

**NATRONA COUNTY PLANNING COMMISSION**

REGULAR MEETING MINUTES

May 10, 2022

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MEMBERS PRESENT

Jason Gutierrez, Vice Chairman

Chad Ziehl, Member

Robert Grant, Member

Matt Mitchell, Member

MEMBERS ABSENT

Hal Hutchinson, Chairman

STAFF MEMBERS PRESENT

Megan Nelms, Senior Planner

Charmaine Reed, Deputy County Attorney

Lori Hall, Planning Secretary

OTHERS PRESENT

Doug Doyle

John Kornkven

Doug Haupt

Don Davis

Glen & Linda Davis

Don Hollingsworth

Vice Chairman Gutierrez called the Natrona County Planning and Zoning Commission meeting to order at 5:30 p.m., he lead the Pledge of Allegiance, subsequently introduced himself and all present commission members, staff, and the applicants and welcomed all. Vice Chairman Gutierrez outlined the meeting procedures and how the commission receives public comment.

APPROVAL OF MINUTES

Vice Chairman Gutierrez requested for a motion to approve the meeting minutes dated April 12, 2022. Mr. Ziehl motioned to approval the minutes and Mr. Mitchell seconded the motion. Voting as follows:

Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes
Motion carried	4/0

Casper Mountain Land Use Plan Update / Amendments

Ms. Nelms presented a brief history of the plan, a summary of what has been updated in the plan, and information about the public comment period for the plan review. She stated that staff recommends the commission adopt the updated Casper Mountain Land Use Plan.

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Vice Chairman Gutierrez asked if campgrounds, C-cans, and out building construction are addressed in this plan. Ms. Nelms responded that campgrounds and other specific items, or uses, will be addressed in the updated Zoning Resolution. She went on to state that the current rules have no clear definition of what constitutes a campground, nor do they have any development standards for campground. Those are specific items that will be covered in the zoning re-write. Ms. Nelms stated that the mountain land use plan is intended to be a guiding document. It sets goals within a community vision for the mountain and the County's rules and regulations are developed in order to try to meet those goals.

Vice Chairman Gutierrez asked if agriculture uses, such as grazing and commercial agriculture were addressed in the plan. Ms. Nelms replied that is a very good comment and she will make note for Logan-Simpson to address or look in to the agriculture uses. Ms. Nelms also stated that the Zoning Regulations would be the place that would control uses allowed on the mountain.

Vice Chairman Gutierrez then asked Ms. Nelms if other governmental agencies in Casper had reviewed the plan, such as ; Casper Mountain Fire (yes), Natrona County Parks (yes) City of Casper (maybe), Bureau of Land Management (yes), WYDOT (maybe).

Vice Chairman Gutierrez then inquired about policy in the Resource Preservation section, on page 35, it is referencing a policy to, "use zoning controls, land purchases and trades to protect unique natural resources." Ms. Nelms responded she will check with Logan Simpson and review the KJ report.

Vice Chairman Gutierrez asked about the funding sources discussed within the plan and the county mill levy for residents of the mountain to fund the Casper Mountain Fire and the Fire Wise section of the old plan. Ms. Nelms was unsure of exact funding sources, but stated that the Building Official is working with Casper Mountain Fire to update the Fire Wise Program. This plan address the goals of the urban wildland interface, recommended densities, open spaces and water sources, etc. but not specifically how buildings should be designed, where propane tanks can sit or specific fire mitigation requirements. Those specifics will be addressed in the rules – building code and zoning and through working with the Building Official.

Vice Chairman Gutierrez asked about residential densities that are referenced in the plan and asked if terms like, "low density" are defined? Ms. Nelms stated that she believes the section he is referencing is discussing the county's current rules. She went on to go over the residential categories on the future land use map and stated those have recommended densities and lot sizes. Ms. Nelms stated that the recommendations were being made based on public comment and what densities people said they want to see on the mountain and that there may be some unique design standards that can be utilized to maintain open space on the mountain and allow people to subdivide and develop their property.

Vice Chairman Gutierrez noted the funding sources that are mentioned in the plan and wondered if they were actually realistic funding sources. Ms. Nelms replied that that section was one that had a lot of discussion and that she feels the list is not inclusive or comprehensive or ranking them in any order of where the funds might come from. She reemphasized that the plan is a goal we are striving for and all these big ideas cost money so we need to be realistic in addressing possible funding sources.

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Mr. Ziehl asked if the list of roads in the appendix was a comprehensive list of all public roads maintained by the county. Megan replied that the appendix identified all county roads on the mountain, but is not necessarily a comprehensive list. She noted roads like Jackson Canyon, which has an asterisk noting its status as a public road. Megan said the list was mainly there as a convenience, to provide information to the public about the roads on the mountain, not to imply that any road was accessible or going to be maintained by anyone. There was then general discussion about future projects to identify and dedicate roads on the mountain. Megan also briefly explained how roads are required to be dedicated with new subdivisions. Mr. Mitchell asked about fire access roads? Ms. Nelms staff will be require roads to be dedicated to the public to include fire access.

The Vice Chairman then opened the public hearing and asked if anyone would like to speak in favor of the amended CMLUP. No one spoke in favor.

Doug Haupt, Casper Mountain land owner had been informed that 2004 Plan only had a few issues and he volunteered to be on a committee of land owners with public input to address a few problems. He is opposed to the new plan and would like to leave it alone or be allowed more time to review....or address the few problems with it. He is not ready to do that tonight especially now with the six to seven issues brought up tonight.

John Kornkven, 1650 S. Walnut, Casper representing Rock Bottom LLC

Mr. Kornkven has many questions, such as how this new plan would affect his recently proposed development. Right now, MR-2 zoning allows minimum 5-acre parcels. From his review of the Future Land Use Map, he thinks he will be forced to go to 10-acre minimum lots. He state he feels his is being singled out as a developer and that increasing the minimum lot size will eat at his bottom line and take away his ability to make income as a developer. He would like it changed back. He would like it changed back.

Ms. Nelms responded that the future land use map is fluid. It is not like the zoning map, indicating specific uses for each parcel. It is a more generalized map and each application will be addressed individually for a zone change.

Kelly Doyle, property owner on Coates Rd. on the western border, near the end of the MR-1 zone stated he is concerned about access to remote sections of his property, via trails and visual aesthetics. He asked if there was anything in the plan addressing the visual aesthetics from the lower areas; such as eyesores like a pipeline. Also, he is concerned about campgrounds on the top of the mountain and fire access not being addressed, which could cause a fire to come on his land with no access. He stated that he missed a meeting at Hogadon, but he heard there was a list of problems and there appears to be hidden agendas to him. He asked if the document was on the website. Megan stated that it was. Mr. Doyle said he is interested in reviewing it and asked for more time for review.

Don Davis, 8959 Lazy Lane, feels rushed to decide or comment on the plan. He Asked about the process to approve it, or if it could be tabled tonight. Ms. Nelms responded the Planning & Zoning could approve

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and it pass to Board of County Commissioners and at that time she believes it will then be put out for a 45 day public comment period.

The Commission then asked staff if the plan could be tabled, contemplated for a month and find a small sample of people to review it, make changes or clean it up? Or if there was any reason to hold it up longer.

The Vice-Chairman closed the public hearing. Mr. Ziehl stated with all the past issues concerning the roads on the mountain, he doesn't think the roads are addressed enough in the plan beyond the appendix of county roads. Mr. Ziehl also would like to see a committee of vested people to review the plan, seeing that Logan-Simpson was hired from out of state to do the plan. He said it feels rushed and needs to be tabled for now.

Mr. Mitchell asked how long the draft had been on the website. Ms. Nelms responded that final public draft has been on the website since April 19<sup>th</sup>. She added that any interested parties can sign up for notifications from the plan page to receive new updates, make comments, be informed about public engagement meetings, etc. via email. She added that there was an open house held at Hogadon and one at the Ag Resource Center, a public comment hearing was held at the county prior to the open houses and the open house information was also posted on website.

Ms. Nelms then went over the timeline of the plan development again. She stated the public survey was open until Nov 12, 2021. The big ideas board open house was held on November 30, 2021. The county then had another open house in February and then the first draft was put out for public comment from February to March 7, 2022. Megan stated that the Planning Department and Logan-Simpson really strived to get public comment and feedback. The Logan-Simpson team resides, in and have experience in planning, here in Wyoming.

She went on to explain that the plan needed to be updated in order to update the MR-1 and MR-2 zoning districts in the upcoming Zoning Resolution update. She said that delaying adoption of the amended plan tonight will also delay the zoning regulation update. Without the zoning updates the same problems will arise when new applications come in front of the commission, as county currently does have good regulations as evidenced by the lack of campground development standards, mitigation standards on visual buffers and impacts, and other rules to meet the community need. In order to meet the need we need the plan updated.

Vice Chairman Gutierrez asked if it was possible to do the 45 day public comment before it comes to the Planning and Zoning Commission. Ms. Nelms responded that normally the Planning Commission would recommend approval of the updates and forward the plan to the Board of County Commissioners. It is after their review, then it is put it out for the 45 day public comment period (minimum time period) prior to approval. If substantial changes are made, it will go back out for public comment period.

Mr. Mitchell asked how people are notified of public comment period. Ms. Nelms responded they need to sign up for notifications, view the website for postings, look in the newspaper, etc. She also stated that for the public to make comments they may email, call, write a letter, or come in to office. She would like

to get this plan out for comment to as many people as possible and the count really wants to hear public comments. She went on to say that the 2004 plan is a good plan, and a lot of effort went in to creating it.

She reemphasized that the county is trying to streamline the document and the document amendment process asked the public if they thought the goals and policies of 2004 are still applicable today and what we need to change to cover any missing items. She said some of comments tonight stated there were problems with the 2004 Plan. There weren't problems with the plan concepts, but there was a lot raw data and information pages that weighed down the plan and weren't relevant to everyday usefulness of the plan. The county and Logan and Simpson want to accurately reflect the current conditions on the mountain for 2022 vs. 2004.

Vice Chairman Gutierrez stated he relies heavily on the public comments and that Ms. Nelms has great ideas and a great plan to reach out to residents for issues and solicit comments on roadways, facilities, water supply, sewer systems, and development of access routes and emergency exits within the 45 day comment period. He then stated that the Planning and Zoning Commission has three options to approve, to deny, or to table the plan.

Mr. Mitchell made a motion to table the plan until the next regular meeting. Mr. Ziehl seconded.

Vice Chairman Gutierrez then asked if there was any further discussion. There was none. He then asked for a motion. Mr. Mitchell made a motion to table the plan until the next regular meeting. Mr. Ziehl seconded.

Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes
Motion carried	4/0

### **OLD BUSINESS**

#### **MS21-005 – Waterman Major Subdivision, Applicant Donald Hollingsworth**

Mr. Grant motioned to remove MS21-05 from the table. Mr. Mitchell seconded.

Ms. Nelms presented the staff report and an overview of the additional information the Commission had requested when they had tabled this case in March of 2021. The Planning Commission had requested a completed DEQ Chapter 23 Study and notification of Casper Alcova Water District of the proposed subdivision. Megan stated that staff recommends approval of the subdivision, pending completion of all planning considerations included on the case sheet.

Ms. Nelms stated that the DEQ Chapter 23 study has been completed and the subdivision received a Non-Adverse recommendation from DEQ. 33 – Mile Water District has the capacity

to support and is willing to supply water the subdivision. Casper Alcova Water District has been also been notified of subdivision application.

Mr. Ziehl commented that 33-Mile can supply the water, but the problem is the pressure. The 33-mile Water District has issues with the pressure of the water supplied. Mr. Ziehl also asked if they (33-Mile) can adequately supply the water with enough pressure and the need of Casper Alcova District to address the flooding if irrigation shuts down. Ms. Nelms responded the DEQ Chapter 32 study states the water supply is adequately supplied by the district to this subdivision per the application requirements. The flooding issues when irrigation shuts down will need to be addressed by Casper Alcova Water District per the irrigation district rules and that no water rights are associated with this property.

Don Hollingsworth, the applicant, spoke in favor of subdivision application as presented by Ms. Nelms to include all planning considerations and requirements. He stated that 90-psi taps are already in on lots. Casper Alcova Water District doesn't have any operation concerns at this time as the excess water can drain into Casper Creek. Western Engineering and WLC performed the DEQ study and has computed the water/cisterns, septic systems @ 110 ft<sup>2</sup>. Mr. Hollingsworth also discussed the access easement is on the eastern side of the 17-acre parcel (Lot 5) and does not affect the other four parcels. The (5) five taps and booster station for the meter pits will be addressed with the permits during construction.

Glen & Linda Davis, 12275 Garbutt, stated that water diversion is a problem from this property and it comes east to his property. Also, he is on 33-mile water and the pressure is only 14 psi at his place, with only one pressure pump on the line. Mr. Davis said they don't need no more people down their road. Mr. Ziehl asked if the water pressure problem was all the time or when a pivot goes down. Mr. Davis he wasn't sure about that...may be when pivot goes down. Vice Chairman Gutierrez asked where tail water is coming across to his place. He stated that the eastern portion of his property gets the tail water.

Mr. Hollingsworth responded that he wants to be a good neighbor and is a licensed utility contractor and he will take care of a ditch to create a drain to the creek. He also plans to add 20-inch line for drainage control. Vice Chairman Gutierrez suggested that the developer work with Casper-Alcova Water District to correct the tail water problem and notify the Planning Department when completed.

Vice Chairman Gutierrez then asked if there was any further discussion. There was none. He then asked for a motion. Mr. Grant made a motion to approve MS21-005, Waterman Major Subdivision, pending completion of all planning considerations. Mr. Mitchell seconded. Voting was as follows:

Jason Gutierrez	Yes
Chad Ziehl	Yes
Robert Grant	Yes
Matt Mitchell	Yes

Motion carried 4/0

**Adjournment**

There being no further business to come before the Board, Vice Chairman Gutierrez adjourned the meeting at 7:16 p.m.

  
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Hal Hutchinson, Chairman  
Natrona County Planning and Zoning Commission

  
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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.