

WESTON COUNTY PLANNING & ZONING COMMISSION MEETING

MINUTES
THURSDAY, FEBRUARY 17, 2011
6:00PM
WESTON COUNTY COURTHOUSE

This is a regularly scheduled meeting of the Weston County Planning & Zoning Commission, held the 3rd Thursday of every month.

Commission Members: Rick Dunford, Mike Turner, Joe Sandrini, Jim Varner, Jerry Varner
Staff: Ray Pacheco, Planning Coordinator

Call to order: 6:13pm

Roll call: All commission members were present except for Jim Varner. Commissioner Marty Ertman was also present.

Approval of minutes: Motion: Sandrini Second: J. Varner Vote: 3-0 approved
(Motion: J. Varner Second: Turner Vote: 3-0 approved)

Public Comment: This refers to comments, questions and/or concerns not on the agenda

None

Old Business: None

Discussion Items:

- Revised S.I.A. (Subdivision Improvement Agreement)

Mr. Pacheco mentioned that he has updated the proposed S.I.A. based on comments he received from an Eagle Colorado community and from various S.I.A. documents he gathered from surrounding Wyoming counties that are of the same size and/or population as Weston County.

He said that the biggest questions that needs to be answered by the Board of Commissioners is the degree to which the county will inspect all subdivisions and how much time will be spent on each site on a daily basis, especially for a subdivision such as the Wyoming Club development.

Mr. Dunford mentioned the difference between the developer providing an estimate of the cost of the improvements versus providing the actual (hard) cost of the improvements and how that will affect the amount of the S.I.A. He also mentioned the need to minimize the

county's liability on a subdivision and he said that it looks like the document covers that demand from the Board. Mr. Pacheco reassured the commission that the document minimizes the county's responsibility and liability. He mentioned the first paragraph of the document is something the county attorney suggested should be in the document and he said it is difficult to read beyond that paragraph and claim that the county will be liable for any aspect of the subdivision.

Mr. Pacheco restated that the biggest component to negotiate with the Board and the county engineer is the level of inspections on any subdivision. Mr. Dunford mentioned some standard elements of a subdivision that need to be inspected by the county engineer such as, roads, drainage, retaining walls, water and sewer. Mr. Varner asked how much time will the county engineer be able to devote to the demands of a project. It was mentioned that he would be on retainer and would charge the county for his time. It was also mentioned that the county could contract the work out if the county engineer wasn't available.

Mr. Sandrini asked if the document states if; "we shall inspect" or if "we reserve the right to inspect?" Mr. Pacheco said that on pages 3 and 5 and throughout the document, it states that the county "shall" inspect the improvements of a subdivision. Mr. Sandrini asked if "shall" is necessary and in some cases are inspections not necessary? Mr. Pacheco said that the document needs to be consistent so that inspections are not arbitrary or capricious because if there is an inconsistency in inspecting subdivisions on the part of the county, this could lead to law suits. Mr. Sandrini asked if it is possible to recoup the cost of inspections from the subdivider because our fees don't cover this cost. It was mentioned that it is difficult to put a cost on the county engineer's time up front and then charge the developer that extra cost beyond the application fee. The document makes it flexible for the county engineer to determine the amount of time he should spend on a subdivision site based on the level of improvements that are/aren't installed.

Mr. Turner asked if the requirement of a 110% bond is sufficient to cover costs to finish the improvements of a subdivision, because other counties have even a greater percentage requirement. It was mentioned that requiring the bond on the estimated cost versus the actual cost of improvements would affect the bond amount and in some counties they do require the bond on the actual cost. The issue we would run into is asking for the bond up front as part of the approval of the subdivision's final plat versus approving the subdivision and then requiring the developer to provide an actual cost based on final bids for the work to be done. Final bids won't come until the subdivision is approved and construction plans are finalized. It was mentioned that the bond cannot appear to be a punitive cost to the developer to where it looks like we are "jacking up" the bond amount to cover everything possible; it needs to be fair and reasonable. Mr. Pacheco said that one of the Board members mentioned that the bond would be spent to finish improvements but if the bond runs out, the county would not pursue getting more money from the developer but would simply stop any work within the subdivision once the money is gone. The Board would have to decide from the beginning if "cashing in" the bond is worth the county's time and if there is a sufficient amount of money in the bond to do any of the work to make it valuable to those within the subdivision.

Mr. Dunford said that it is also up to the county engineer to verify the costs of installing the improvements and if the bond is sufficient to cover the costs should the county decide to use the bond. Mr. Pacheco mentioned that the county engineer has been helpful in estimating the

costs of improvements in recent subdivisions such as the Gerber Minor Subdivision.

Mr. Varner asked if the amount of insurance coverage that is required on Page 9 can be increased to \$1,000,000 because \$400,000 is not sufficient and he said that in his business he is required to have a minimum coverage of \$1,000,000. The commission asked that this change be made in the document.

The commission made a motion to approve this document and to move it forward to the Board.

*Motion: Sandrini    Second: J. Varner    Vote: 4-0*

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### **New Business:**

Mr. Pacheco mentioned that he put on the agenda, "Various S.I.A. from other counties" and provided those documents to the commission just in case they wanted a further discussion on them, but he said that the commission seemed to have covered any topics from these documents throughout the previous discussion, so he asked if they had any further questions.

Mr. Pacheco mentioned to the Commission that he is scheduled to visit with the Board of Commissioners on March 1, 2011 to discuss Phase Two of the Community Assessment. The discussion will help to find out how the Board would like to move forward with the Assessment and the Comprehensive Plan. He also mentioned that he will make the same presentation to the Newcastle City Council on March 7, 2011 in an effort to get them on board with the planning process. Mr. Pacheco said there is still an interest within the community to see progress on the Assessment and to see improvements in the area of economic development within the county, based on his discussion with the Chamber of Commerce during the previous week. He said that there is a phase two of the Assessment process that will help the community focus on economic development issues. The commission asked what role Mr. Pacheco sees the commission playing in getting the comprehensive plan back on track. He said that he sees the commission helping with communicating with their friends, family and others to put a positive spin on the benefits of planning and to keep them informed of upcoming planning meetings. He also sees them participating on committees that will help keep the public focused on a specific task. Phase Two of the Assessment process will help to provide additional tools to develop strategies for economic development planning and from there Mr. Pacheco hopes to get the public more involved based on the direction we will be given from the Phase Two meetings.

Mr. Pacheco said that he hopes to establish the county's comprehensive plan in the format that the State formatted the State's Plan 30+ years ago.

Mr. Pacheco asked if changing the time of the Commission meeting from 7:00pm to 6:00pm is acceptable to the commission. They agreed that it would work for them, so Mr. Pacheco said that he will inform the newspapers and radio station of the time change.

Mr. Sandrini asked if there have been any applications or inquiries about subdividing land in the county and how it is interesting that the process just stopped but he also mentioned that it is probably due to the economy. Mr. Pacheco said that it is up to us to set the public straight

on what the county's regulations are and what we are trying to do with them and to let the public know that the rumors they are hearing about the county creating all of these restrictive land use regulations is not true. He gave an example of a call he got from someone who assured him that there is a list of rules, regulations and restrictions that the county has put in place just for building a home in the county.

Mr. Turner asked Commissioner Ertman how the Board felt about the proposed S.I.A. and she said that she was just present to list and learn. It was mentioned that this document had been presented to the Board and that they sent it back to the commission for further review and changes that were discussed during previous joint meetings.

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**Adjournment:**

*Motion:* Sandrini                      *Second:* J. Varner                      *Vote:* 4-0                      *Time:* 6:45pm

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Rick Dunford, Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

Joe Sandrini, Vice Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

Jim Varner, Secretary: \_\_\_\_\_ Date: \_\_\_\_\_