

Albany County Planning and Zoning Commission  
REGULAR MEETING  
May 10, 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 p.m.)**

**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: Present

Chairman Hinckley: Absent

**II. Approval of Agenda**

**Chairman:** Are there any additions or deletions to the agenda for May 10, 2023?

Chair will entertain a motion to accept the agenda May 10, 2023, as PRESENTED.

So moved by Commissioner Kocornik.

Seconded by Commissioner Ben-David.

The vote was unanimous.

Motion Carried.

**III. Approval of Minutes**

**A. Chairman:** Are there any corrections to the minutes for the April 12, 2023, meeting?

Chair will entertain a motion to accept the minutes for the April 12, 2023, meeting with corrections.

Commissioner Platt had a correction.

So moved by Commissioner Ben-David.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

**B. Chairman:** Are there any corrections to the minutes for the April 19, 2023, meeting?

Chair will entertain a motion to accept the minutes for the April 19, 2023, meeting as presented.

So moved by Commissioner Kocornik.

Seconded by Commissioner Ben-David.

The vote was unanimous.

Motion Carried.

**C. Chairman:** Are there any corrections to the minutes for the April 26, 2023, meeting?

Chair will entertain a motion to accept the minutes for the April 26, 2023, meeting as presented.

So moved by Commissioner Hanning.

Seconded by Commissioner Ben-David.

The vote was unanimous.

Motion Carried.

#### **IV. DISCLOSURES/CONFLICTS OF INTEREST:**

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

Commissioner Ben-David disclosed that Kimberly Starkey invited her to Ms. Starkey's house to talk about the aquifer and their perspective. Commissioner Ben-David asked them to come to the meeting and present it to the whole commission so that she does not misrepresent them. She also disclosed that she asked Professor Dr. Scott Miller to look at some data that was presented as public comment for the April 26 meeting.

Commissioner Hanning had a conversation with the homeowners where the septic tank-leach field study was performed, and she reported the contents of that in her review of the Starkey comments.

#### **V. PUBLIC APPLICATIONS**

None.

#### **VI. CURRENT PLANNING PROJECTS**

**A. Planning and Zoning Rules of Practice and Procedure Public Hearing and Action**

**i. David Gertsch introduced the item.**

**1. Commissioner Platt opened the public hearing.**

**a. No comments were made.**

2. Commissioner Kocornik motioned, and Commissioner Ben-David seconded to close the public hearing.
  - a. The vote was unanimous.
  - b. Motion Carried
3. Commissioner Hanning motioned, and Commissioner Kocornik seconded to approve the Rule of Practice and Procedure of the Albany County Planning and Zoning Commission.
  - a. The vote was unanimous.
  - b. Motion Carried.

**B. Growth Area Management Plan Public Hearing and Action**

**i. David Gertsch introduced the item.**

1. Melissa Ruth, representative for Logan Simpson, explained that the draft document which was posted on both the City of Laramie website and the Albany County website received 432 views and 7 comments. She explained the first round of public engagement, which was the first questionnaire that was put out, asking folks how they generally feel about growth in the area around the City but in the County received 189 total responses and 285 additional partial responses, which are questionnaires that weren't finished or only answered a couple of questions. The second questionnaire received an additional 50 responses. We were also at quite a few different in person events where we spoke to hundreds if not thousands of folks. There was mapping activities and County staff, City staff, and Logan Simpson staff were all available for questions. In phase 3 more interviews from people in phase 1 digging into development standards and refining the plan a little bit more. She explained that a growth plan hasn't really been done in Wyoming yet but mentioned that the City of Sheridan/Sheridan County Joint Growth Area Plan was a model for this document. There have been other plans that have been quasi adopted jointly but where the City and County have adopted different plans and has caused some issues. This document builds upon the City and County comprehensive plans, she explained that this is not a comprehensive plan in itself but to think of it as an addendum to the County comprehensive plan and an addendum to the City comprehensive plan, and that's why it is important to adopt the same version of the document, if possible. The foundation for this document is the foundation for the Intergovernmental Agreement and the eventual zoning resolution updates for the County in order to implement the plan. She explained that those are pieces coming after this plan, but that they have a similar process. The land use map is the important piece to this plan, having a jointly adopted land use map for this area is important and ensures consistency in interpretation and in land uses going forward. There is a utility analysis that was completed with this plan, it is a general and high-level utility analysis, it is not a parcel-by-parcel specific utility analysis, it does not specify things like specific pipe sizes or pressures

that need to be accommodated in order to service the areas. Lastly, the plan includes an existing conditions analysis that is fairly detailed, this is the first section in the plan with all the framework maps. A lot of time went into these, they spent a lot of time with City and County staff, road and bridge, the engineers looking at everything on the ground now, where things are at, what's working and what's not, and what the direction is. They also worked with the intergovernmental committee on understanding what sort of information they need in order to utilize this plan more efficiently.

2. Commissioner Platt noted that City Planning Director Derek Teini is present and asked if he had any comments.
3. Philipp Gabathuler, City of Laramie Principal Planner, said that the City Planning Commission did approve a resolution to recommend approval of the plan to City Council at their April 10<sup>th</sup> meeting. Where the City stands right now is working together with the Planning and Zoning Commission and the Board of County Commissioners decision and trying to roll that out. A lot has been said about the public input process that went into this planning effort. Two surveys, the public workshops that were very well attended, all of that information is in one of the appendices, which we felt was really important to note all of the public input that was received. He added that Wyoming State Statute endorses these types of joint planning efforts, that is in the City Planning resolution. He said that we had public hearings on 5 occasions that were advertised in the newspaper as well as on the website. This planning process was done in a transparent manner as we knew how to do, and this plan is built on many of those comments that we received through the effort.
4. Commissioner Ben-David explained that she voiced her numerous concerns about the plan already and she hopes that people have looked at them and have some responses to them. They include limited planning on recreation, mismatches between sewage system and water lines that don't make sense in terms of destruction to people's lives, she hasn't seen any reference to how we are going to handle the increased use of the landfill, no reference to governance. The plan is basically where are we going to put sewage and water lines, and even that is incomplete. She has a lot of reservations about the plan as it is, and until her concerns are addressed, she doesn't know if she can voice her opinion on it.
5. Commissioner Kocornik understands where Commissioner Ben-David is coming from, but her understanding is that this isn't supposed to be comprehensive, it wasn't supposed to address everything, that we have the comprehensive County plan, so she doesn't have much to say.
6. David Gertsch tried to address Commissioner Ben-David's comments. He explained that this isn't a recreation plan, those are typically done aside and as an individual plan, the City of Laramie has a Recreation Master Plan which he believes covers some of the areas we are looking at, but yes this plan doesn't address recreations, as that wasn't in the

scope of what was provided from the Intergovernmental Committee. The sewage system and water mismatch, maybe Melissa could answer that, he isn't sure where the mismatch is. He said he'll address the government authority stuff, this is not going to change the makeup of who is in the City and who is not, if someone gets annexed into the City then their governing body will be City Council, if they are outside of the City they will be in the jurisdiction of the Board of County Commissioners.

7. Derek Teini, City of Laramie Planning Manager, explained that this is not an annexation plan, this is a growth plan, as this plan goes through the process and through the years, some people will annex, and some people won't. In the event that somebody does want to annex and goes through that process, when that the person comes to the City and petitions for annexation they are assigned their ward, it is done as part of an ordinance that the council approves and they will be assigned one of the three wards depending on the location. In Laramie growth is fairly slow and annexation is fairly slow, they do one or two a year, and so the population increases aren't dramatically shifting your wards, so what they will do is assign to the most logical ward, which is usually not very complicated because it is usually an extension of where they are already at. Every census cycle, those are relooked at for total population based on the census numbers and they readjust. When someone goes through the annexation process the City assigns wards, school district location, voting precincts for state level as well, and it is all done by where they are on the map and through City Council and the City Clerk.
8. Commissioner Ben-David clarified that the City cannot annex anybody unless they petition to be annexed.
9. Derek Teini confirmed that is the case.
10. Commissioner Ben-David said she doesn't understand the growth plan now.
11. Derek Teini explained that annexation that has been occurring in most recent years, someone comes to the City and asks to become part of the City, they go through the process through annexation and zoning, and then usually its accompanying some sort of development proposal. A lot of times it is a subdivision for housing or commercial use. So, it is driven by the property owner. There are provisions in State Statute that cities can forcibly annex properties, but that is not what this plan is talking about. We are talking about where people are wanting to grow, where the community is wanting to grow, and where people are wanting to come into the City to receive the services that the City provides.

He also clarified that the City does have a parks and recreation master plan, but it doesn't include areas outside of the City. The County chose not to adopt that plan during that process.

He also wanted to clarify the sewage and water map. The map represents where the City of Laramie has studied and evaluated extension of water and sewer lines. The map doesn't say we are extending water and sewer lines, but it is a reflection of where we have looked at the feasibility of extending those lines. He said the broad cost number is to show the gravity of the discussion we are talking about. The expansion of the potable water system is a huge number.

- 12.** Commissioner Ben-David asked what the point of the plan is.
- 13.** David Gertsch explained that plans set the foundation for what we want to accomplish in the future. This plan is setting out to get the City and the County on the same page when it comes to this area directly outside of the City.
- 14.** Commissioner Ben-David says this does not make any sense to her, because if this is the plan there is a cost associated with it and there is regulation associated with it, but she doesn't understand this.
- 15.** David Gertsch clarified that the City and the County are not going to be the ones putting in the infrastructure. When private people want to come in and develop and they want to have these services they are the ones that are going to be taking care of it. This will be done incrementally.
- 16.** Derek Teini added that this is the first step in the process that is being directed to us by the Board of County Commissioners and City Council. If he was to summarize it, look at the growth map on page 38 of the document, that is what everything boils down to.
- 17.** Commissioner Hanning said that a lot of her concerns with the plan were alleviated when she had more discussions with David Gertsch about the level of conversations that went on with some of the larger landowners within the growth area, that she was wanting to make sure that the bigger property owners were involved in the discussion and were on board with seeing their now actively agricultural area be turned into housing.  
  
A question that she has is if they are able to summarize some of the concerns that City Planning Commission raised. She was surprised that the City Planning Commission wasn't unanimous in their support of the plan.
- 18.** Derek Teini said that one person he doesn't know because there was no comments one way or the other. One of the 'no' votes was related to the financial aspect of it, but he is personally unclear as to the concern of the financial aspect of it because the financial component of the plan is to provide perspective, to show this isn't an easy thing to do. We have to make sure that not only the public, but our elected officials, understand that we can't just grow to the North 3 miles, and it's easy to do and doesn't cost anything.

- 19.** Commissioner Hanning sees the “meat” of this coming in the future with the IGA and the regulations. She also asked if the intergovernmental agreement would be out for public comment or if it will just be between the elected officials.
- 20.** Derek Teini confirmed that the IGA will go through the normal public process.
- 21.** Commissioner Platt asked if there would be any incorporation of City building code into the County through the IGA.
- 22.** David Gertsch said that hasn’t been discussed really and is outside of the scope of what we are doing. He did say that as people annex, they will have to build to code. Anything in the rural areas takes a delegation from the State of Wyoming to have code and we have not received that delegation, and it has not been an interest to the point where it’s been discussed seriously since he has been here. Things can change but you have to consider the additional staffing and expertise to do something like that.
- 23.** Commissioner Platt said that he brought it up because the City has expressed interest in having housing conform to building code on a number of developments that Planning and Zoning has looked at.
- 24.** Derek Teini said that is a fairly standard comment that gets passed on.
- 25.** Commissioner Kocornik asked if a person knew that they wanted to be annexed, it would make sense to build to code, because they would have to come up to code as soon as they were annexed.
- 26.** Derek Teini said that it is not a requirement, but it is a preference. There is a wide variety of standards that you can build something at, and sometimes it’s not that different, it’s not saying that things that are built aren’t properly constructed. There could be a situation with especially commercial buildings that may require something like sprinkler systems, which usually won’t be built in the County, may be more difficult for the City to annex. Normally the comment is put out there for people to think about.
- 27.** Sylvia Bagdonis, representative for ACCWA, read a letter that was written from the ACCWA Board of Directors. (attached)
- 28.** Commissioner Hanning motioned, and Commissioner Ben-David seconded to close the public hearing.
  - a.** The vote was unanimous.
  - b.** Motion carried.
- 29.** Commissioner Ben-David completely agrees with the public comment given, and it reflects a lot of her concerns.
- 30.** Commissioner Hanning asked if the map on page 33 shows lots of rural residential in the Sherman Hills area in the growth plan, it was her

understanding that the zoning resolution would be guiding the requirement for minimum lot sizes of 35 acres, based on the recent regulation change, and anything smaller would be because it is already existing.

- 31.** David Gertsch confirmed that the smallest lot that could be made within the APOZ would be 35 acres. The intent was to show what was existing within that area.
- 32.** Commissioner Kocornik asked if everything being shown within the APOZ is already there, and there is no new development within the APOZ proposed within this plan.
- 33.** David Gertsch confirmed that was the intent.
- 34.** Commissioner Hanning explained if land is annexed into the City, they would be able to subdivide into smaller lots and it is up to the City Planning commission to put conditions on the application.
- 35.** Commissioner Ben-David brought up the potential new subdivision 'Laradise' and said they are going to be around the same density as Imperial Heights, they are going to connect to City water and sewer, but there is no control of lawns, fencing, traffic. She thinks there needs to be more thought put into the details of the map from various aspects and clarify some of the confusion and concerns.
- 36.** David Gertsch clarified more on what he said earlier. The map is showing the developed area, and the map shows this area as being Estate Residential which would allow 3 dwellings per acre, but that is only if annexation occurs. The existing zoning would continue unless it was annexed. The intention of this map is once there is regulation and an overlay zone for this, is that those areas will develop at those densities once annexation occurs or water and sewer become available.
- 37.** Commissioner Platt said that nearly two months have gone by since we last discussed this. He noted that one of the slightly confusing things about this for people that are just seeing this for the first time, the Growth Area Management Plan tonight is just a small piece of the overall plan, just the beginning step. He asked staff if there were any comments.
- 38.** David Gertsch said that we have gotten some comment but not a lot.
- 39.** Commissioner Platt said in the meantime City Planning Commission has gone ahead and recommended this plan for approval to City Council, staff supports the plan, and he supports the plan.
- 40.** Commissioner Kocornik asked what would happen if the growth plan boundary would change.
- 41.** David Gertsch explained that if the part that would be removed from the growth plan boundary wanted to annexation, this plan would not guide the development.



- 42.** Commissioner Hanning asked if the IGA could control what could or couldn't happen with this land.
- 43.** Matt Ayres explained that if annexation occurs the County has no say, that is just between the property owner and the City.
- 44.** David Gertsch asked Matt if it was in the IGA that we are all going to follow this plan and the densities shown in it, the City would have to follow that.
- 45.** Matt Ayres confirmed that could happen.
- 46.** Commissioner Hanning clarified that the County would have no say over any annexation, but if the border stayed the same, there would be an ability to maintain some control through the vehicle of the IGA.
- 47.** David Gertsch confirmed that would be the case if that it was the IGA said.
- 48.** Derek Teini agreed with David. If it is not in the map, we can't work together to put together an intergovernmental agreement and joint regulations to properly address the concerns that we have, whether they are aquifer related concerns or the general growth area concerns. The area that you see on the map is already developed, they are tracts that have been subdivided in the County through different subdivision processes allowed in the County at the density that they are at, with no increases in density. We have to acknowledge that they exist there. In a growth plan, it's logical that we'll see existing areas that are developed or growth pressure. This gives us the vehicle to actually work together, develop plans, talk about densities, talk about standards. The hope is that we work together and come up with it so that it's a known predictable decision before it ever happens. He thinks that it remains as is and gives us the tool to put together the IGA and regulations on both sides.
- 49.** Commissioner Platt said to keep in mind that he is sure that the City is just as interested in keeping the water clean as we are now and going forward.
- 50.** Commissioner Platt motioned, and Commissioner Hanning seconded to certify the Laramie Growth Area Plan with a recommendation to the Board of County Commissioners to approve and to concur with the City Planning Commission adoption certification of the same.
  - a.** The vote was 3-1
    - Commissioner Ben-David was the dissenting vote.
  - b.** Motion Carried.

### **C. CAPP Update**

- i.** David Gertsch introduced the item.

1. Commissioner Platt ask Matt Ayres if they make amendments that did not reflect any substantial changes to the plan, would they be in a position to certify the plan if they chose.
2. Matt Ayres confirmed that they could if they certify it as amended.
3. Commissioner Platt said that at the April 26 special meeting, he thought there was a reasonable chance they were going to be able to get to a point where they could at least get to a point to vote on certifying the plan, until they discovered the fact that they had 2 missing appendixes. They have now been added and are in the same position as they were on April 26, with the exception that on April 26 they received a large body of comments late in the game that were not considered at that meeting. Those are comments, they were received in time, but that doesn't mean they have to act on them, they could choose not to. Having thought about it and conducting some general discussion with Chairman Hinckley, he thinks taking an approach of going through the comments one by one as David Gertsch mentioned. He knows the consultant has gone through the comments and provided responses, as has Chairman Hinckley and Commissioner Hanning. Ms. Hanning's comments did not make it into the packet, but they are listed underneath the projects page of the planning page on the website and are now part of the public record (attached). He also went through the comments and wrote down the comments into two categories, comments that would be errata and more technical comments. He thinks they should go through the errata comments one by one and work through them, see if they agree with them or not, and if they choose to modify them, adopt them as an amendment to the plan and potentially certify the plan and recommend for approval.
4. Commissioner Ben-David asked why they are seeking public input if they are going to ignore it.
5. David Gertsch said we don't want to ignore it, that's why we are considering it. We are going to go through the comments (attached) and the commission are going to decide what to do with them.
6. Commissioner Platt said the suggestion that Chairman Hinckley made was to take all of the comments and when they get to the time to discuss regulations to consider them again, as they pertain to the regulations and not to the plan and take more time to develop a full response that they seem fit. So, we are not going to ignore them at all.
7. Commissioner Ben-David asked Mr. Gertsch when the next CAPP update is scheduled for.
8. David Gertsch said there is nothing scheduled.
9. Commissioner Ben-David said this is the time where we can reconcile many of the disagreements.
10. Commissioner Hanning asked Mr. Gertsch if he would want to go through comment by comment or just focus on the ones where there

was conflict between Stantec and Chairman Hinckley and her. If all three were in agreement do they still want to discuss those comments.

- 11.** Commissioner Ben-David thinks for the sake of efficiency they should only focus on the disagreements.
- 12.** David Gertsch suggests going through each comment but if they are okay with a comment confirm they are all on the same page and move on.
- 13.** Commissioner Ben-David commends everyone for commenting.
- 14.** Commissioner Platt thinks they should go through comment by comment.
  - a.** Comment 1
    - Planning and Zoning Commission agreed that the CAPP is a plan not a regulatory document.
  - b.** Comment 2
    - Planning and Zoning Commission agreed that was a mistake that could be revised accordingly.
  - c.** Comment 3
    - Planning and Zoning Commission agreed that was a mistake that could be revised accordingly.
  - d.** Comment 4
    - Has already been addressed.
  - e.** Comment 5
    - Planning and Zoning Commission has no problem.
  - f.** Comment 6
    - Planning and Zoning Commission agreed that was a mistake that could be revised accordingly.
  - g.** Comment 7
    - Planning and Zoning Commission agreed that was a mistake that could be revised accordingly.
  - h.** Comment 8
    - Commissioner Hanning said that she believes that Chairman Hinckley saw the data when it went to the Board of County Commissioners for the regulation change of making the minimum lot size within the APOZ 35 acres. She doesn't believe that the rest of the commission was aware of the data until the

afternoon of the end day of the public comment period on April 26. Stantec agreed that it could be useful to include the data in the report. She agrees that the data complements what is already in there. It really comes down to, in her mind, what is left in the contract for Stantec to turn around and add more data, at this point. She disagrees with the conclusions of the CAP Network report, she looks at the data as being complementary to what we already know out there, but she doesn't object to including the data. She would object to including the whole report as an appendix, because she disagrees with the conclusions that were made in the report. It is really up to the contract managers whether there is time and money for Stantec to include this data.

- David Gertsch had some comments to add. He looked over this report and quoted “the data do not support the hypothesis that the septic systems are contaminating the aquifer or the public water supplies.” He says that this is not a conclusion in the report that was provided, it does not address septic systems in the report that was provided, so this conclusion is an opinion of Ms. Starkey, who wrote this. He continued by saying that we have three other studies, the Wenck Study that looked at the wastewater system in Sherman Hills, the Phase 2 Laramie Monitor Well Project Report, and East Laramie Wastewater Feasibility Study all found an increase in nitrates in some of the wells, as well as this report. There were a few wells that were in the 5-mg/L range or 6, some were up and down, some were in the 1's, but those ones that are above the 2-mg/L, that's kind of the standard for what is naturally occurring. That doesn't mean it's the same everywhere but once you're in 5 or 6 there may be some impact there, this report shows that. This comment is not asking for this to be put into the plan. The CAP Network looks at 17 wells, the East Laramie studies look at 115 wells, so there is a big difference in the amount of data that was collected. He is not saying this because it is not good data, because any data is good data when it comes to the Aquifer Protection Area. But, to their point, if their reason that they want to include this is to say that septic systems shouldn't be regulated or we shouldn't require any additional standards, the report doesn't support that and its not even talked about in the CAP Network report. He is bringing the information for the commission to do what they want.
- Commissioner Hanning clarifies that David Gertsch doesn't see their comment as “please include our data” but instead “hey, please consider our data in the context of everything we are talking about.”
- David Gertsch believes that is what they were asking but can't speak for the commenter.

- Commissioner Kocornik thought that their point was that their samples were taken over a much longer period of time.
- David Gertsch said that is true. The CAP Network was over a 10-year period, where the East Laramie studies were 2 years in a row.
- Commissioner Kocornik thinks that is a little different.
- David Gertsch agrees and points out that the CAP Network has graphs that show the trends. He believes there is good data in this report.
- Commissioner Ben-David says that she has been studying the Spur wells and the correlation to recharge. She thinks it would be nice to include the data.
- Commissioner Hanning motioned to include the CAP Network data included in Appendix A and applying it to Table 3-4 and Figure 3-8 of the CAPP Update, so long as there is enough contractual time and money left for Stantec team to update it.
- Matt Ayres said that it depends on what Stantec does in order to determine if it would be a substantive change or not. He would advise to see the changes before the commission certifies the plan to the Board of County Commissioners. If it were to be deemed a substantive change, then the commission would have to republish the draft and put it out for another 30-day public notice.
- Commissioner Hanning asked if the conclusions didn't change in the interpretation of the data, would it be a gray area into whether it would be a substantive change.
- Matt Ayres said it would go further toward not being a substantive amendment. If it is a somewhat small amount of data compared to what is already being utilized, it would be a strong argument that it is not substantive.
- Commissioner Hanning said that it seems that would be a big risk to potentially slowing down where we are with what in her mind is more data of what they already have. She withdrew her motion.
- Commissioner Ben-David motioned, and Commissioner Kocornik seconded to include the data in the CAPP as an appendix, with a caveat that it may not represent all of the wells.
- Chris Moody, hydrogeologist and Chair of the Laramie Planning Commission, explains that this is a large data set, many wells. It was brought after 10 years of work to this body at zero hour. Just dumping the data into an appendix, it is then data there, but it hasn't been reviewed and analyzed, and the whole body of

information looked at to say, 'how does this add to the body of knowledge of water quality in the Casper Aquifer.' It is important data, we've been waiting for it for 10 years, and now it is out there. In his opinion the commission should go all in or don't go in at all. All in would be a good interpretation, review and analysis of the data and what it means. That the County and the City can stand behind as a supplement to the body of knowledge of the Casper Aquifer. And if there is not time or money for someone to do that in this document, it is not good faith for someone to dump all of this data on the last day of public comment. This is a big deal, and he likes the idea of saying 'we appreciate the data, we value it, it is important' and to have a technical amendment to the CAPP just because it has taken 12 years to do an update, doesn't mean a thoughtful review and integration of the data into the body of knowledge can't happen in 6 months or a year following this CAPP update. He cautions about throwing something like this into the document, because we don't know what the data set actually says.

- Commissioner Hanning followed up with the statement talking about a good faith effort. Stantec held separate meetings with the CAP Network at the very beginning of the process, which would have been the time to say that they didn't have the data yet, but it would be coming within a certain amount of time. The next time was when they released the report, they skipped the Planning and Zoning Commission in the public hearing process for the recent regulation changes to make lot size minimum of 35-acres, and instead dumped information late in the public comment process for the Board of County Commissioners. She is conflicted about this, because of the amount of bad faith throughout the process.
- Commissioner Kocornik brought up the potential of doing a technical amendment later, how we would need a consultant to do that analysis and there is no contract in place. Do we have the money to do that.
- Matt Ayres said he would have to do some research on whether there is remaining funding left for Stantec. He clarified that he is not saying that Planning and Zoning Commission has to incorporate this into the CAPP at this time. What he is saying is that what is to be done with this data in regard to this CAPP, needs to be disposed of now. Whatever the commission decides to do with this needs to be a principled decision.
- Commissioner Ben-David withdrew her motion.
- Commissioner Platt motioned, and Commissioner Hanning seconded to not take action on comment number 8 based on the fact that we are being presented with an incomplete data set, within a larger data set, without time and money to analyze.

Additionally, the data supports the conclusion that the Casper Aquifer is impacted by contamination from septic systems, does not change the conclusions presented in the CAPP.

1. The vote was unanimous.
2. Motion carried.

Commissioner Platt motioned, and Commissioner Kocornik seconded to table this item in order for item 11, Citizen Comments, on the agenda to take place. The vote was unanimous. Motion carried.

Commissioner Kocornik motioned, and Commissioner Ben-David seconded to remove this item from the table. The vote was unanimous. Motion carried.

**i.** Comment 9

- Planning and Zoning Commission decided to leave the language as is.

**j.** Comment 10

- Planning and Zoning Commission decided to leave the language as is.

**k.** Comment 11

- Planning and Zoning Commission decided to leave the language as is.

**l.** Comment 12

- Planning and Zoning Commission decided to leave the language as is.

**m.** Comment 13

- Planning and Zoning Commission decided to leave the language as is.

**n.** Comment 14

- Planning and Zoning Commission decided to leave the language as is.

**o.** Comment 15

- Planning and Zoning Commission decided to leave the language as is.

**p.** Comment 16

- Planning and Zoning Commission decided to leave the language as is.

**q.** Comment 17

- Planning and Zoning Commission decided to leave the language as is.
- r. Comment 18**
  - Planning and Zoning Commission decided to leave the language as is.
- s. Comment 19**
  - Planning and Zoning Commission decided to leave the language as is.
- t. Comment 20**
  - Commissioner Platt motioned, and Commissioner Kocornik seconded to delete the third paragraph in the Starkey comments.
    1. The vote was unanimous.
    2. Motion carried.
- u. Comment 21**
  - Planning and Zoning Commission decided to leave the language as is.
- v. Comment 22**
  - Planning and Zoning Commission decided to leave the language as is.
- w. Comment 23**
  - Commissioner Ben-David motioned, and Commissioner Platt seconded that “Zone 1 or” be deleted.
    1. The vote was unanimous.
    2. Motion carried.
- x. Comment 24**
  - Planning and Zoning Commission decided to leave the language as is.
- y. Comment 25**
  - Planning and Zoning Commission decided to leave the language as is.
- z. Comment 26**
  - Planning and Zoning Commission decided to leave the language as is.



**aa.** Comment 27

- Planning and Zoning Commission decided to leave the language as is.

**bb.** Comment 28

- Planning and Zoning Commission decided to leave the language as is.

**cc.** Comment 29

- Planning and Zoning Commission decided to leave the language as is.

**dd.** Comment 30

- Planning and Zoning Commission decided to add the Hinckley memorandum into these minutes. (attached)

**ee.** Comment 31

- Planning and Zoning Commission decided to leave the language as is.

**ff.** Comment 32

- Commissioner Platt motioned, and Commissioner Hanning seconded to change Appendix E, p. 95/230 of pdf: Sewer lines from a “high priority” to a “low priority”.
  1. The vote was unanimous.
  2. Motion carried.

**gg.** Comment 33

- Commissioner Hanning motioned, and Commissioner Kocornik seconded to change Appendix E, p. 103/230 of pdf from ‘Staples’ to ‘Leap’.
  1. The vote was unanimous.
  2. Motion carried.

**hh.** Comment 34

- Planning and Zoning Commission decided to leave the language as is.

**ii.** Comment 35

- Has already been addressed.

**jj.** Comment 36

- Planning and Zoning Commission decided to leave the language as is.

**kk.** Comment 37

- Planning and Zoning Commission decided to leave the language as is.

**15.** Commissioner Hanning motioned, and Commissioner Ben-David seconded to direct staff to amend the CAPP update as amended in the meeting today, after duly considering the comments from the public and the Planning and Zoning Commission members, and the discussion here tonight.

**a.** The vote was unanimous.

**b.** Motion carried.

**16.** Commissioner Hanning motioned, and Commissioner Ben-David seconded to certify the CAPP update as amended to the Board of County Commissioners for their approval.

**a.** The vote was unanimous.

**b.** Motion carried.

**ii.** Commissioner Platt motioned, and Commissioner Ben-David seconded to direct staff to compile all comments received by the Planning and Zoning Commission on the Casper Aquifer Protection Plan and propose regulations for the consideration as part of the development of the Aquifer Protection Overlay Zone Amendments, same to be included in record, the Board of County Commissioners, who accompany certification of proposed amendments.

**1.** The vote was unanimous.

**2.** Motion carried.

**VII. OTHER ITEMS/ANNOUNCEMENTS**

**A.** Next Regular Meeting June 14, 2023, 5:00 p.m. in the Commissioner's Room

**B.** Commissioner Comments

**VIII. CITIZEN COMMENTS – Non-Agenda Related Topics**

**A.** Mary Clark talked about short term rentals that are taking place in Centennial, specifically Rainbow Valley. She is noticing that this past winter there were a lot of difficulties with renters renting without access because of impassible roads due to snow. She said that renters were not advised of the risk and thinks it is a safety issue for the renters and the people rescuing them and is concerned about the number of short-term rentals going up in this area. She wanted to know how she could register these incidents and if she was in the right place.

## **IX. ADJOURNMENT**

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

So moved by Commissioner Hanning.

Seconded by Commissioner Ben-David.

The vote was unanimous.

Motion carried.

Meeting adjourned at 8:13 p.m.