

MEMBERS PRESENT

Kurt Siebenaler, Vice-Chairman  
Harry Averett, Member  
Bob Jordan, Member  
Anna Land, Member  
Jack Clary, Member

MEMBERS ABSENT

STAFF MEMBERS PRESENT

Sam Proffer, Planner and Zoning Administrator  
Clark Melinkovich, Senior Engineer & County Recorder  
Matt Olsen, Director of Public Works

The meeting was brought to order at approximately 7:00 p.m. by Vice-Chairman Siebenaler.

**Roll Call:**

Vice-Chairman Siebenaler began the roll call by welcoming new member, Mr. Jack Clary. Vice-chairman Siebenaler asked Mr. Melinkovich to note for the record that all members were present.

**Approval of Minutes:**

Vice-Chairman Siebenaler asked if the Commissioners had read the June 15<sup>th</sup>, 2023 meeting minutes and asked if there were any changes or corrections that needed to be made. All affirmed that they had read the minutes and no changes were needed.

Vice-Chairman Siebenaler asked for a motion to approve the June 15<sup>th</sup>, 2023 minutes as submitted. Commissioner Averett moved to approve, and Commissioner Land seconded.

All voted aye. Motion carried.

**Communication:**

Vice-Chairman Siebenaler noted the communication between the City of Gillette and the County regarding the annexation of certain properties into the City limits. There was brief discussion between the Commission and Mr. Proffer, with Mr. Proffer explaining that staff had sent a letter to the City of Gillette expressing the County's support of annexing in county enclaves into the City when possible.

Mr. Proffer then shared with the Commission a last-minute email received from the Red Hills Homeowner's Association regarding Enclosure 3, the Study Simple Subdivision scheduled for the evenings meeting. Vice-Chairman Siebenaler asked that the content of the email be postponed until the case was heard later in the meeting.

**Public Hearings:**

**Case No. 23.03.CRSD**

**Anderson Simple Subdivision Request**

Vice-Chairman Siebenaler asked Planner and Zoning Administrator Proffer to present the case.

Mr. Proffer presented the case by advising the Commission that the location of the currently unzoned property was within the ½ mile Joint Review Area boundary with the City of Gillette, and because of that, the subdivision would have to receive a zoning classification.

Mr. Proffer went on to explain the location, surrounding area uses, access to the property and other relevant information. Mr. Proffer then explained that the proposal met all minimum standards of County Chapter 6 Subdivision regulations for size, location, etc., with the exception that there were some uncertainties regarding the adequacy of the access easement as submitted, and that the applicant agent would provide additional detail.

After Mr. Proffer's presentation, Vice-Chairman Siebenaler asked if there was anyone in the audience who wished to speak.

Mr. Art Tarno, who owns land off Hi-Line Road expressed his concern over the speed of trucks and the dust that they created when driving past his property on Hi-Line Road. There was some discussion between the Commission and the applicant about addressing that issue.

Vice-Chairman Siebenaler then asked the applicant's agent Mr. Cevin Imus with Land Surveyor's Incorporated if he could explain the status of the required access easement to the property. Mr. Imus gave a brief overview of how his office was working on the problem and that he would be advising staff when it was resolved.

There was additional discussion regarding Mr. Tarno's concerns about dust and how fast trucks sometimes drive on Hi-Line Road in front of his property. It was noted that this area of the road was on private property and that it could be posted at any speed limit they chose, but that it would not be enforceable by police.

After verifying that there were no more comments, Vice-Chairman Siebenaler asked for a motion; Commissioner Jordan moved to approve the Anderson Simple Subdivision pending completion of the two Planning Considerations of obtaining the proper zoning and securing adequate access easements. It was seconded by Commissioner Averett.

Vice-Chairman Siebenaler asked Senior Engineer Melinkovich to poll the Commissioners.

Voting was as follows:

|                           |     |
|---------------------------|-----|
| Commissioner Averett:     | Yes |
| Commissioner Jordan:      | Yes |
| Commissioner Land:        | Yes |
| Commissioner Clary:       | Yes |
| Vice-Chairman Siebenaler: | Yes |

Motion passed 5-0.

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**Case No. 23.03.COZ**

**Anderson Zoning Request**

Vice-Chairman Siebenaler asked Planner and Zoning Administrator Proffer to present the case.

Mr. Proffer presented the case by reviewing with the Commission that the location of the currently unzoned property was within the ½ mile Joint Review Area boundary with the City of Gillette, and because of that, the subdivision would have to receive a zoning classification.

Mr. Proffer explained that the property was within an area designated by the Comprehensive Plan's Long Range Planning map as being marked for heavy industrial, and that this was consistent with the current use and the request for the 'I-2' Heavy Industrial zoning classification. Mr. Proffer then gave a brief overview of I-2 zoning allowed uses. He also noted that the City of Gillette had been notified and solicited comments from them, but none had been received.

After some discussion by the Commission, Vice-Chairman Siebenaler asked for a motion; Commissioner Averett moved to approve the Anderson Zoning Request for 'I-2' Heavy Industrial as requested and it was seconded by Commissioner Jordan.

Vice-Chairman Siebenaler asked Senior Engineer Melinkovich to poll the Commissioners.

Voting was as follows:

|                           |     |
|---------------------------|-----|
| Commissioner Averett:     | Yes |
| Commissioner Jordan:      | Yes |
| Commissioner Land:        | Yes |
| Commissioner Clary:       | Yes |
| Vice-Chairman Siebenaler: | Yes |

Motion passed 5-0.

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**Old Business: Study Simple Subdivision Case No. 23.02.CRSD and Study Zoning Request Case No. 23.04.COZ**

Vice-Chairman Siebenaler noted that there were no more public hearings and that the meeting would move on to Old Business with a follow-up on the Study Simple Subdivision heard by the

Commission on June 15<sup>th</sup>, 2023. Vice-Chairman Siebenaler asked Planner and Zoning Administrator Proffer to provide an update.

Mr. Proffer gave a brief recap of the Study Simple Subdivision and the requirements for zoning the property and sharing in the maintenance costs for using the Red Hills Subdivision roads that the Planning Commission made as a condition of approval.

Mr. Proffer advised the Commission that Mr. Study had countered the requirements by applying for a zoning amendment to zone only the one new lot that would be vacant, leaving the 2<sup>nd</sup> lot that he would retain as his

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residence unzoned. Mr. Proffer noted that there appeared to be some confusion on the status of cooperation between Mr. Study and Red Hills HOA based on correspondence from Mr. Study and Ms. Jami Johnson, representative for Red Hills HOA.

Mr. Proffer concluded the review by stating that the Commission had three options to consider; one, approve the zoning as requested by Mr. Study, deny the zoning request, and require Mr. Study to zone both parcels or remove the requirement to zone.

Vice-Chairman Siebenaler then asked Mr. Study if he would like to address the Commission. Mr. Study came forward and stated that he had already been paying dues to the Red Hills HOA voluntarily and didn't believe he needed to join. He also stated his position that he was unwilling to zone both parcels. After some discussion between the Commission and Mr. Study, Vice-Chairman Siebenaler asked the representative from Red Hills HOA if she would like to speak.

Ms. Jami Johnson, the vice-president for Red Hills HOA came forward and confirmed that Mr. Study had in fact been paying fees to the HOA. After some discussion Ms. Johnson supported the zoning request by Mr. Study.

There was some ongoing discussion between Mr. Study, Ms. Johnson, and the Commission regarding working out issues together and advising any prospective buyers of the new parcel about sharing in road maintenance costs.

After verifying that there were no more comments, Vice-Chairman Siebenaler asked for a motion; Commissioner Averett moved to approve the Study Zoning request of 'R-S' Residential for Parcel 2 of the Study Simple Subdivision to become effective upon recordation. Commissioner Jordan seconded the motion.

Vice-Chairman Siebenaler asked Senior Engineer Melinkovich to poll the Commissioners.

Voting was as follows:

|                           |     |
|---------------------------|-----|
| Commissioner Averett:     | Yes |
| Commissioner Jordan:      | Yes |
| Commissioner Land:        | Yes |
| Commissioner Clary:       | Yes |
| Vice-Chairman Siebenaler: | Yes |

Motion passed 5-0.

**New Business:**

**Election of Officers for the 2023-24 Term**

Vice-Chairman Siebenaler noted that with no other Old Business, he would move on to New Business, election of officers for the 2023-24 term, and asked if there were a motion to nominate for Chairman; Commissioner Jordan nominated Kurt Siebenaler for Chairman, seconded by Commissioner Averett.

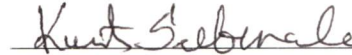
All voted aye. Motion carried to approve Mr. Siebenaler as Chairman for the 2023-24 term.

Chairman Siebenaler then asked for a motion to nominate a Vice-Chairman; Commissioner Averett nominated Anna Land as Vice-Chairman, seconded by Commissioner Jordan.

All voted aye. Motion carried to approved Ms. Land as Vice-Chairman for the 2023-24 term.

With no other comments, Chairman Siebenaler adjourned the meeting.

**Adjournment:** Meeting was adjourned at 8:05 pm

  
Kurt Siebenaler, Chairman

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