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DEPARTMENT OF PUBLIC WORKS

MINUTES OF THE APRIL 19, 2018 PRE-MEETING WORKSHOP CAMPBELL COUNTY PLANNING COMMISSION

The April 19, 2018 pre-meeting workshop of the Campbell County Planning Commission began at 6:00 P.M. in the Public Works conference room. Members present were: Miles Williams, Kevin Couch, Tom Simons and Todd Hildebrand. Staff present was Megan Nelms, Planner and Zoning Administrator, Kevin King, Public Works Director, and Melissia Kershner, County Recorder.

No official action was taken.

The meeting adjourned at 7:00 P.M.

Megan Nelms, AICP
Planner and Zoning Administrator

MEMBERS PRESENT

Kevin Couch, Chairman
Miles Williams, Member
Tom Simons, Member
Todd Hildebrand, Member

MEMBERS ABSENT

Bruce Brown, Vice-Chair

STAFF MEMBERS PRESENT

Megan Nelms, Planner and Zoning Administrator
Kevin King, Public Works Director
Melissia Kershner, County Recorder

The meeting was brought to order by Chairman Couch at 7:00 p.m.

Approval of Minutes

Chairman Couch called for a motion for the approval of the minutes from the February 15, 2018 County Planning Commission Meeting. Tom Simons motioned, Miles Williams seconded. All voted Aye. Motion carried.

Case No. 18.01 COMP- Lot 1, RCS Subdivision

Josh Boardman/Proline Properties, DFS Properties, LLC, Donald Schuh

Tom Simons made a motion to hear the case. Todd Hildebrand seconded the motion.

Megan Nelms presented the case, and recommended approval of the resubdivision request.

Chairman Couch asked if there were any questions from the Board. There were none. Chairman Couch then asked if there were any questions from the audience.

Roxanne Andresen, 5720 Hannum Road, approached the Board. She stated she is concerned with the sewer and water connected with the proposed resubdivision. She asked if the new owners are going to receive water from the Section 4 water system? She had spoken with a Section 4 Board member about if they are considering it, perhaps a tap fee could possibly be used if the new owners would help pay for improvements. Roxanne also voiced concerns regarding drainage issues in the area. Roxanne then asked that dust suppression be used on the roads, as it is also a residential area and the dust gets bad.

Megan responded to Roxanne by saying the staff engineer is not at the meeting, so she can not address the drainage question at this time. The water issue is being investigated as the water is not being supplied by the subdivision. A water report will look into the feasibility of drilling a well, and since Section 4 water is nearby, it will look at the cost

and availability of hooking onto their system. Staff is not requiring they hook onto Section 4 as part of the resubdivision requirements.

Richard Horning, attorney for the new owner of the property, addressed the Board. He reported the new client is planning on putting in a new, separate septic system for the new lot. Mr. Hoy has communicated to them that there is enough water in his system to accommodate their need and they may approach Section 4. Richard responded to the drainage issues presented previously by saying they are unaware of those issues but will do what needs to be done. His client is also going to build a new access to both lots when completed.

Chairman Couch asked that the Commission be polled. Voting to recommend approval of the resubdivision request was as follows:

Miles Williams	Yes
Tom Simons	Yes
Todd Hildebrand	Yes
Kevin Couch	Yes
Motion Carried	4/0.

**Case No. 17.01 COSP- Fort Union Industrial Park Subdivision
Green Bridge Holdings/Jim Nairne, PCA Engineering/Sheila Slocum**

Tom Simons made a motion to hear the case. Miles Williams seconded the motion.

Megan Nelms presented the case, and recommended approval of the subdivision request contingent on the Atlas Carbon, LLC parcel being added to the subdivision.

Chairman Couch asked if the Board was being asked to force zone Atlas. Megan responded the zoning question should wait for the zoning case. She stated that leaving Atlas out of the subdivision as an island is not good land use or good planning practice. She would like the entities to work together as business partners to make the subdivision whole.

Jim Nairne, Owner and President of Green Bridge Holdings, approached the Board. He began by stating he was not aware of the contingency of adding Atlas to the subdivision until just now. He stated Atlas not being in the subdivision is not his decision, but Atlas themselves. He does not want to see Green Bridge punished for selling land to an entity that does not want to be part of the subdivision. He understands Atlas's initial concern surrounding a common maintenance agreement. There are proposed landowner association documents and the property owner's association will assess maintenance costs based on acreage. They believe it is the fairest way to come up with how to deal with the maintenance issue. He said even if Atlas stayed out of the subdivision, the

purchase and sale agreement between Atlas and Greenbridge, dated February 2015, states they have an obligation to enter into a common maintenance agreement.

Miles Williams asked Mr. Nairne why Atlas does not want to participate in the subdivision? He responded he had previous conversations with Atlas that included statements that they don't want to be zoned. At that time Mr. Nairne told Atlas that they were going to work in phases so they could be included later when those phases were included. He concluded with saying they would like to see Atlas in the subdivision and zoned, but it is not their decision. He also does not want to be penalized due to Atlas's decision.

Chairman Couch asked if a representative from Atlas was present and willing to answer some questions. Michael Jones approached the Board. Frank Levy of Atlas asked Michael to represent him and Atlas at the meeting. Michael said Atlas has been instructed by legal counsel to stay out of the subdivision and zoning. Michael also stated Atlas was informed just a few minutes before the meeting of the change in approval requirements so he is not ready to answer any in depth questions.

Chairman Couch stated the hole in the middle of the subdivision is not good planning practice. Chairman Couch asked Megan what the benefits would be to include them in the subdivision? Megan responded that if Atlas was part of the subdivision they become signers of the plat and other documents related to it. If Atlas were to have any concerns regarding dues or common area maintenance decisions they then would have a voice in the process. Once the subdivision process goes on, if Atlas does not become included, they are in the middle of a large subdivision with no voice on matters. Megan said she is still open to approving the subdivision without Atlas because this proposed industrial subdivision is positive for the community and economic development, but she wants to see Green Bridge and Atlas try to work out their differences.

Tom Simons asked Michael Jones if it's his understanding correctly that Atlas does not want to be included in the subdivision. Michael responded that is his understanding, however, he also thinks there could be a lack of understanding of the potential outcome of them not being included. He thinks there are some positives for Atlas not being involved as well. Tom then said he thinks both land owners should be able to be, or not be, included in the subdivision. He does not think the county should make it a requirement that Atlas be included in the plat for the plat to be approved.

Jim Nairne, Green Bridge Holdings, approached the Board. He wanted to clarify that Atlas was invited into the subdivision and turned down the invite. Jim said he wants to do business the right way and that is why they are proceeding with the subdivision. He reminded the Board that ECED is waiting on the subdivision to build the ACPIC building that will greatly benefit the community. He has other entities waiting who are also in the coal enhancement business to locate there, which he thinks is the best thing now for the county. Fort Union was one of 21 different sites analyzed by the County Commissioners for the ideal spot for the development of carbon technologies and their site came up as number one. They have the full support from the county, city, economic development and

Wyoming Business Council. And even though he agrees having Atlas not be part of the subdivision is not good planning, he does not want his subdivision in jeopardy because of it.

Chairman Couch asked for clarification of the motion. Secretary Kershner stated the motion was to approve the final plat as presented. Megan stated this meant without the Atlas Carbon parcel. He then asked that the Commission be polled. Voting to recommend approval of the subdivision request was as follows:

Miles Williams	No
Tom Simons	Yes
Todd Hildebrand	No
Kevin Couch	Yes
Motion Failed	2/2.

Miles Williams stated the reason he voted no is he believes the county needs to practice good planning practices and leaving Atlas out is not good in his opinion.

**Case No. 18.03 COZ - Fort Union Industrial Park Subdivision & Surrounding Lands – Zoning Request/Change
Green Bridge Holdings/Jim Nairne/Campbell County, PCA Engineering/Sheila Slocum**

Todd Hildebrand made a motion to hear the case. Miles Williams seconded the motion.

Megan Nelms presented the case, and recommended approval of the zoning request, pending filing of the final plat.

Jim Ford, Fort Union Industrial Park representative, stated that until a couple of hours ago there was an agreement amongst all parties involved to accept the plat as is. He said now Atlas wants to be excluded and Green Bridge wants them to be excluded. Staff reviewed the plat as is with Atlas excluded and did not bring this up. He said the character of the land will not change with Atlas being zoned, it will remain a heavy industrial park. It won't change any of the previous agreements with access, water supply or common area maintenance agreements between two businesses. He feels it's disingenuous to change the staff recommendation after staff review and before the meeting. Jim would like the Board to re-vote and exclude Atlas from the equation of the subdivision. He added that when Atlas purchased the property they knew the subdivision was in the plan.

Tom Simons asked Jim Ford how long they have been working on the plat. Jim asked Phil Christofferson from EDC, to which he replied, "A long time." Jim then responded well over a year. Tom said to learn this two hours before the meeting that the recommendation has changed is wrong.

Jim Nairne, Green Bridge, approached the Board. Stated that if you do what is being asked of you and force zone Atlas, then they have no reason to not join the subdivision. He said if you don't zone Atlas you're giving Atlas the power to end the subdivision and that is not appropriate. Jim said he agrees with the reasoning as it should all be together with solid planning, but they should not be taken hostage by Atlas. Jim closed with saying Staff wants the parties to reach an agreement when the two parties already agree on Atlas not being involved in the subdivision.

Tom Simons said that zoning Atlas doesn't make them part of the subdivision. Jim responded that zoning is the reason they don't want to be part of the subdivision. If they are in the subdivision the zoning is automatic. Jim asked Megan if Atlas told her they don't want zoning. She responded that is one of the reasons provided to her by Atlas. Jim said it's an industrial site and Atlas isn't going to alter their business plan, they are going to add on a phase II of what they are already doing. Jim reminded the Board that Economic Development would be losing time with their development if there is a delay. Economic Development would also lose the funding they have established and would have to find a different site. He then asked the Board to do what is right by the area and that is to zone it all. He said if it doesn't go through he will do what he wants to do with his land, unzoned.

Chairman Couch responded that as a Board they need to be positive to the businesses that are willing to invest and grow and be successful in the community. At the same time, they need to balance that with good planning practices. Sometimes that requires give and take, and he is uncertain on the appropriate measure moving forward. He asked Megan what the best course of action is to move forward in the most positive way so both parties can work together without government oversight restrictions. Megan recapped the previous vote on the subdivision. She said if you don't want to cause further controversy for the applicant, you vote to zone the property excluding Atlas. She wished Mr. Nairne had not left as she heard him say that if they zoned Atlas then Atlas might join the subdivision. She stated she wants the two companies to work together and not have that island excluded in the subdivision and zoning. Her recommendation is to zone the entire piece as stated in the zoning application and legal description.

Miles Williams asked Jim Ford for his opinion. Jim approached the Board and responded to the comment regarding the two companies working it out. His belief is that they have already worked it out. Miles said he believes the Board of Commissioners will be sympathetic to their stance and vote appropriately. Jim reminded the Board that Green Bridge is fine with Atlas in or out. He said it doesn't change the character, the way the businesses work together on the contracted maintenance agreement, or how Atlas occupies and does business on the land. If the subdivision goes through as it is drawn now and Atlas decides later to join the subdivision, that can happen down the road. He would like to see this approved and move forward. If the subdivision does not go through all the work from Economic Development and the planned test center will end as well as the Wyoming Business Council loan and a match of 10% from Green Bridge. Economic

Development cannot lease land, it must be purchased. Mr. Frank Levy, from Atlas, told Jim a few hours prior that he did not want to be included in the subdivision or zoning.

Todd Hildebrand said he wished the Atlas representative was in the audience. He is dismayed about the statement “they don’t want to be zoned” but it’s not coming from Atlas. His question is, if it’s not going to change how they do business then what is their reason? Jim responded from his prospective that the bureaucratic hoops make it harder to do business quickly.

Chairman Couch asked that the Commission be polled. Voting to recommend approval of the zoning request was as follows:

Miles Williams	No
Tom Simons	No
Todd Hildebrand	Yes
Kevin Couch	No

Motion Failed 1/3.

Case No. 18.02 COZ- Lots 38A & 39A, Donkey Creek Subdivision No. 2 Re-Zoning Drue & Jeaneen Dryden/Doyle Surveying, Inc.

Todd Hildebrand made a motion to hear the case. Miles Williams seconded the motion.

Megan Nelms presented the case, and recommended approval of the re-zoning request, pending filing of the administrative plat.

Chairman Couch asked that the Commission be polled. Voting to recommend approval of the zoning request was as follows:

Miles Williams	Yes
Tom Simons	Yes
Todd Hildebrand	Yes
Kevin Couch	Yes

Motion Carried 4/0.

Adjournment

There being no further business to come before the Board, Vice-Chair Brown adjourned the meeting at 8:19 p.m.

Megan Nelms, Planner and Zoning Administrator
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NOTE: Campbell County Planning Commission meeting minutes contain a summary of discussions and are not intended to be verbatim.