

Albany County Planning and Zoning Commission  
REGULAR MEETING of May 11, 2022  
**Minutes**

**Staff Present:** David Gertsch – Planning Director, Joe Wilmes – Assistant Planner,  
Matt Ayres – County Civil Attorney

**I. CALL TO ORDER/ROLL CALL (Time 5:01)**

**Chairman:** The Regular Meeting of the Planning and Zoning Commission will come to order.

**Chairman:** Will the secretary call the roll.

Vote: Mr. Thyne: Absent (arrived during item VI, A)

Mr. Kennedy: Present

Mr. Platt: Present

Ms. Hanning: Present

Chairman Hinckley: Present

**II. Excuse Absent Members:**

**Chairman:** The Chair will entertain a motion to excuse absent member Thyne of the Planning and Zoning Commission from this meeting.

So moved by Commissioner Kennedy.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

**III. Approval of Agenda**

**Chairman:** Are there any additions or deletions to the agenda for May 11, 2022?

Chair will entertain a motion to accept the agenda May 11, 2022 (as AMENDED).

So moved by Commissioner Hanning.

Seconded by Commissioner Platt.

The vote was unanimous.

Motion Carried.

**IV. Approval of Minutes**

**Chairman:** Are there any corrections to the minutes for the April 13, 2022, meeting?

Chair will entertain a motion to accept the minutes for the April 13, 2022, meeting as presented/with corrections.

So moved by Commissioner Kennedy cleaning up consistency in grammar.

Seconded by Commissioner Platt.

The vote was unanimous.

Motion Carried.

**V. DISCLOSURES:**

**Chairman:** The Chair calls for any disclosures to be known.

There were none.

**VI. PUBLIC APPLICATIONS**

**A. Howell Acres Subdivision Preliminary Plat Application SD-12-21**

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Hanning had a question regarding the City's letter suggesting code be followed.

Commissioner Hinckley asked what it would take if the County did want to adopt code.

Commissioner Hanning asked a question regarding the current septic systems. She is worried about the Wehrmann Model and wonders what the county needs to do regarding cumulative impacts.

Joe Wilmes, Assistant Planner, responded saying that the County relies on DEQ for these applications. The county does get letters from DEQ for applications that have an adverse recommendation and/or needs comments on the plats.

Chairman Hinckley commented saying that DEQ plays it right down the middle saying that if the Wehrmann model comes back with a 9.9 mg/L then DEQ gives a non-adverse recommendation while if the Wehrmann model comes back with a 10.1 mg/L then DEQ gives an adverse recommendation.

Commissioner Platt had a question about the City's letter.

Commissioner Thyne asks if staff is always going to refer to the state on these calculations and judgments.

David Gertsch, Planning Director, says that the way the process is now and how it's always been is that we refer to the State on these issues as they are the experts on these subjects. He said that it doesn't always have to be that way and that if our regulations are at least as stringent as the State regulations then we could regulate it.

Chairman Hinckley commented saying that this may be a good thing to discuss for the Growth Area Management Plan. He also asked about the City's letter and whether or not the county has to respond.

Matt Ayres, County Civil Attorney, explained that if the city or town is within 1 mile of the subdivision, then the city has a chance to input their comments. There is not statutory timelines that the County has to respond to the City.

Chairman Hinckley asked if a letter has been drafted.

David Gertsch, Planning Director, responded saying that a letter hasn't been drafted, but that typically takes place during the final plat.

Chairman Hinckley asked about the letter back to the City and how it relates to the timeline and statutes. He also asked about the poor quality of water and putting that on the plat.

Staff explained that was the typical way it is done.

Jerrud Ralph, the Applicant's Representative, said that all septic systems will be required to be reviewed and approved by County Staff.

Commissioner Hanning had a question about abandoning septic systems.

Jerrud Ralph explained that the shop septic system is being abandoned because it would no longer fit setbacks.

Chairman Hinckley thinks that the Analysis for Impacts to Groundwater is flawed.

Public comment was opened, there was none.

Chairman Hinckley asked staff about the concerns about the public comment that was submitted in writing.

David Gertsch, Planning Director, said we don't require studies on how much water is under ground and that is another thing we depend on the state for.

Commissioner Platt moved, and Commissioner Hanning seconded, to recommend to the Board of County Commissioners to approve the preliminary plat application for the Howell Acres Subdivision Application (SD-12-21) based upon and incorporating the findings of fact and conclusions of law as stated in the staff report with the condition that the commissioners concerns regarding the adequacy of the evaluation of impacts to groundwater quality be addressed and those concerns will be put in writing by the chair.

Discussion amongst the Planning and Zoning Commission Members took place.

Chairman Hinckley asked how other commissioners felt about tabling this application instead.

Commissioner Thyne has concerns about cumulative impacts on groundwater moving forward. He is inclined to table this application.

Garrett Howell, Owner, noted that there would be four additional wells not five.

Commissioner Kennedy said that the DEQ recommendation holds a great deal of professional weight.

Commissioner Hanning said that if we were to approve this with conditions this would be a consistent decision with other subdivisions in the county.

The vote was 4-1. Commissioner Thyne voted no.

Motion Carried.

## **B. Einspahr Subdivision Preliminary Plat Application SD-02-22**

Joe Wilmes, Assistant Planner, gave the staff report.

Commissioner Kennedy asked if the applicant has expressed a reason for the variance.

Commissioner Hanning asked about the possibility of subdividing again in the future under the current zoning.

Commissioner Platt asked what the extraordinary circumstance for the variance.

Chairman Hinckley asked if there needs to be a finding for the variance denial.

Matt Ayres, County Civil Attorney, said there is no required findings for denying a variance but there is a required finding for an approval of a variance.

Jerrud Ralph, the Applicant's Representative, explained their reasoning for asking for a variance.

Commissioner Kennedy asked if this is a platted subdivision.

It is in a platted subdivision.

Public comment was opened.

Dan Colgan of the North Fork Road Maintenance Group wants the applicant to have to pay into the Road Maintenance.

Chairman Hinckley asked if there was legal access.

David Gertsch, Planning Director, explained that they do have legal access.

Discussion amongst the Planning and Zoning Commission Members was opened.

Commissioner Thyne moved, and Commissioner Platt seconded, to deny the variance request including the findings expressed by the County Engineer in his March 24, 2022, letter.

The vote was unanimous

Commissioner Kennedy moved, and Commissioner Thyne seconded, to table the Einspahr Subdivision Preliminary Plat Application (SD-02-22) until such time that the applicant provides a complete application adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in this Staff Report.

Discussion amongst the Planning and Zoning Commission Members was opened.

Commissioner Hanning asked about the time limit of this tabling.

Matt Ayres, County Civil Attorney, said that the 45 day time starts at the receiving of the DEQ letter or the date the DEQ letter is due.

The vote was unanimous.

Motion Carried.

## **IX. CURRENT PLANNING PROJECTS**

### **A. Growth Area Management Plan Presentation**

**i.** Cameron Gloss, Consultant's Representative, gave a presentation.

**1.** A discussion took place

### **B. Natural Resource Management Plan Update**

**i.** David Gertsch, Planning Director, gave an update.

### **C. Casper Aquifer Protection Plan Update**

**i.** David Gertsch, Planning Director, gave an update.

### **D. Zoning Resolution Review Discussion**

**i.** Chairman Hinckley

**1.** A discussion took place

## **X. OTHER ITEMS/ANNOUNCEMENTS**

### **A. Commissioner Comments**

**i.** Quick update on Rail Tie

### **B. Next Meeting June 8, 2022, at 5:00 p.m.**

## **XI. CITIZEN COMMENTS – Non-Agenda Related Topics**

a. No comments were made.

## **XII. ADJOURNMENT**

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

Chair adjourned

Meeting adjourned at 8:16 p.m.

*A recording of the meeting can be found on the Albany County website:  
<https://www.co.albany.wy.us/agendacenter>*