

MEMBERS PRESENT

Hal Hutchinson, Chairman
Chad Ziehl, Member
Robert Grant, Member

MEMBERS ABSENT

Jason Gutierrez, Vice Chairman
Matt Mitchell, Member

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Keith Nachbar
Gary Lever
Bill Fehringer
Bill Cole
Jeff Jolovieh
Deb Jolovieh
Jack Adams
Fred Devore

Steve Adams
Barbara Fogg
Daniel Fogg
Shelby Klus
Josh Black
William Devore

Chairman Hutchinson called the Natrona County Planning and Zoning Commission meeting to order at 5:32 p.m., he lead the Pledge of Allegiance, subsequently introduced himself and all present commission members, staff, and the applicants and welcomed all. Chairman Hutchinson outlined the meeting procedures and how the commission receives public comment.

APPROVAL OF MINUTES

Chairman Hutchinson requested for a motion to approve the meeting minutes dated March 8, 2022. Mr. Ziehl motioned to approval the minutes and Mr. Grant seconded the motion. Voting as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Motion carried	3/0

ZC22-001 - Request to rezone proposed Lot 2, Canal Ridge Simple Subdivision from RAM (Ranching, Agriculture & Mining) to C (Commercial)

Ms. Nelms presented the staff report with the recommendation to approve the zone change.

NATRONA COUNTY PLANNING COMMISSION

REGULAR MEETING MINUTES

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Chairman Hutchinson recalled a past application at this site years ago, the previous applicant was an out of town owner. Ms. Nelms responded that she had researched the previous application, and watch the planning commission meeting. She stated the main issue that came across to her was residents took issue with the applicant not being from the area and that the proposal was to subdivide the parcel into four (4) parcels. She also said it seemed like the applicant hadn't done their due diligence in researching and addressing concerns with traffic impact and infrastructure issues. The current applicants are local, have contacted adjacent landowners, have been in contact with WYDOT, and contracted a traffic study. The zone change is a precursor to future development on the property; when that occurs the building and development standards will be reviewed throughout the application process.

Chairman Hutchinson then opened the public hearing.

Lori McCardell approached the commission and spoke for the zone change. She stated that the use will not change too much, with the exception of additional retail uses, a gathering area, or a community hub for future use and development.

Chairman Hutchinson's asked if Ms. McCardell has spoken with WYDOT. She stated that yes, she had and that currently, the parcel has for four access points. With her proposal, she will be giving up 2 existing approaches and only utilize 2 for the new development. She informed the commission about the requirement to conduct a traffic study, which will be reviewed by WYDOT.

Josh Flake an employee of Sloan's General Store, read a letter against the rezoning, stating that he was not in favor of the change. He stated that it is a small community that is seasonal in nature and that adding more commercial will add competition and cause others to go out of business, and in turn, bring more blight to the area. He said it will also cause of a loss of employees to other businesses, making it more difficult to retain workers.

Barbara Fog of the Sunset Bar said she needed more information about what kinds of businesses would be going on the parcel. What would the impact on traffic be? She stated that the roads are a mess with all the people in the summertime and close frequently in winter. She said she has heard a lot of rumors about what might be developed, but she feels the area has everything it needs and they don't need anymore. She would like to have a community meeting about the future plans.

Shelby Klus of Sloan's also spoke against the rezoning. She stated that the summer is a busy time with dangerous roads and the cars already speed too fast through the area. She feels Alcova already has a park, school and community meeting places. She feels other buildings could be purchased and re-used and not pose such a traffic issue on the neighbors.

The chairman then close the public hearing and asked if there were any other questions or discussion. Mr. Ziehl stated his concerns regarding access onto the highway and the need for an engineered design. There was general discussion on how the owners could leave the zoning unchanged and not subdivide and develop anything under the RAM requirements, as there are many similar uses between RAM and C.

Megan stated the minimum lot size for RAM is 40 acres and also, for financing purposes, lenders may look more favorable at the commercial zoning versus RAM. The chairman asked if the request fits with the land use plan. Ms. Nelms stated that yes, it is in line with the development plan. It is also next to the other commercial parcels. She reminded the commission that this is only a zone change. As future development occurs, they will be required to obtain a building permit, zoning certificates and meet any development/site design standards.

The chairman then asked if there was any further discussion. There was none. With that, the chairman asked for a motion. Mr. Grant motioned to recommend approval of the rezoning request, Mr. Ziehl seconded the motion. Voting was as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Motion carried	3/0

MS22-001 – Clear Canyon Major Subdivision

Megan presented the staff report with the recommendation to approve.

Chairman Hutchinson requested the applicant come forward for discussion and further information. Mr. Keith Nachbar, Attorney representing The Lever Group, and the applicant, Gary Lever, stated this is small subdivision, consisting of five (5) 10-acre parcels, which are double the minimum lot size in MR-2 zoning. He pointed out that all lots front a county road, so no additional roads will be necessary. The subdivision is designed so each pair of lots will share an approach point with one additional access to be added. The property is approximately 75% open meadow and 25% treed area, so a minimal amount of vegetation removal will be required. The property has a gentle slope with some level areas, so the engineered septic designs should be fairly straight forward and a water well will be drilled for each lot. The applicants believe the subdivision is consistent with the Casper Mountain Land Use Plan, Chapter 3 by providing high quality, future land development to meet human needs. A set of covenants will be adopted to restrict the types of homes allowed on the properties.

Mr. Ziehl inquired about access to the triangle piece on the site diagram that is owned by Mr. Jeffery Bechtel. Chairman Hutchinson clarified the two access roads are for four lots and one for parcel five which has an existing access road.

The chairman asked if there were any further questions. There were none. He then asked for a motion. Mr. Ziehl motioned to recommend approval and move the subdivision forward to the Board of County Commissioners and Mr. Grant seconded the motion. Voting as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes

Robert Grant Yes

Motion carried 3/0

MS22-002 – Lodgepole Acres Major Subdivision

Ms. Nelms presented staff report with the recommendation of approval upon completion of all planning considerations.

Chairman Hutchinson asked if this subdivision application was in line with the new mountain plan. Megan stated that it is in line with the goals of 2004 CMLUP, as well as the new proposed plan.

Keith Nachbar, on behalf of John Kornkven requested approval of the application. He stated that it is a straightforward, small subdivision, dividing 17 acres into three large lots, each consisting of 5.7- acres, with an extension of Starwallow Lot # 7, to be included in the subdivision. The extension of the existing subdivision will provide an additional access point. The lots will include water, electricity, and sewage disposal.

Bill Cole spoke in favor of the subdivision and stated he would like to have development in area, adding more assistance with fire control, plowing roads, and general road maintenance.

Debbie Bean stated she was not opposed nor in favor of the subdivision. She questioned if this will be a part of Starwallow subdivision, if you are allowed to expand a lot in an existing subdivision, if developers will do work on Lodgepole Road, and why she did not receive notification of proposed subdivision. Ms. Nelms answered no, only lot 704 of Starwallow will be increasing in size to for an extension of the road. Lots 1, 2, and 3, will be part of the Logdepole subdivision. Ms. Bean asked about increasing the size of a lot. Megan replied that yes, you can increase the size of Starwallow lot 704, no covenants would prevent an expansion. The current size of lot 704 is 2.51 and it will move to 5.11 acres, no improvements will be required.

Ms. Bean then asked if the developer would be liable for any damage done to the Starwallow roads while the subdivision is being constructed. Megan stated that the subdivision rules do not require any improvements to roads not adjacent to a subdivision, so there would be no improvements to S. Lodgepole or East End Rd. Ms. Bean also inquired as to why she did not receive a letter about the subdivision. Ms. Nelms responded that the notifications were sent only to immediately adjacent owners, but the County is looking to revise those rules currently.
Closed public hearing.

Mr. Ziehl asked if is Lodgepole was a county road? Ms. Nelms stated that, no, it is a subdivision road with public access, the road maintenance is up to the owners of the subdivision. Mr. Chairman asked if Casper Mountain Fire had been notified or responded. Ms. Nelms did not hear from them; as they are going through a change in staff, but she will ensure they review the plat prior to final approval.

There was further discussion about fire district review and road damage and maintenance. There was consensus to add additional planning considerations regarding the fire district and road maintenance.

Mr. Grant motioned to recommend approval of the plat upon completion of all planning considerations, and the additional considerations of paying for and repairing any road damage caused to S. Lodgepole Rd. by the construction of N. Lodgepole Rd. and comment from the fire department. Seconded by Mr. Ziehl to move the subdivision forward to the Board of County Commissioners. Voting as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Motion carried	3/0

MS220-003 – Re-subdivision of Lot 19, Bypass Industrial Park

Ms. Nelms presented the staff report with a recommendation for approval upon completion of all planning considerations.

Chairman Hutchinson asked about the new packet information from Wardwell Water& Sewer District. Megan reviewed the information and stated that Wardwell had found the sewer main extension and would take on the responsibility of ensuring the line was excavated prior to any construction on the newly created parcel.

Bill Fehringer, applicant’s agent, approached the board and stated the sewer service had been in question, but recently was found. The purchaser of the property, Randy Hall, hired Installation and Services Co. (ISCO) to find and camera test the sewer line. They discovered the sewer crosses the water line in the street, so it may not meet the vertical separation required between the two lines. Wardwell will certify when the parcel is purchased. Chairman Hutchinson asked if Wardwell District was to be dissolved, would the sewer details be addressed. Bill stated this detail will be noted on the plat.

William and Fred Devore, spoke in favor of the subdivision. They own Peterbuilt, a local, family owned business with 32 employees that has been operating for 66 years at their current location in Mills. Peterbuilt is expanding and would like to keep business in the county and this 10-acre parcel will meet their needs. Peterbuilt will be moving out of Mills to the existing building if the subdivision is completed.

The chairman closed the public hearing and asked if there was any further discussion. There was none. Mr. Ziehl moved to approve the subdivision, pending completion of all planning considerations, Mr. Grant seconded the motion. Voting as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes

Motion carried 3/0

22.01 TA – Subdivision Regulation Amendments

Megan presented a summary of the amendments with the recommendation to approve and forward the amendments to the Board of County Commissioners for a public comment period.

The revisions will shift the cost of publications to the applicant, reduce the regulations and requirements not required per Wyoming State Statute and streamline the application process.

Chairman Hutchinson inquired about the changes to Improvement and Service District (ISD) requirements. Ms. Nelms responded that there was some language remaining in Chapter 4, Section 5 that is no longer applicable since the removal of the ISD requirement. She said the new language requires documentation satisfactory to the Board of County Commissioners that an ISD, homeowners or landowners association, or the equivalent has been formed to provide for the maintenance of subdivisions roads and other infrastructure.

Chairman Hutchinson stated he sensed that the new Planning Director has insight that we didn't have before and she is bringing that insight to the county and he thinks it is a good thing. He then asked if there was any further discussion. There was none.

Mr. Grant motioned to recommend approval of the proposed amendments to the Board of County Commissioners, Mr. Ziehl seconded. Voting was as follows:

Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes

Motion carried 3/0

OLD BUSINESS

22.01 CUP- Conditional Use Permit Applicant Everest Infrastructure Partners/Sarah and Shelly Neace

Megan presented the staff report and an overview of the additional information the commission had requested when they had tabled this case in March. The Planning Commission had requested:

- 1) Letter of Consent from the Natrona County Airport
- 2) Letter from the applicant's engineer with definable responsibility in the event of a failure of the structure.
- 3) Consent letter from property owners within the 110% of the site range approving the application.

The applicants were present via telecom to address any questions or concerns and provide an update on the commissions' requests.

Sarah Neace, the applicant, spoke to concerns on the setback variance and consent from the adjacent property owners, two of which are owned by the same company. She explained that they have attempted to contact owners at length by letters, numerous phone calls, and certified mail with no response. She further explained how the tower will be designed with breakpoint technology. She also presented a structural report by Power Engineers with the design details and calculations for the tower to hold the equipment of four carriers, for a total of 31, 000 lbs. at 108 mph sustained winds or at 50 mph sustained winds with a layer of ice. The tower will meet or exceed the 2021 Building Code requirements with structural integrity rating of 97%.

Shelly Neace; co-applicant, spoke to the zoning code as it states tower locations are preferred to be in LI (Light Industrial) areas and the code also states that there is 110% variance setback if the adjacent property if property will not be negatively impacted. The tower will also be pre-existing to any future structures that may be built on the adjacent parcels. In addition, while researching the area for viable tower location, it was noted that this area contained storage buildings, pipe yards, and other industrial uses that seemed suitable for a tower location.

Discussion Summary:

Mr. Ziehl discussed the airport email which states the report will be completed prior FAA 7460 Notice to Post Instruction. Ms. Nelms responded yes, correct this is required for all towers located in the United States and the packet contains preliminary FAA information and the 7460 will be completed prior to construction of the tower.

Chairman Hutchinson inquired about FAA application in last month's packet. Ms. Nelms explained that yes, it was included, Vice-Chairman Gutierrez had asked if the airport had been notified or not. The airport also stated that any structure over 50 feet above grade the Natrona County Building Department shall furnish a copy of the permit application to the Natrona County Airport. Airport letter is satisfactory to address Chairman Hutchinson concerns on this item, but inquired if anything has changed with the 110% rule or location or is this the same location? Ms. Nelms responded correct, the tower location has not moved and applicant is requesting the reduced setback requirement.

Legal question from Chairman Hutchinson – Must adjacent property owners be notified to the above 110% rule? Have they meet the notification requirements? Charmaine stated yes, the applicant has met the requirements of notification. Legal option- the effort was sufficient.

Motion to approve/advance -

Mr. Ziehl motioned to approve with a do pass and advance the application to Board of County Commissioners meeting; Seconded by Mr. Grant. Voting as follows:

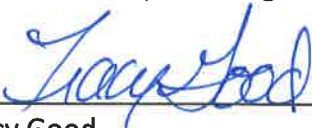
Hal Hutchinson	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Motion carried	3/0

Adjournment

There being no further business to come before the Board, Chairman Hutchinson adjourned the meeting at 7:39 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.