

Albany County Planning and Zoning Commission
REGULAR MEETING
September 13, 2023
Minutes

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: Ms. Hanning: Present

Mr. Platt: Present

Ms. Kocornik: Present

Ms. Ben-David: Absent

Chairman Hinckley: Present

II. Approval of Agenda

Chairman: Are there any additions or deletions to the agenda for September 13, 2023?

Chair will entertain a motion to accept the agenda September 13, 2023, as presented.

So moved by Commissioner Platt.

Seconded by Commissioner Kocornik.

The vote was unanimous.

Motion Carried.

III. Approval of Minutes

A. Chairman: Are there any corrections to the minutes for the August 9, 2023, meeting?

Chair will entertain a motion to accept the minutes for the August 9, 2023, meeting with corrections.

So moved by Commissioner Hanning.

Seconded by Commissioner Platt.

The vote was unanimous.

Motion Carried.

IV. DISCLOSURES/CONFLICTS OF INTEREST:

Chairman: The Chair calls for any disclosures/conflicts of interest to be known.

There were none.

V. PUBLIC APPLICATIONS

A. Palm Conditional Use Application (CU-01-23)

Presentation of the Staff Report by Joe Wilmes, Associate Planner.

Questions from Commissioners to Staff.

Chairman Hinckley asked if the findings of fact are sufficient.

Matt Ayres said that the way the staff report is structured, it lists the findings required and as the basis of those findings is the applicant's response.

Chairman Hinckley asked the Planning Staff if the applicant's responses are sufficient.

David Gertsch explained that the staff analysis, which is adopted as part of the findings, says that staff has accepted the responses and then when Planning and Zoning makes a motion, it says that you accept that and everything else that is says that we accepted.

Chairman Hinckley asked if there is more to it than just accepting what the applicant says.

David Gertsch said if we looked at it and we agree with what the applicant says, then no we wouldn't bring anything else to it. If there is a deficiency or something that staff feel should be discussed, we would point that out in the staff report, and you would see that. In this case staff feels that the applicant has addressed what we wanted them to address, and therefore we accept what they've addressed. In the regulations it says that it is the applicant's responsibility to address those impacts and to show us that they've done that.

Chairman Hinckley said that it's more than that. The regulations don't say that they address it, it's that they satisfy it. He would like staff to say that what the applicant said is reasonable, not this is what the applicant said.

David Gertsch said that if Planning and Zoning would like to amend the staff report, that's fine, but at this point they are still our staff reports, and we are bringing them to Planning and Zoning, if you have problems with them, amend them. When we look at an application, and we feel like it's met the criteria, we are going to bring it forward with the recommendation to approve, and that's what we've done in this situation.

Commissioner Hanning said that from her experience working on the City Planning Commission, staff there would put something under the applicant's response stating that they agree with the applicant or if there is a discrepancy they would note it. She asked if that is what Chairman Hinckley is asking for in this situation.

David Gertsch said that we did that at one point, but then we were told that we shouldn't do that anymore by the County Attorney's Office.

Chairman Hinckley said that he would like to see that again, as he is looking for an affirmative statement from the County.

Commissioner Platt motioned and Commissioner Kocornik seconded to take the Palm Conditional Use Application (CU-01-23) off of the table.

The vote was unanimous.

Motion carried.

Commissioner Platt motioned and Commissioner Kocornik seconded to recommend to the Board of County Commissioners APPROVAL of the Palm Conditional Use Application (CU-01-23) adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

The vote was unanimous.

Motion Carried.

B. Logan Zoning District Amendment Application (ZDA-03-23)

Presentation of the Staff Report by Joe Wilmes, Associate Planner.

Questions from Commissioners to Staff.

Commissioner Hanning asked about Rob Fisher's comments and when the parcel was zoned rural residential.

Questions from Commissioners to Applicant.

The Chair will open the public hearing – anyone wishing to speak for or against the Logan Zoning District Amendment Application (ZDA-03-23) please approach the lectern, state your name and address.

Nancy Bath, a neighbor, came forward to show her support for the application.

There being no further public comments the Chair will close the public hearing.

Commissioner Hanning motioned and Commissioner Platt seconded to close the public hearing.

The vote was unanimous.

Motion carried.

Commissioner Hanning motioned and Commissioner Kocornik seconded to recommend APPROVAL of the Logan Zoning District Amendment Application (ZDA-03-23) to the Board of County Commissioners adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in the staff report.

The vote was unanimous.

Motion Carried.

VI. CURRENT PLANNING PROJECTS

A. Amendments to the Platting and Subdivision Resolution – Subdivision Access

- Joe Wilmes gave the staff report.
- He explained that at the July meeting there was some language that was put out for comment that would potentially be able to be approved at this meeting but was also asked by the Planning and Zoning Commission to keep looking into more potential changes to the language, which is what was brought forward tonight. The changes include a variance procedure, changed the lot number from 20 to 30, and added some language.
 - a. Commissioner Hanning asked about the dead-end language and how the lot number is applied.
 - b. Chairman Hinckley asked why the lot number changed and asked about if people did multiple subdivisions instead of one.
 - c. Chairman Hinckley asked if there were any written public comments.
 - d. There were not any.
 - Public Hearing
 - There were no comments.
 - Action
 - Commissioner Hanning motioned and Commissioner Platt seconded to direct staff to publish the amendments to the Albany County Platting and Subdivision Resolution and set a public hearing for the November 8th regular meeting.
 - The vote was unanimous.
 - Motion Carried.

B. Amendments to the Zoning Resolution – Aquifer Protection Overlay Zone

- David Gertsch introduced the item.
- Commissioner Hanning said that last time she was in favor of going with the property lines but felt that Mr. Ayres was advising against that line.
- Commissioner Platt favors going with the hybrid line at this point.
- Commissioner Kocornik asked when the City is going to decide.
- David Gertsch thought that they would begin their process at their next meeting this month.
- Chairman Hinckley mentioned that he had spoken to Derek Teini, City of Laramie Planning Manager, and Chris Moody, City of Laramie Planning Commission Chair, about the boundary and they are not uncomfortable with having slightly different boundaries. He asked to go through an exercise with the Commission.

- The Commission looked at how much extra area each boundary would take up with every line.
- Chairman Hinckley asked the Commission which line they would like to move forward with.
- Commissioner Kocornik asked if the County would have to do the expensive surveys if we don't follow property lines.
- Chairman Hinckley asked if cost weren't an issue, which line would work the best.
- Commissioner Kocornik thinks there are good reasons to use the hybrid line, because it is an imposition on people to have to do an SSI if only a corner of their property is in.
- Commissioner Hanning is sympathetic to the hybrid line, because of some of the properties that were shown and how much gets pulled in. But her ultimate concern is what is going to be most legally defensible and administrable.
- Matt Ayres explained that in terms of absolute legal certainty you'd have to have the survey tied to section lines and quarter lines, because that is the only way to get the same exact line on the ground, 100% of the time. Which would be a requirement for a dispute with your neighbor, however, that is not the case with zoning districts. The standard is that you create a physical, static map at an appropriate scale.
- Discussion was had about how to refer to the APOZ Boundary line moving forward in order to make it fully legal.
- The Planning and Zoning Commission began discussion over who would be able to apply for a change to the boundary line for an individual property.
- David Gertsch explained that it would be preferable to staff to keep it to only the property owner would be allowed to apply for a change on their property.
- Chairman Hinckley said that if anyone discovered an error or that a fault was discovered and the line is in the wrong place, he thinks they would welcome them coming forward with a petition to change the line.
- Commissioner Hanning thinks that it is in the draft regulations to allow for that through the Administrative Procedure Act.
- Commissioner Kocornik asked staff if there were any specific problems that could come up that haven't occurred the Commission.
- David Gertsch explained that the Planning Department is a place where people come to get back at their neighbor, and this would open the door to do that. He feels that this provision is for individuals on these individual

properties to get an out if they feel they've been harmed by the line. This turns into a way to punish the property owner if they want to.

- Matt Ayres said that opening up the boundary line amendment there would be standing issues because it would require the person applying to have more of an interest than just for public safety.
- Commissioner Hanning thinks the burden of presentation would be lower under the Administrative Procedure Act to come in and make an argument for amending the CAPP to change the boundary. All you have to do under the Administrative Procedure Act is accompany the petition with relevant data, views, and arguments. Each agency may prescribe by rule the form of a petition and the procedure for submission. She thinks it is covered.
- Commissioner Platt motioned, and Commissioner Hanning seconded to remove the word “legal” from Section 5, b, 1, ii in the Amendments to the Zoning Resolution – Aquifer Protection Overlay Zone.
- The vote was unanimous.
- Motion Carried.
- Commissioner Hanning motioned, and Commissioner Kocornik seconded to direct staff to publish for public comment of a public hearing for the Aquifer Protection Overlay Zone established portion of the Albany County Zoning Resolution as amended including the map displaying the boundary line at this meeting and to schedule a public comment period to end 30 days from the date of publication and set a public hearing for Thursday October 26, 2023, at 5:00 p.m.
- The vote was unanimous.
- Motion Carried.

C. Amendments to the Zoning Resolution – Accessory Dwelling Standards

- David Gertsch introduced the item. He stated that the changes the Commission requested were done and would like their thoughts.
- Commissioner Platt is satisfied with the changes.
- Chairman Hinckley asked why the word ‘principal’ is included, about multifamily dwellings, the statement ‘for a single household’.
- Commissioner Kocornik motioned, and Commissioner Platt seconded to strike the words ‘for a single household’ in Chapter 6, Section 8, a.
- The vote was unanimous.
- Motion Carried.
- Commissioner Platt motioned, and Commissioner Kocornik seconded to recommend scheduling a public hearing for the November 8, 2023, regular meeting.

- The vote was unanimous.
- Motion Carried.

D. Amendments to the Platting and Subdivision Resolution – Fencing

- David Gertsch introduced the item.
- Matt Ayres said that he had some questions for Commissioner Ben-David as to why some decisions were made when putting this amendment together.
- Commissioner Platt motioned, and Commissioner Kocornik seconded to table this item until the next regular meeting.
- The vote was unanimous.
- Motion Carried.

E. Discuss Building at 4th Street and Pine Street in Centennial

- David Gertsch introduced the item.
- Commissioner Platt asked what is going to happen in the future with all of these lots in Centennial that aren't built on their property.
- David Gertsch explained that what has happened in the past is the road is vacated.
- No action was taken.

F. Discuss Short-Term Rentals in Centennial

- David Gertsch introduced the item.
- Commissioner Kocornik asked if they should have gotten a conditional use permit.
- David Gertsch said that they are not required to right now.
- Chairman Hinckley asked what it takes to be commercial instead of residential.
- David Gertsch explained that a dwelling is not considered commercial, and they are allowed in all residential zones.
- Commissioner Hanning asked if there was a way to put regulation into place and retroactively permit them.
- Matt Ayres said that you can't do that in Wyoming.
- Commissioner Platt asked if the document is correct.
- David Gertsch said that there are some good points but also some questionable ones.

- No Action was taken.

G. Executive Session, If Needed

- Chairman Hinckley motioned, and Commissioner Platt seconded to enter into executive session for confidential legal advice per W.S. §16-4-405, a, iii and ix.
- The vote was unanimous.
- Motion Carried.
- Commissioner Hanning motioned, and Commissioner Platt seconded to close the executive session and return to the regular meeting.
- The vote was unanimous.
- Motion Carried.

VII. OTHER ITEMS/ANNOUNCEMENTS

A. Next Regular Meeting October 11, 2023, 5:00 p.m. in the Commissioner's Room

B. Commissioner Comments

- There were none.

VIII. CITIZEN COMMENTS – Non-Agenda Related Topics

- There were none.

IX. ADJOURNMENT

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

Chair adjourned.

Meeting adjourned at 8:56 p.m.

*An audio recording of the meeting can be found on the Albany County website:
<https://www.co.albany.wy.us/agendacenter>*

*A video recording of the meeting can be found on the Albany County Government – Laramie Wyoming YouTube page:
<https://www.youtube.com/channel/UCEilgbgJIW4AWNau3EfrjVg/videos?view=57>*