

Big Horn County Planning and Zoning Commission (Land Planning Commission)

Pre-application Findings and Decision

Regarding the Paint Rock Crossing Subdivision

March 11, 2008

1. Background

Paint Rock Crossing is a proposed major subdivision of approximately 219.5 acres in Section 6, T. 49 N., R. 89 W. and Section 1, T. 49 N., R. 90 W., Original Government Survey, Big Horn County, Wyoming. The applicant is John Alm and Hyattville Real Estate, L.L.C.

The proposed subdivision consists of several sections or phases with lot counts as follows:

<u>SECTION</u>	<u>LOT COUNT</u>	<u>OTHER AREAS</u>
Northfield Addition	6 residential lots	Park area
Library Field Addition	21 residential lots and two commercial lots	Park areas
Church Field Addition	19 residential lots	Park area
School Field Addition	6 residential lots	Park areas and civic parcel
Blue Hills Addition	22 residential lots	Park areas and recreational vehicle storage lot
TOTAL	74 residential lots and two commercial lots	--

The applicant filed a complete pre-application plan on November 28, 2007. The County Planning & Zoning Commission first considered the application at its December 11, 2007 meeting. At that meeting, the Commission heard the applicant's presentation of the project, heard staff commentary on the application, expressed initial concerns about the project, and decided to schedule a public hearing for February 12, 2008.

Prior to the pre-application public hearing, the applicant mailed a notice of the hearing to adjoining property owners and published the notice twice in the area newspaper. At the hearing, approximately 22 people, including members of the public as well as the applicant and his design team provided

testimony about the project. At the conclusion of the hearing, the Planning & Zoning Commission decided to table a decision on the pre-application until its March 11, 2008 meeting.

2. Applicable Subdivision Regulations

The Big Horn County Subdivision Regulations (as amended August 1, 2006) specify the process and considerations for the review of major subdivision pre-application plans. The regulations instruct the Planning & Zoning Commission to consider at least 17 different factors in evaluating a pre-application plan. (Chapter V, Section 5.) Procedures for reviewing pre-application plans are specified in Chapter X while the application requirements for pre-application plan are specified in Chapter XI.

The regulations require the Planning & Zoning Commission to take one of two possible actions on the pre-application plan: either grant "clearance" to the application (with or without conditions); or decide that the application must be resubmitted in a revised form. (Chapter X, Section 8.)

3. Findings

A) The potable water supply has been identified as major issue that will require further investigation, more detailed and specific plans, and evidence of feasibility. No information has been produced that would indicate that the development's water supply plans are inadequate or infeasible. However, the water supply plans have not yet been proven adequate and feasible. The applicant should provide additional information as to when and where the Hyattville water system will be used and when and where on site wells will be used. The County Subdivision Regulations requires the development to connect to the Hyattville system if the system can adequately serve the development. (Chapter XVII, Section 2.a.) The applicant will need to satisfy the State Department of Environmental Quality and the County on the adequacy and safety of potable water supply plans.

B) Public services are a concern particularly relative to fire protection, emergency services, and law enforcement. While there was no testimony indicating an insurmountable problem, the applicant will need to explore alternative actions that address the level of these services in Hyattville. Appropriate responses range from minimal actions (such as some sort of plat warning notifying lot buyers of the lack of services) to more extensive actions (such as cooperatively participating in efforts to extend services to the Hyattville area). The applicant is advised to discuss the project directly with existing service providers in the area (Sheriff's Office, etc.).

C) Vehicular access, parking, traffic safety, and road maintenance do not appear problematic. However, the applicant will need to consult with Wyoming Department of Transportation regarding access and improvements to Highway 31 and with the County Road and Bridge Department regarding access and improvements to the county roads and streets involved. The applicant will also need to provide establish a mechanism for internal road and street maintenance, such as a homeowners association.

D) The effect of the subdivision on irrigation and drainage systems is an issue of major concern among nearby property owners who spoke at the public hearing. Detailed irrigation plan will be required with the preliminary plat. The applicant must submit this plan for review and recommendation to local boards, ditch companies, or effected appropriators. The applicant is advised to work closely with these entities to develop plans that will function well and not be adverse to existing water users. The applicant must also submit a plan for approval by the state engineer for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance. The applicant should also give consideration to establishing an association and appointing a water master for coordination and control of irrigation within the subdivision.

E) Soil conditions on the project site are a concern relative to waste water treatment. Most of soils on the project site are rated "severe" for problems with installing septic systems. The applicant has proposed using "enhanced systems" to overcome this situation. The applicant will need to satisfy the State Department of Environmental Quality and the County that the technology is appropriate and that long term maintenance will be provided to prevent pollution of the surface waters and groundwater. The applicant should evaluate combining the waste water treatment for groups of small lots into one or more shared or central treatment facilities.

F) Due to the proximity of commercial agricultural operations, management of soil and vegetation during construction will be necessary to control noxious weeds. Coordination and consultation with the Big Horn County Weed and Pest Control District is advisable.

G) In designing the subdivision, the applicant has asked the advice of the Wyoming Game and Fish Department and has generally adhered to that advice. This has entailed leaving buffer areas around the riparian habitats. Many people commenting at the public hearing mentioned wildlife impacts.

Throughout the preparation of the preliminary plat, the applicant should continue to identify and implement measures to mitigate impacts to the wildlife populations.

H) The applicant's plans for park lands and foot trails are a positive feature of the development. Arrangements will need to be made for the maintenance of these facilities. If a homeowners association will be proposed for this purpose, proposed organizational documents should be presented with the preliminary plat.

I) The location of floodplains is a critical factor in the design of this development. The applicant has designed the development to avoid the floodplain as depicted on the FEMA floodplain maps. In addition, the applicant has recognized that the FEMA maps are inaccurate and lack base flood elevations. Consequently, the applicant is taking the appropriate step of conducting an engineering study to verify the extent of the flood plain. This study is expected to be completed and presented with the preliminary plat.

J) The applicant has indicated a desire to phase the development in response to demand for lots. The Planning & Zoning Commission agrees that phasing would be desirable. The County Subdivision Regulations do not provide direction on how to phase a development. The applicant is advised to work with the planning staff to develop a phasing plan for the development to be presented with the preliminary plat.

K) The applicant has represented that certain architectural themes will be applied to building construction within the development. More information on this, such as design guidelines, is expected with the preliminary plat.

L) A variety of subdivision issues suggest the need for a homeowners association and restrictive covenants for the long term management of the development and for the maintenance of features within the development. The applicant should submit proposed covenants and proposed homeowners association documents with the preliminary plat.

M) The subdivision is required to meet all applicable requirements of the Big Horn County Subdivision Regulations and the Wyoming Real Estate Subdivision Act before final plat approval can be granted. The applicant is advised to be familiar with these requirements prior to submission of a preliminary plat.

4. Decision

At its meeting on March 11, 2008, at the County Annex in Lovell, Wyoming, the Big Horn County Planning & Zoning Commission has decided to grant clearance to Paint Rock Crossing to submit a preliminary plat application for the major subdivision consistent with the finding of this decision.

Voting on this decision statement:

Rich Fink, Chairman	_____
Mary Flitner	_____
Bill Roady	_____
Mary Russell	_____
Ben Snyder	_____

Attest: This is a true copy of the Big Horn County Planning and Zoning Commission (Land Planning Commission) Pre-application Findings and Decision Regarding the Paint Rock Crossing Subdivision, dated March 11, 2008.

Dori Noyes

Big Horn County Clerk and Recorder

Date: _____