

Albany County Planning and Zoning Commission
SPECIAL MEETING of October 26, 2023
Minutes

Staff Present: David Gertsch – Planning Director, Joe Wilmes – Associate Planner, Matt Ayres – County Civil Attorney, Sue Ibarra – Board of County Commissioners Liaison

I. CALL TO ORDER/ROLL CALL (Time 5:00 PM)

Chairman: The Special 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: Absent (Joined during IV, A)

Ms. Ben-David: Absent

Chairman Hinckley: Present

II. Approval of Agenda

Chairman: Are there any additions or deletions to the agenda for October 26, 2023?

Chair will entertain a motion to accept the agenda October 26, 2023, as PRESENTED.

So moved by Commissioner Platt.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

III. Disclosures/Conflict of Interest

There were none.

IV. APOZ Boundary and Text Amendment

David Gertsch introduced the item.

Chairman Hinckley would like the letter that was sent from the Planning Department to the effected landowners to be included in the minutes. (Attached)

Commissioner Platt would like to state that we have a shapefile that defines the exact location of the protective shale line.

A. Public Hearing

Nancy Sindelar, representing the Albany County Clean Water Advocates (ACCWA), thanked the commission for all of the work, time, and effort that was put into this update.

Marian Erdelyi thanked the commission for all of their work, she thinks that it is fantastic to have people that care about protecting our water and making it happen.

April Brimmer Kunz said water should be taken care of and asked about shale and how it would potentially impact her ranch.

Chris Mazurie said that it seems that line is moving all over the place and asked to know the process of moving the line.

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

The vote was unanimous.

Motion Carried.

Discussion amongst the Commission was opened.

Chairman Hinckley brought up the public comment written by Mr. Sutherland and asked Mr. Gertsch to direct him to Appendix D of the CAPP. He also brought up the public comment from the City of Laramie and asked for reactions from the Commission.

Commissioner Platt said that he had a brief conversation with Mr. Gertsch about the City's comment and Mr. Gertsch had told him that because the City owns the property, they can effectively dictate what happens on that property. He also said that if it is going to hold up the Commission from being able to approve this at this meeting, he would suggest not doing that at this meeting.

Chairman Hinckley asked Mr. Ayres if doing what the city is asking for constitute a substantive change.

Matt Ayres said that he doesn't believe that it would be a substantive change based on the notice that was given for this meeting, however, whether it is substantive or not may not be the most important consideration, in this case.

Commissioner Platt said that he can't imagine anyone objecting to this ask from the city, in that case.

Commissioner Hanning said that if it's not clearly a substantive change, then she'd be in favor of granting their petition. She said that if you generously look at the Administrative Procedures Act, you could say that they were an interested person that petitioned for an amendment, and the Commission is in a position to entertain it, even though they haven't developed a set format.

Matt Ayres would not consider this a petition to amend rules and regulations, it is a public comment on a proposal that is already an amendment.

Chairman Hinckley said he would take it as a public comment, with the caveat that the city is a very special member of the public and the whole Casper Aquifer Protection Plan was generated in an interest to protect the City's water. He thinks that the commission should decline the City's request, because one reason in what Mr. Gertsch alluded to, their letter offers no reason for the request, and if they don't want something to happen on their property, they can control that. It is inconsistent with the philosophy that the Commission brought forward for choosing the line that they did as they would like it to be as reflective of the hydrogeologic criteria as possible, and the spots along the western boundary where they are most confident in are the city properties for the reason that the city wells are there. He asked if he had spoken to Mr. Teini from the City on their reasoning.

David Gertsch said he doesn't sense that it is a huge issue to them, but that they would like it better if they knew exactly where the line was on their property.

Chairman Hinckley said that he thought the Commission understood from various conversations in the past that the City was supportive of the property line-based boundary.

Commissioner Kocornik thinks that the Commission has gone through a lot of trouble to not be arbitrary with the line, they should consistently stick to their criteria.

Matt Ayres said his initial thought when seeing this request was that Stantec spent great time and effort developing the protective satanka shale thickness line, and it still bisected the City's properties. He added that the data from their properties is where we are getting the best idea of exactly where the protective satanka shale thickness line is.

B. Action

Commissioner Hanning motioned, and Commissioner Platt seconded to direct staff to respond to the City explaining why the Commission is not adjusting the boundary and provide them the opportunity to make a formal petition under the Administrative Procedures Act, if they really want to move the boundary.

The vote was unanimous.

Motion Carried.

Commissioner Platt said that in the past they've always talked about if someone would like to get out of the APOZ but was wondering if the text lays out a way for someone to put more of their property into the APOZ.

Chairman Hinckley believes that it says if you would like to change the boundary, here is how you change it.

Commissioner Platt motioned, and Commissioner Kocornik seconded to recommend approval and certification of the map amendments and text amendments (5, b, 1, i and 5, b, 6, ii changing “property or a portion of the property” to “property or relevant portion of the property”) as amended tonight to the Board of County Commissioners.

The vote was unanimous.

Motion Carried.

Chairman Hinckley opened up discussion on the letter from Planning & Zoning Commission explaining the steps to get to this line and the amendments.

Commissioner Platt feels it is well written and well thought out.

Commissioner Hanning thinks that the Commission should move to approve sending this letter up to the Board of County Commissioners as an explanation for how we arrived at the hybrid line.

Commissioner Kocornik thinks its helpful to explain it to everybody and have it all in one place.

Commissioner Platt motioned, and Commissioner Hanning seconded to endorse this document and forward it to the Board of County Commissioners.

The vote was unanimous.

Motion Carried

V. ADJOURNMENT

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

Chair adjourned.

Meeting adjourned at 6:18 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>



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September 18, 2023

Proposed Amendments to the Aquifer Protection Overlay Zone Boundary

The Planning and Zoning Commission is proposing to amend the Aquifer Protection Overlay Zone boundary. Your property has been identified as one that may be affected by this change. You can view the proposed map at the Albany County Planning Department located at 1002 South 3rd Street or online at <https://www.co.albany.wy.us/261/Projects> .

The Planning and Zoning Commission has scheduled a public hearing on these proposed changes. The hearing will be held on October 26, 2023 at 5:00 p.m. in the County Commissioners Chambers, Albany County Courthouse, 525 Grand Avenue in Laramie, Wyoming and online via Zoom and the Albany County Government YouTube Channel. Please visit www.co.albany.wy.us for more information.

Please contact the Albany County Planning Department with any questions.

Email: planning@co.albany.wy.us

Phone: 307-721-2568