

WESTON COUNTY PLANNING & ZONING COMMISSION MEETING

MINUTES

THURSDAY, JULY 21, 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, Growth & Development Coordinator

Call to order: 6:06pm

Roll call: Rick Dunford, Joe Sandrini and Mike Turner. Prior to the meeting, Jim Varner resigned from the Commission and Jerry Varner was absent.

Also present was Commissioner Marty Ertman

Approval of minutes: (June 16, 2011)

Motion: Mr. Turner

Second: Mr. Sandrini

Vote: 2-0 approved

The Chairman asked for approval of the minutes but asked that Mr. Sandrini and Mr. Turner vote on them since he was not present at that meeting. Mr. Sandrini asked Mr. Turner if he had any concerns with the minutes and the two commissioners agreed to approve the minutes. The minutes were approved by acclamation since the Varner brothers were not present this evening but were present at the June 16th meeting.

Public Comment: This refers to comments, questions and/or concerns not on the agenda - NONE

Old Business:

- Review of Proposed S.I.A. – 8th Edition

Staff asked the Commission if they had any questions. The Commission appreciated the breakdown of the S.I.A. that staff provided and said that the latest edition was well written. Mr. Turner said he had questions. He asked how the relationship with the County Engineer and the County would function in this process. Staff said that he envisions that the Board of Commissioners would approach Jerry Hunt who is acting as the current county engineer and ask him to act in behalf of the county on a particular subdivision. Jerry Hunt or any other designated or contracted engineer the county chooses to work with on a subdivision project would have the right to accept or decline the project. The engineer who accepts the project would act in behalf of the county and supervise the project. The cost of the county retaining an engineer as supervisor of a project will be discussed upfront with the subdivider. The subdivider may have his own engineers and/or inspectors but would coordinate the workload with the county's engineer and the county engineer would provide to the subdivider a cost estimate of his time on the project. The county engineer would have a good idea about the time that he will need to spend on the project based on the Schedule of Activities the subdivider will provide to the county as part of the review of the Final Plat.

Staff said that if the county is working with Jerry Hunt, he may not charge the county for his time on a project as he current does, but any cost acquired by the county for the time of the county engineer would be paid completely by the subdivider. The County may choose to work out an “on call fee” with the “county’s engineer”; but this would have to be a relationship that would exist prior to the review of a subdivision. Staff said that because the county will not see in the near future, subdivisions the size of the Wyoming Club, it is very likely that the county will never need a full time county engineer. The county will most likely need an engineer for the review of new subdivision roads and nothing else since most subdivisions will have individual wells and septic systems on the lots being developed. Staff said that in most cases, the time needed for a county engineer will not be more than a few days.

The Chairman emphasized that it will be up to an engineer to act as the county engineer and that his time and expenses will be paid by the subdivider. Staff provided the Commission and Commissioner Ertman with an explanation of the procedures of a Guarantee and Inspections. He quoted a proposed paragraph of the Inspection section that says; “All costs related to the activities of the County Engineer in relation to the review and inspection of work performed on the site of a subdivision shall be paid by the subdivider. Such activities and costs shall be determined by the County Engineer at the time of submittal and review of a Schedule of Activities that shall be submitted with the Final Plat application to the Growth & Development Office.” So the county engineer would determine the amount of inspections, time on plan review and other costs accompanied by the supervision of a project and charge the subdivider for those costs. Staff was not sure how these fees would be paid, such as, during the application process or later; this is something that would have to be worked out from a legal standpoint and between the Board of Commissioners and the county engineer.

Mr. Sandrini emphasized the importance of the proposed definitions to the subdivision regulations and how the definition of County Engineer leaves it up to the County to choose the type of relationship it will have with the chosen engineer. The Chairman wanted to be sure that we are not forcing or committing Mr. Hunt or any engineer to working on a project he doesn’t want to be involved in for whatever reason. Staff said that with this system, the county has the flexibility to work with any engineer and this also does not commit the county to hiring a fulltime engineer. Staff then read the proposed definition of County Engineer; “**County Engineer:** The engineer duly appointed, retained or contracted by and engaged as such by the Board of County Commissioners, who reviews and inspects civil projects for and in behalf of the county, and who is registered by the State of Wyoming.”

Mr. Sandrini asked if the list of definitions presented were part of the proposed draft regulations. Since they are draft definitions, he said that they should be included with the S.I.A. as support to the S.I.A. and should be considered as two regulatory changes to the present subdivision regulations. He further said that adopting the definitions would not significantly alter the current subdivision regulations. He said that adopting the definitions will not conflict with current regulations. Staff said that currently there is about a page or two of definitions, so these definitions could only complement what we currently have. Mr. Sandrini suggested that the proposed definitions also be adopted and in the future the definition could be amended as needed.

Staff said that this edition of the S.I.A. better protects the county as opposed to what was presented to the Board on June 21st. He said that there is still involvement on the county’s part because by statute the county must be involved in the management of subdivisions. He said that the document presented to the Board on June 21st was weaker than the current S.I.A. and he reminded everyone that everyone agreed that the S.I.A. had been over worked to a point of not being in the best interest of the county. He said that the county cannot step away from subdivisions and the county attorney has stated the same. He sees this document as being flexible in behalf of the county but still protecting the county in the way the Board wanted to be protected.

The Chairman said that this is a workable document and the Commission would be willing to go further with the document but it has been the Board and the County Attorney who have determined the intensity of the document. He said that compared to places like Jackson Hole, this document is a lot more user friendly. He said that such places would see this document as weak, but this works for Weston County and the type of projects we work with. Mr. Sandrini said that the narrowness of the document makes the document more workable. Staff mentioned that the document allows the subdivider to include other amenities in the S.I.A. such as sidewalks and streetlights but it would be up to the Commission and Board to decide what items could be included in the S.I.A. Staff referenced Section G; General Provisions of the proposed regulations, which states that other amenities can be included in the S.I.A. but these inclusions which would be outside of the standard improvements (water, streets and sewer) would have to be approved projects by the County.

The Chairman gave an example of a situation that could happen in a subdivision and if the county has not ensured the proper construction/installation of, "let's say a culvert" and if something were to go wrong, those affected by the improper construction of an item could include the county in a law suit if the county did not do its part to inspect the culvert or other improvements listed in the S.I.A.

Mr. Turner asked if the county engineer would determine the amount of inspections needed in a subdivision review. Staff said that the document also gives the county flexibility in looking at other areas of a subdivision that should be inspected. The document does not restrict the county he said. Staff said that he went back to a few versions of the S.I.A. to pick out the sections that were removed through joint discussions and included some of these sections back into the document and revised others to produce what the Commission has before them tonight. He reminded everyone that he was directed by the Board to present the Commission with a clean version of the S.I.A. that could be presented to the Board and he believes that he has succeeded with accomplishing this directive.

The Chairman asked if there were any more questions for staff and then asked for a motion. Mr. Sandrini made a motion to approve the S.I.A. as presented and to also send the Board the draft definitions. The motion carried forward as follows;

Motion: Mr. Sandrini

Second: Mr. Turner

Vote: 3-0 approved

New Business:

- Register P&Z for membership in WYOPASS

The Chairman asked staff to see if he could get copies of the presentations that were given at the Spring WYOPASS conference, especially the first two presentations on the first day. Staff asked if the Commission was interested in becoming members of WYOPASS and explained that there would be a fee for registering the Commission for this membership. This fee would include the cost of attending the Spring and Fall conferences and a monthly or quarterly booklet of what is going on around the state in planning. He said that the booklet is also a good source to help the Commission know how others are handling similar planning situations statewide. The Chairman liked the idea of joining and asked how this would be handled with the Board. It was also asked if it would be better to just register the Chair and Vice Chair and then let the Commission determine who will attend meetings. Staff said that he would leave it up to the Commission to determine how they will approach the Board on this matter. The Chairman said he would look the information over and approach the Board on his own.

The Chairman stated that the Wyoming Club has been trying to get a hold of him but that they have not been able to connect. Staff said that their engineer has contacted him; only to let us know that they will be submitting their Final Plat around the first of October. He said that they are just trying to play up the fact that they are still coming to the county. The Chair asked if there was any information on the status of their access onto the highway; staff said that he does not know anything about access to the highway for the subdivision.

Adjournment:

Motion: Mr. Sandrini *Second:* Mr. Dunford *Vote:* 3-0 approved *Time:* 6:30pm

Rick Dunford, Chairman: _____ Date: _____

Joe Sandrini, Vice Chairman: _____ Date: _____

Jim Varner, Secretary: _____ Resigned _____ Date: _____