

WESTON COUNTY PLANNING & ZONING COMMISSION MEETING

MINUTES
THURSDAY, AUGUST 18, 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, Jerry Varner
Staff: Ray Pacheco, Growth & Development Coordinator

Call to order: 6:00pm

Roll call: Mr. Varner, Mr. Sandrini and Mr. Dunford were present. The Commission welcomed Donley Darnell to the commission, Mr. Turner was absent.

Approval of minutes: (July 21, 2011)

Motion: Sandrini – approval *Second:* Varner *Vote:* 3-0 app.

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

Old Business:

- Register P&Z for membership in WYOPASS

The Chairman asked if this registration had been taken care of. Staff reminded the commission that they were going to talk to the Board of Commissioners about signing up some of the commission members. The Chairman said that he would approach the Board at their next meeting about this membership and he also would like to discuss some of the WYOPASS Conference information with the Board and asked staff to remind him to get on that agenda.

New Business:

- Discussion of Wyoming Club's changes to Subdivision Improvement Agreement (S.I.A./Agreement)

Staff said that the document before the Commission is new business only because it contains the comments and suggestions from the Wyoming Club. He continued on to bring Mr. Darnell up to date on where the County Commissioners are in regards to the S.I.A. He said that the Commission recommended approval of a S.I.A. on July 16, 2011 and then sent it onto the Board for their review. The Board reviewed the document on August 16, 2011 and voted to move forward with the document and have it prepared for public review at a public hearing.

Staff stated that after the Commission voted on the document, the Wyoming Club group asked for a copy of the S.I.A. and once they reviewed the Agreement, they added their own comments to what the Commission had approved. Staff shared a copy of the approved S.I.A. with Mr. Darnell and also a copy of the Wyoming Club's version. He went on to explain what the S.I.A. is and its purpose. He said that when someone decides to develop a piece of land in the county the developer is required to make an agreement with the county to complete the improvements that they are proposing to install as part of that subdivision. He said that the Agreement covers items such as water, sewer and roads and by statute and by county regulations the developer is agreeing to develop his subdivision to a certain standard. He said that this agreement is part of the approval of the developer's subdivision, which the Board approves in return for the developer's commitment to comply with the S.I.A.

Staff stated that if a developer decides after his subdivision has been approved by the Board to not complete the improvements that he promised to install in the subdivision; the Board has the right through the S.I.A. to take the developer to court and to try to force him to complete the proposed improvements. He said that the purpose of the S.I.A. is to keep bad development from going into the county. He said the current S.I.A. in the Subdivision Regulations is outdated and vague and it doesn't give good direction to the developer or the county as to what is expected, so this is why the Board and Commission have spent the last year updating and improving the S.I.A.

Staff restated that the Commission has approved the document and sent it to the Board for their review and two days ago the Board gave its approval of the document to get it ready for public review. He explained that the Board thought they could just approve the document at their meeting but it was mentioned that the document has to go through a public comment review period. He said that at the Board's meeting on Tuesday, the County Attorney told the Board that they could approve the Agreement under emergency rules and adopt the Agreement right then, but that they would have to come back and run it through the public comment period and that the emergency designation on the Agreement would only last 120 days. He explained that the public hearing on the Agreement is on October 18, 2011 at 10am. He also said that new definitions were also included as part of the Board's motion to make this an emergency document. He said that the current definitions in the subdivision regulations don't apply to the proposed regulations and that they are outdated. He said that definitions are important items to have if the county should ever have to go to court to defend the regulations.

Staff asked the Commission if they had any input on getting Mr. Darnell up to date. Mr. Sandrini asked if the Agreement would be made available to the public and he asked what version would be presented, would it be the one that was adopted as an emergency regulation or would there be a chance to alter the Agreement before it goes public. Staff said that the Board adopted what the Commission approved. Mr. Sandrini asked if the Board is going to allow the Commission to consider any of the comments from the Wyoming Club. Staff said that they would consider the Club's comments at the same time they consider comments from the public. Staff said that copies of the Agreement will be available to the

public through the Clerk's Office, the Growth & Development Office and the County website.

Mr. Sandrini asked if we need to provide the opportunity to gather written comments or will they just take verbal. Staff said that state statute requires that we accept all verbal comments and all requests for copies of the Agreement but that we don't have to solicit comments. Mr. Sandrini suggested that we post on the website that all comments should be submitted by a certain date and time. Mr. Dunford said that this process should be transparent and should be made easy for the public to comment on so that there is no denying that the county gave the public opportunities to comment on the Agreement. Mr. Sandrini suggested that the written comments be submitted by September 30th by closing time of that day and that the comments be prepared for review by the Board at their October 4th meeting. Mr. Dunford said that he liked some of the comments from the Club but everyone agreed that some of the comments were put in to protect the developer and some were put in just to reword the document. Mr. Dunford pointed out sections of the Club's comments that he did not like because he thinks they are in there to protect the developer and to get away from complying with certain aspects and the purpose of the regulations.

Mr. Dunford asked the Commission to read the Club's comments and to bring them up during the public comment period. He also reminded everyone that we had discussed the fact that the Agreement would not apply to everyone who proposes a subdivision, especially if they were not proposing to make improvements to the subdivision but merely creating lots. He said it was up to the Commission to decide when an Agreement would apply to a subdivision. Staff said that we had talked in previous meetings about making a policy in the Major and Minor Subdivision Sections when it would be required to comply with an S.I.A. Mr. Dunford said that this needs to be made clear in the regulations and staff said that it is important that we return to the process of revising the subdivision regulations so that Mr. Dunford's comments can be made a part of the regulations. Staff went on to read the introduction of the current Minor Subdivision regulations and to state that if someone is not putting in roads or other improvements they are not required to have or sign an Agreement as part of the approval of their subdivision, but that this point needs to be made clear and currently it isn't clear.

The discussion went on about what a PUD is and how the current regulations do not address the demands of a PUD. Staff mentioned that throughout the year and a half discussion on the Agreement, the Board restated that they did not want to hire a full time engineer or inspector to oversee subdivisions. He said that the current S.I.A. actually requires the county to be involved in the inspection process of a subdivision, where the proposed S.I.A. gives the Board the flexibility to be involved to the degree that they want to be involved, or to simply not oversee a development. Staff said that by rewriting the S.I.A. and the rest of the subdivision regulations, the focus is on removing a lot of the liability from the county, which at this point, the county is more involved in the process than what they want to be. He said that he thinks the direction the revision of the regulations is going is better than what they are now.

Mr. Dunford commented that the Club has agreed to a PUD process and Mr. Sandrini stated that the PUD benefits the Club's long range development process. He went on to briefly explain some benefits of the PUD and the benefits to the developer and the county. He said the PUD provides a level of negotiation and flexibility that is important through the development process of a large subdivision. Mr. Sandrini made this point when he talked about negotiating with the Club about a perimeter fence. Mr. Dunford said that the heart of the Agreement is the concern over water, sewer and roads. He said that if something goes wrong with a development, the Agreement protects the county from complaints that might come from homeowners in that development and that the Agreement explains who is responsible for installing the improvements. It was also mentioned that the developer has to put up a bond for the project that is made available to the county should the developer default on the subdivision. He explained that the amount of the bond is calculated by estimating the amount of constructing the improvements. These funds allow the county to decide if they can and will finish the improvements or they could decide simply not to get involved in the completion of the improvements.

Staff reassured Mr. Darnell that he would bring him up to date on all aspects of the Wyoming Club as they develop and on all developments as they come into the county and that his job is to help the Commission and Board be as informed as possible about growth in the county.

Mr. Dunford asked Mr. Darnell to be aware of people who will seek advice from him outside of a commission meeting. He said that giving advice to someone can prove controversial once that person comes before the rest of the Commission. It was suggested that if this happens that he direct that person to staff who will direct that prospecting developer in the right direction because it is staff's job to help developers know and understand and apply the subdivision regulations properly.

Mr. Sandrini stated that the slowdown in the economy has actually given the Commission time to review the existing regulations and to make suggestions on how to improve them.

Administrative Action:

The Commission decided to wait to elect a secretary at a later date when all commission members could be present.

Adjournment:

Motion: Darnell *Second:* Varner *Vote:* 4-0 *Time:* 6:30pm