that the moratorium will allow, as the Chairman stated, time to get all our ducks in a row, gather the public input. She went on to state that if there are sentiments now that the Planning Commission and Board of Commissioners lack good decision making processes within the rule, the work on the CMLUP and the zoning resolution will clarify the rules and give guidance through the process. She is hopeful we will be able to address the issues and be able to process development applications on the mountain that will be equitable to all and everybody can be content with the outcome.

Chairman Hutchinson hopes at a minimum the land use plan revision will address official public road designations. Ms. Nelms agreed and shares the vision of addressing the issues, uses, and designation of the roads on the mountain.

Chairman Hutchinson asked if there was any further discussion or questions for staff. There were none. He then asked for a motion. Mr. Mitchell made a motion to recommend the Board of Commissioners adopt a resolution instituting a moratorium on subdivision applications and zone changes on Casper Mountain for a period of six (6) months or until the CMLUP and zoning resolution are updated, whichever is sooner. Mr. Ziehl seconded the recommendation.

All members in favor of recommendation. Motion carried. 5/0

Adjournment

There being no further business to come before the Board, Chairman Hutchinson adjourned the meeting at 6:02 p.m.

Hal Hutchinson, Chairman
Natrona County Planning and Zoning Commission

Tracy Good
Natrona County Clerk

NOTE: Natrona County Planning and Zoning Commission meeting minutes contain a summary of discussions and are not intended to be verbatim.