

City of Laramie

Community Development Department
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Laramie, WY 82073

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LARAMIE PLANNING COMMISSION

JUNE 24, 2013

STAFF REPORT

FILE: DA-13-01 Laramie Country Club De-annexation

REQUEST(S): De-annexation of approximately 281 acres developed as a golf course and country club.

LOCATION: 493 Highway 230.

APPLICANT(S)/AGENT: RDR, LLC (Bob Rucinski)

OWNER(S): RDR, LLC (Bob Rucinski)

PURPOSE: Continued use as a golf course, country club and restaurant.

CURRENT ZONING: AG (Agriculture) / GO (Gateway Overlay District)

PREPARED BY: Charles Bloom, AICP, Senior Planner

RECOMMENDED MOTION:

Move to recommend **denial** to the City Council of the petition for de-annexation of approximately 281 acres generally located at 493 Highway 230 based on findings of fact and conclusions of law.

BACKGROUND:

This petition was filed on April 2, 2013. The landowner wishes to de-annex from the City (Attachment 2) pursuant to Wyoming Statute § 15-1-421. The County has prepared a de-annexation report (Attachment 3) detailing County-required actions upon de-annexation.

On December 12, 2003 petitions for annexation and zoning were submitted by Laramie Regional Airport Board and approximately 14 other properties, including the University of Wyoming and the Laramie Country Club. At the time the Airport Board indicated that they would like to create a business park with aviation related businesses, the Country Club stated they were interested in residential development associated with the golf course, and the University indicated they would like to ready their property for future development. The annexation area was 3,529 acres, more or less. The annexation and zoning ordinance was approved on November 4, 2004. Since approval of the annexation, the airport has moved forward with their business park and the University has had some development in the area (National Guard Complex). The Country Club has essentially remained unchanged.

In late 2012 the present Country Club owner approached staff regarding this property and inquired about requirements for future development. At that time staff indicated that an extension of City sewer services to the property would be required in association with new development since it is within the City limits.

Staff has recently determined that, although within the City, since the property is eligible for an onsite treatment plant since it is within the 201 IGA. The 201 IGA is an Intergovernmental Agreement for Laramie Wastewater Treatment Facilities and Collection Systems is an agreement between the City of Laramie, the County and the South of Laramie Water and Sewer District which was recorded on October 31, 1997 and had an effective Date of November 1, 1997. The 201 IGA requires all developments in the area to explore connection to City services prior to installation of an onsite wastewater treatment system.

Recently staff re-evaluated the 201 IGA and the policy regarding mandatory municipal system hook-up—especially for isolated developments requiring large utility main extensions. Due to this project's remoteness from existing City sewer utility (approximately 2.2 miles) staff would support installation of an on-site sewage disposal system or modification of the exiting lagoon system on site in lieu of a costly main extension at this time. Staff would condition any approval to connect to City sewer when it becomes available (similar to the terms of the 201 IGA which require abandonment of a septic system when a sewer interceptor line is installed adjacent to a property on a septic system). All septic systems are required to follow the permitting process of the State Department of Environmental Quality (DEQ).

Zoning:

The property is presently zoned AG (Agriculture) District and is within the Gateway Overlay (GO) District. The AG district is intended to provide for the continued use of land for predominately agricultural and agriculturally related purposes and preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, and welfare. The provisions of the Gateway Overlay district are intended to enhance the image of Laramie by increasing the visual appearance of development as viewed from important routes entering the city. It does not restrict any permitted or conditional uses along such routes, but includes different dimensional and development standards to increase the attractiveness of new buildings and their sites as viewed from motor vehicles traveling at the legal speed limit. The AG zoning for the property is intended as a holding zone for this area and zoning for single-family development is supported by the Land Use Plan for this area.

APPLICABLE CITY CODE SECTION(S):

- Wyoming State Statutes Title 15 Cities and Towns, Article 4 Annexation
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Municipal Code Title 15
- Laramie Comprehensive Plan 2007

APPLICABILITY TO THE COMPREHENSIVE PLAN:

Future Land Use:

The Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2) shows this property as Suburban Residential and Park/Open Space. Comprehensive Plan's Community Character Chapter 3 (page 3-19) states: "Suburban environments are sought as relief from more intensive urban settings,

thereby leading to the popularity of contemporary neighborhoods denoted for their larger lots, privacy fences, and open areas. This classification would be considered your typical suburban subdivision." Furthermore, "The Suburban Residential category supports LR and R1 (One-Family) zoning districts." The Land Use Plan for this area was intended to reflect a future residential development adjacent to the golf course which is common with many golf course developments.

Urban Growth Area

The Comprehensive Plan's Urban Growth Area (Map 7.2) shows this property as partly within the Developed Area and surrounded by an Urban Growth Area. Extensions of roads, water, sewer and public services are encouraged. The Urban Growth chapter highlights the importance that all improvements associated with development should be completed to full city standards and should be annexed at the time of development.

The Urban Growth Chapter of the 2007 Laramie Comprehensive Plan also identifies policies for transitional areas at the edge of the City such as the Country Club. The plan recommends states "transitional areas could be annexed into the City thereby allowing the City to enact its zoning authority" (p. 7-5). Furthermore the Chapter recognizes that all transitional areas may not be capable of developing to full capacity and recommends conditioning approvals within transitional areas based on the receipt of urban infrastructure, in this case, such as sewer infrastructure capacity (p. 7-5). The Country Club represents a transitional area that has been annexed and is under City zoning.

DE-ANNEXATION COST-BENEFITS ANALYSIS:

Emergency Response Services (Police, Fire, Medical)

The City presently provides police patrol, fire suppression, fire prevention, emergency medical services, and full city response (2 pumpers, platform, ambulance, and command vehicle) to any emergency within the development.

City emergency response and police patrols will travel through this area when responding to emergency calls. Upon de-annexation, the police will no longer patrol or respond to emergencies in this area (excluding mutual aid) and the fire and ambulance response will be reduced to a rural County response which is a single pumper truck and ambulance as necessary.

Solid Waste

The Country club presently pays \$61.98 per month of refuse collection and disposal. This would result in a \$743.76 annual reduction in general fund revenue. City refuse service would cease upon de-annexation.

Mosquito Control

Presently, the Country club pays \$2.57 monthly / \$30.84 annually for mosquito control. This revenue would cease in the event of de-annexation.

Water and Sewer Service and Delivery

The clubhouse and restaurant are connected to City water and the golf course is irrigated by a non-municipal source. Public utilities are operated as an enterprise fund and revenues collected are utilized to maintain and improve the water and sewer system. Water usage and revenue vary from month to month and average approximately \$255/month. De-annexation would require an extraterritorial water agreement and increase the water rate to 125% of the standard City rate which would result in additional revenue of approximately \$63.75.

Individual connections for water meter installation and tap fees total \$3280.70 per connection (note, sewer not included). This potential revenue would be lost in the event of de-annexation. In the event that extraterritorial service requests are made, it has been the City staff policy to recommend denial unless annexed.

Liquor License

Annually, the country club pays \$1500 for its City golf club liquor license. De-annexation would result in an annual revenue loss of \$1500.

Public Health

Annually, the country club pays \$510 for licensing of the restaurant and \$510 for licensing of the swimming pool. De-annexation would result in an annual revenue loss of \$1020 and the burden for inspections of these facilities would be on the state.

Building Permit Revenue:

The City will not receive any future building permit revenue for construction of any new buildings within the 281 acre area, or any new home in the event of future residential subdivision. Individual residential building permit revenue averages approximately \$2,100 each.

Park In-Lieu Fee

If de-annexed, no park in-lieu fees can be required in conjunction with any subdivision with any future residential development due to the fact that the development would be within the County. The average park in-lieu fee is \$689.85 per residential unit constructed.

Property Taxes

The property is currently located within the City. The tax levy for the country club is 69 mills, 8 of which are the City's. In 2012 the total valuation of the two tax parcels which make up the Country Club (golf course/clubhouse and restaurant parcels) were \$1,309,289 with a total tax payment of \$8582.38. Of this tax payment 8 mills, or \$995.06, was contributed to the City's General Fund in 2012.

De-annexation would result in an approximate \$1000 decrease in property tax contribution to the City General Fund.

Summary

In summary, the de-annexation will directly result in a loss of General Fund revenue totaling approximately \$4294.60, (Solid waste, Mosquito Control, Liquor License renewal, Restaurant license, Pool License) a year. This doesn't take into account lost revenue from future building permits, increased revenue from increases in property value or sales tax revenue generated from retail and restaurant sales within the development.

ADDITIONAL ANALYSIS:

Extraterritorial Subdivision Jurisdiction:

If de-annexed, the City would still retain its ability to review the subdivision. Wyoming Statute § 34-12-103 requires City approval of any subdivision within one-mile of the corporate boundaries. Typically this review is limited in scope and generally only reviews location of proposed rights-of-way and lot arrangement. Within the last 5 years, the City has required new streets to be dedicated as rights-of-way and paved to a rural cross section if adjacent to the City. However, it is likely that undesirable rural-style development would be created that could landlock the City from growth in this area.

Building Construction and Site Development

The County does not have adopted any building codes and has minimum standards for new development. Buildings constructed in the County will not be required to conform to the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Fire Code, International Energy Conservation Code, National Electrical Code, other building standards of the Laramie Municipal Code and the City of Laramie Standard Details regarding construction. New construction would not be subject to City standards regarding snow loads, wind speed, frost depth and stormwater detention.

Implications on Future Petitions for De-annexation

Approval of the De-annexation petition has a greater effect on the City's future than present today. Approval of this de-annexation with no-basis could open the door to any individual property owner on the edge of the City limits requesting de-annexation. In the event this particular de-annexation was approved simply because the applicant requests de-annexation, it could lead to additional requests and ultimately a domino-effect of de-annexation.

The applicant had initially indicated that the request was due to the extensive cost of extension of sewer service to the property. Staff has indicated that present City policy would allow development of the site without requiring an extension of City Services.

Extraterritorial Water Service

In the event the de-annexation proceeds, staff will be required to prepare an extraterritorial water service agreement. Extraterritorial water service agreements are generally frowned upon by the City and typically annexation is required with such provision. As part of any extraterritorial water service, the rate is 125% of the cost of services which is allowed per state statute.

Wastewater Treatment Plant

The Country Club presently has an independent lagoon system owned by the City and leased by the Country Club. There is approximately 26 years left on the lease. In the event of de-annexation an agreement would be required regarding ownership and responsibility of wastewater treatment plant.

PUBLIC COMMENTS:

Staff has received one comment, neutral in nature, related to this project. The commenter indicated a desire to de-annex as well if this were approved.

ANNEXATION -STATUTORILY REQUIRED FINDINGS:

Wyoming Statute § 15-1-421 (c) states that “the governing body of the city or town may by ordinance provide for this de-annexation and redrawing of boundaries provided:

1. The owners of all the land to be de-annexed either sign the petition for de-annexation or consent to the de-annexation within one hundred twenty (120) days after the final passage of the de-annexation ordinance and before its effective date. The passage of the ordinance shall serve as the consent of the city or town for any land owned by the city or town within the area to be de-annexed;
2. The ordinance is adopted within one hundred twenty (120) days after the receipt of the de-annexation petition and within one hundred eighty (180) days after the landowner's signature of the petition, unless a further consent of all the landowners is obtained before the effective date of the ordinance; and
3. If the de-annexation causes land within the city or town boundaries to no longer be contiguous with the rest of the city or town, the de-annexation ordinance may be adopted only with the consent of all the owners of the land to be isolated by the de-annexation.”

In the event that the City Council wishes to grant the de-annexation, the petition meets the statutorily required findings mentioned above.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Findings of Fact:

- The petition is being initiated pursuant to W.S. 15-1-421.
- The petition complies with W.S. 15-1-421(c).
- Approval of this petition will de-annex approximately 281 acres to the corporate limits of the City of Laramie.
- Approval of the De-annexation conflicts with the Urban Growth policy goals of the 2007 Comprehensive Plan
- Alternatives exist to allow for future development and/or subdivision within the proposed de-annexation area.
- De-annexation will reduce City General Fund contributions by approximately \$4294.60 annually and will prohibit the City from collecting future revenue as the area develops.

Conclusions of Law:

- The annexation is being processed pursuant to Wyoming State Statutes Title 15 Cities and Towns, Article 4 Annexation
- De-annexation of the property is not consistent with the Urban Growth goals of the 2007 Laramie Comprehensive Plan.

ALTERNATIVES:

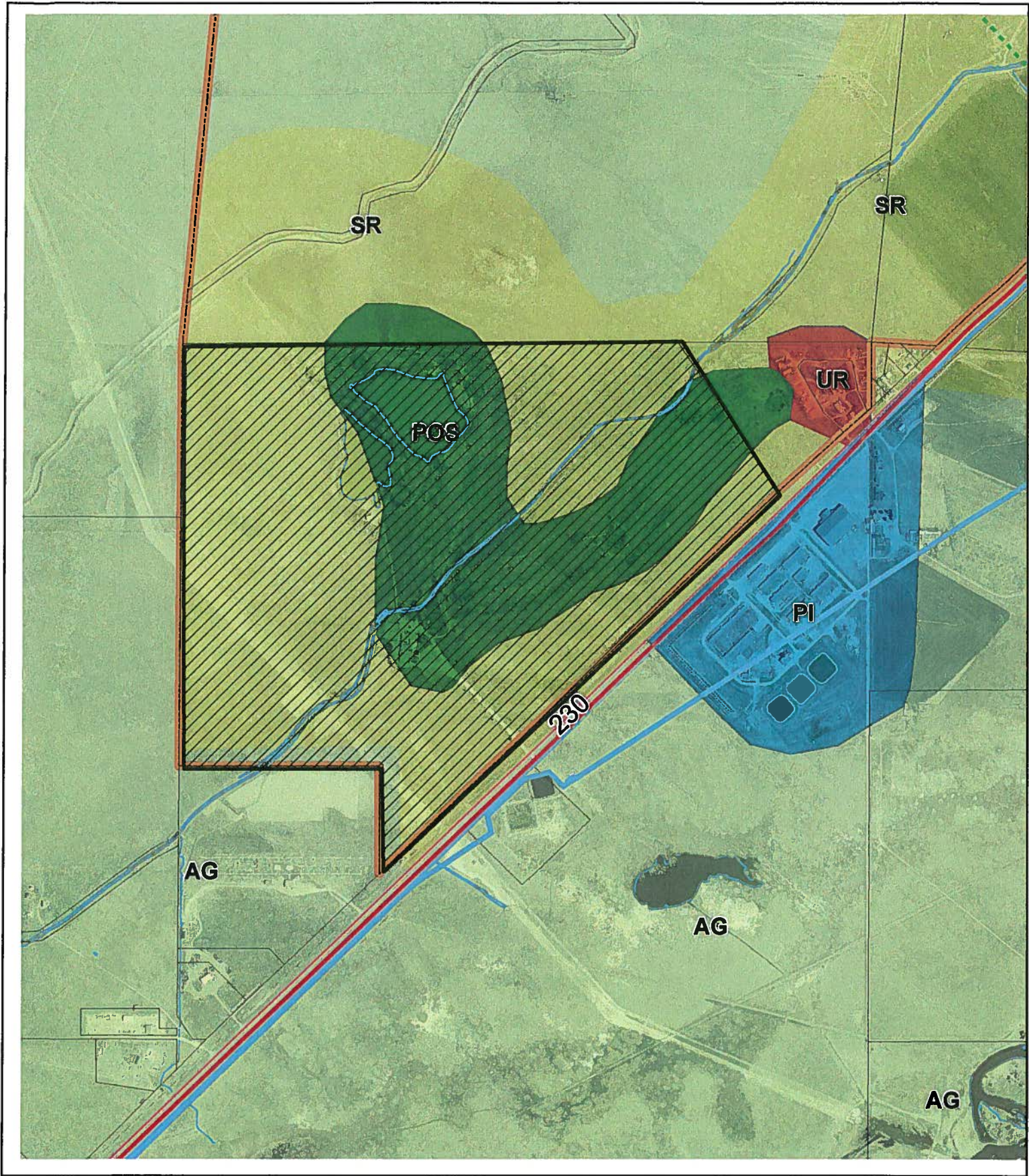
1. Recommend the City Council approve the proposal, based on findings of fact and conclusion of law. Since staff recommends denial, the Planning Commission must conclude that the proposal does not meet all of the findings. As part of the motion, findings for approval must be stated.
2. Recommend the City Council deny the proposal based on findings of denial. (Staff's Recommended Action).
3. Postpone the proposal until issues identified during the meeting can be resolved.

STAFF RECOMMENDATION:

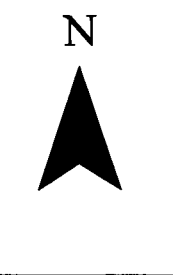
Move to recommend **denial** to the City Council of the petition for de-annexation of approximately 281 acres generally located at 493 Highway 230 based on findings of fact and conclusions of law.

ATTACHMENTS

1. Land Use Plan Vicinity Map
2. Applicant request
3. County Report on De-annexation (2 pages)
4. Future Land Use Map 3.2
5. Urban Growth Area Map 7.2
6. De-Annexation Map (Provided by the applicant)



DA-13-01
De-Annexation
Laramie Country Club
Land Use Plan Map



This Data contained herein was compiled from various sources for the sole use of the City of Laramie. REVIEW OF THIS DATA FOR ACCURACY AND ANY NECESSARY EDITING HAS NOT BEEN COMPLETED AT THIS TIME. Any use of the data by anyone other than the City of Laramie, and its members, is at the sole risk of the user; and by acceptance of this data, the user does hereby hold the City of Laramie, and its members, harmless and without liability from any claims, costs, or damages of any nature against the City of Laramie, including cost of defense arising from improper use of data, or use by other party. Acceptance or use of this data is done without any expressed or implied warranties.

0 255 510 1,020 Feet

**RDR, LLC
2611 Dover Drive
Laramie, WY 82072
307-742-3680**

April 2, 2013

City of Laramie
Community Development Department
P.O. Box C
Laramie, WY 82073

RE: Consent to De-Annex

Dear Mr. Bloom,

The purpose of this letter is to request de-annexation of the property commonly referred to as the Laramie Country Club, consisting of approximately 281 acres. The legal description is attached.

Consent is hereby given by the owner, RDR, LLC to de-annex.

Regards,



Robert D. Rucinski
Manager RDR, LLC

Attachment: Legal description

RECEIVED
APR 02 2013
BY: *CB*



COUNTY OF ALBANY

**525 GRAND AVE ROOM 105 · LARAMIE, WYOMING 82070
(307) 721-2541 · FAX (307) 721-2544
COMMISSIONERS@CO.ALBANY.WY.US**

January 8, 2013

Janine Jordan, City Manager
City of Laramie
P.O. Box C
Laramie, WY 82070

Re: Report on the De-Annexation request for the Laramie Country Club owned by BCR, Inc.

Dear Ms. Jordan:

The Board of County Commissioners is in receipt of a letter from Robert D. Rucinski, President of BCR, Inc., requesting the de-annexation of the Laramie Country Club from the municipal boundaries of the City of Laramie. As per W.S. 15-1-421 (a), we are providing this report to detail the impacts of this proposed de-annexation to the County and what will be required by the applicant to continue operation of the Laramie Country Club.

The de-annexation will require law enforcement response from the Albany County Sheriff Office and emergency response from Albany County Fire District #1 or the Laramie Fire Department through an intergovernmental agreement. The de-annexation will not cause a significant financial burden for this property to be served by the County.

The Country Club is currently operating under a liquor license issued by the City of Laramie. A liquor license from Albany County must be obtained in order to serve liquor once the property is under Albany County's licensing authority.

The zoning of this property is currently under City zoning. The property owner must obtain a zoning designation through the County's Land Use/Zoning Change Process. The property owner must apply for and obtain Commercial Zoning on this property. The application and fee for the Land Use/Zoning Change should be provided to the County Planning Office before de-annexation approval.

The property owner will be required to file a Road Name Petition to name their driveway and re-address or address all commercial structures. The Albany County Zoning Resolution requires a property owner to name their driveway for emergency service purposes once there are two addressable structures present on the property (Chapter VI, Section 3). This should be done upon approval of the de-annexation.

**TIM CHESNUT
COMMISSIONER**

**TIM SULLIVAN
COMMISSIONER CHAIRMAN**

**JERRY M. KENNEDY
COMMISSIONER**

The Board of County Commissioners, in general, are not opposed to the proposed de-annexation, but if the operation of the Laramie Country Club is to continue the County requires that County Commercial Zoning be applied for and approved, a County liquor license must be obtained in order to sell liquor in Albany County, and the current driveway must be named and the structures re-addressed off of the new road upon de-annexation approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Sullivan". The signature is fluid and cursive, with the first name "Tim" being more prominent than the last name "Sullivan".

Tim Sullivan, Chairman
Albany County Commissioners

cc: Robert D. Rucinski
Jackie Gonzales
David Gertsch
Charles Bloom
Randy Hunt

Map 3.2 Future Land Use

Legend

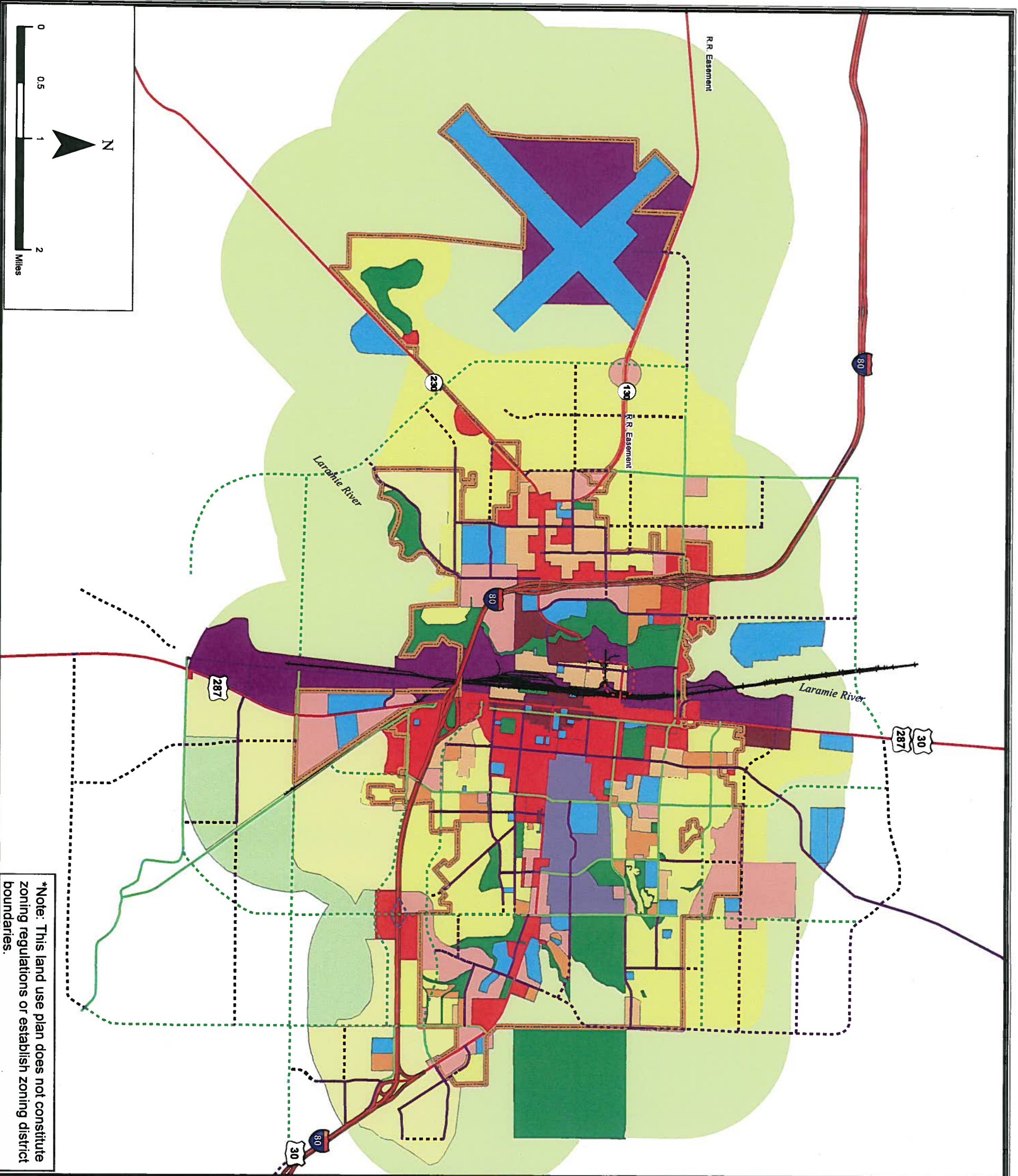
- Streams
- Railroad
- Casper Aquifer Protection Area
- 1-Mile Planning Area
- City Limits

Major Street Plan

- Proposed Roads
 - Interstate
 - Parkway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Bridge/Overpass/Underpass
- Existing Roads
 - Local
 - Interstate
 - Parkway
 - Principal Arterial
 - Minor Arterial
 - Collector

Future Land Use Categories

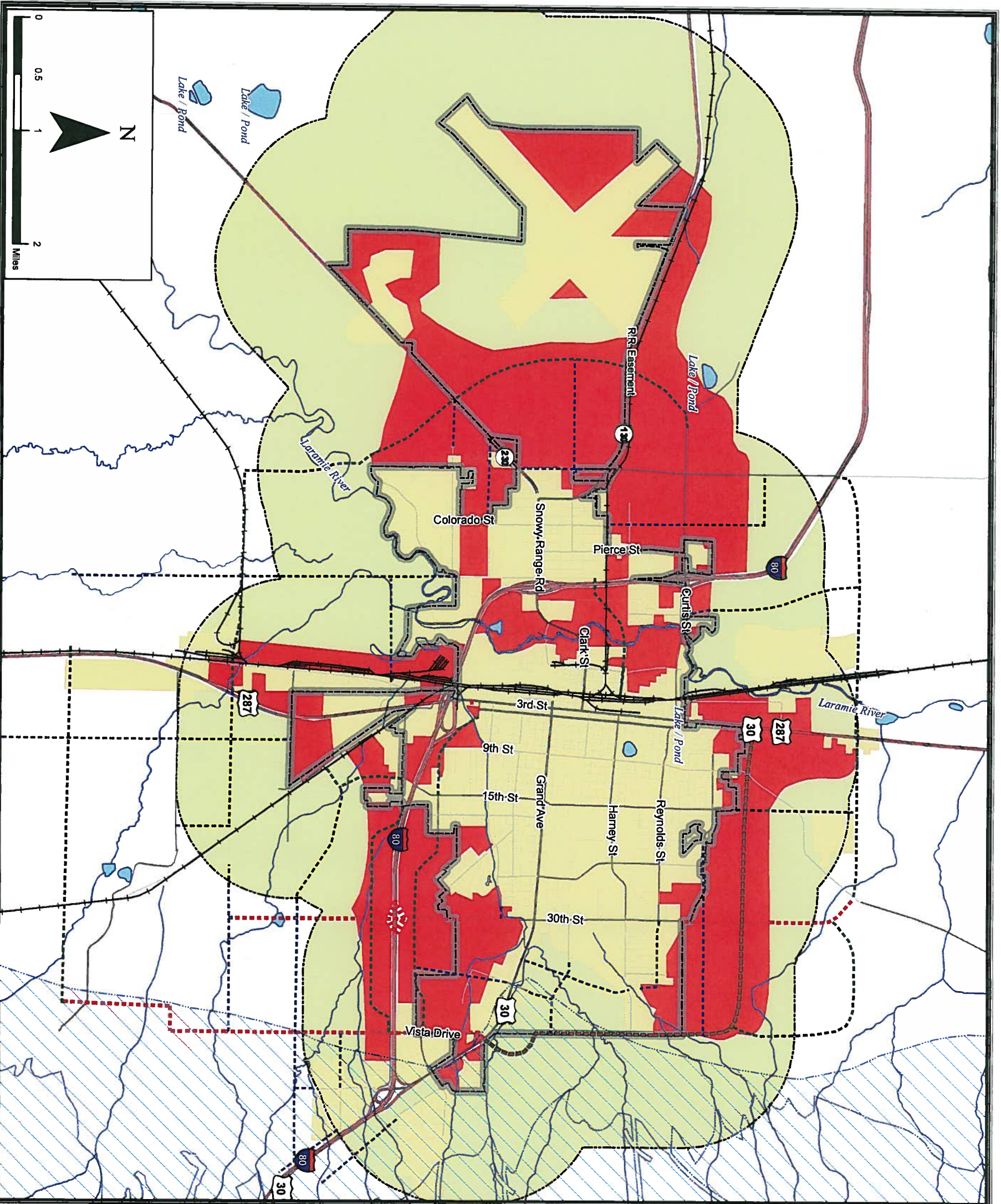
	Agriculture		Suburban Commercial
	Countryside		Auto-Urban Commercial
	Estate		Urban Commercial
	Suburban Residential		Urban University
	Auto-Urban Residential		Industrial
	Auto Urban Multifamily		Public/Institutional
	Urban Residential		PK/OS



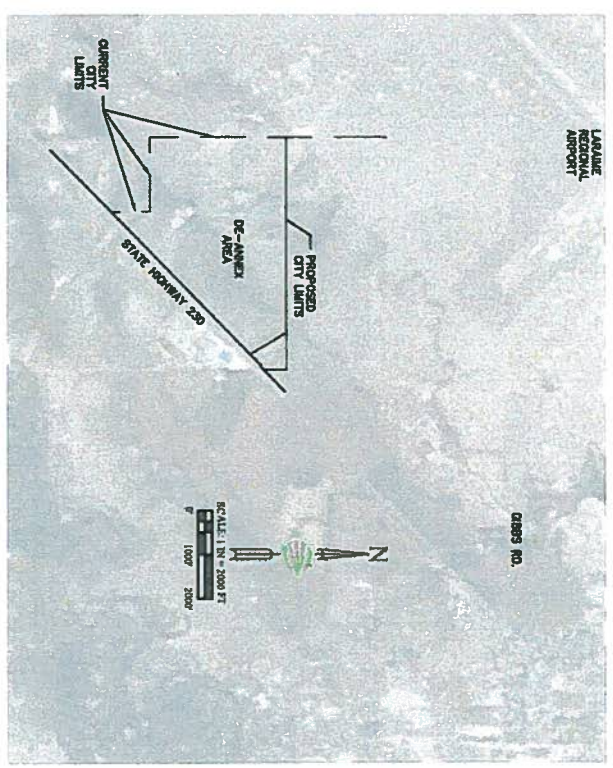
*Note: This land use plan does not constitute zoning regulations or establish zoning district boundaries.

Map 7.2

Urban Growth Area



COUNTRY CLUB DE-ANNEXATION MAP
RDR INC
SEC. 11, T15N, R74W, 6TH P.M.
ALBANY COUNTY, WYOMING



VICINITY MAP

DESCRIPTION OF AREA FOR DE-ANNEXATION:

PARCEL I:
A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 74 WEST OF THE 6TH P.M., ALBANY COUNTY, WYOMING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT LIES NORTH 82°12'34" EAST A DISTANCE OF 1859.40 FEET FROM THE WEST QUARTER CORNER OF SECTION 11; THENCE NORTH 03°53'21" EAST 2735.00 FEET; THENCE SOUTH 86°08'39" EAST 200.00 FEET; THENCE SOUTH 03°53'21" WEST 2735.00 FEET; THENCE NORTH 86°08'39" WEST 200.00 FEET TO THE POINT OF BEGINNING.

BEARINGS BASED ON THE WEST LINE OF SECTION 11 FROM THE QUARTER CORNER TO THE NORTHWEST SECTION CORNER (NORTH 00°10'00" WEST).

PARCEL II:

A TRACT OF LAND LYING NORTH AND WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 230 IN SECTION 11, TOWNSHIP 15 NORTH, RANGE 74 WEST OF THE 6TH P.M., ALBANY COUNTY, WYOMING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SECTION 11; THENCE SOUTH 00°10'00" EAST, ALONG THE WEST SECTION LINE OF SECTION 11, 2,645.15 FEET TO THE WEST QUARTER CORNER OF THE SECTION; THENCE SOUTH 00°10'00" EAST 2,646.85 FEET ALONG THE WEST SECTION LINE OF SECTION 11 TO THE SOUTHWEST CORNER OF THE SECTION; THENCE NORTH 89°47'47" EAST, 298.15 FEET ALONG THE SOUTH SECTION LINE OF SECTION 11 TO INTERSECT THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 230; THENCE NORTH 45°29'58" WEST WITH AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 230 6,429.55 FEET TO A POINT; THENCE NORTH 30°48'29" WEST 954.4 FEET TO A POINT ON THE NORTH SECTION LINE OF SECTION 11; THENCE SOUTH 89°32'21" WEST WITH AND ALONG THE NORTH LINE OF SECTION 11 4,407.35 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM PARCEL II ONLY, THE FOLLOWING DESCRIBED TRACTS OF LAND:

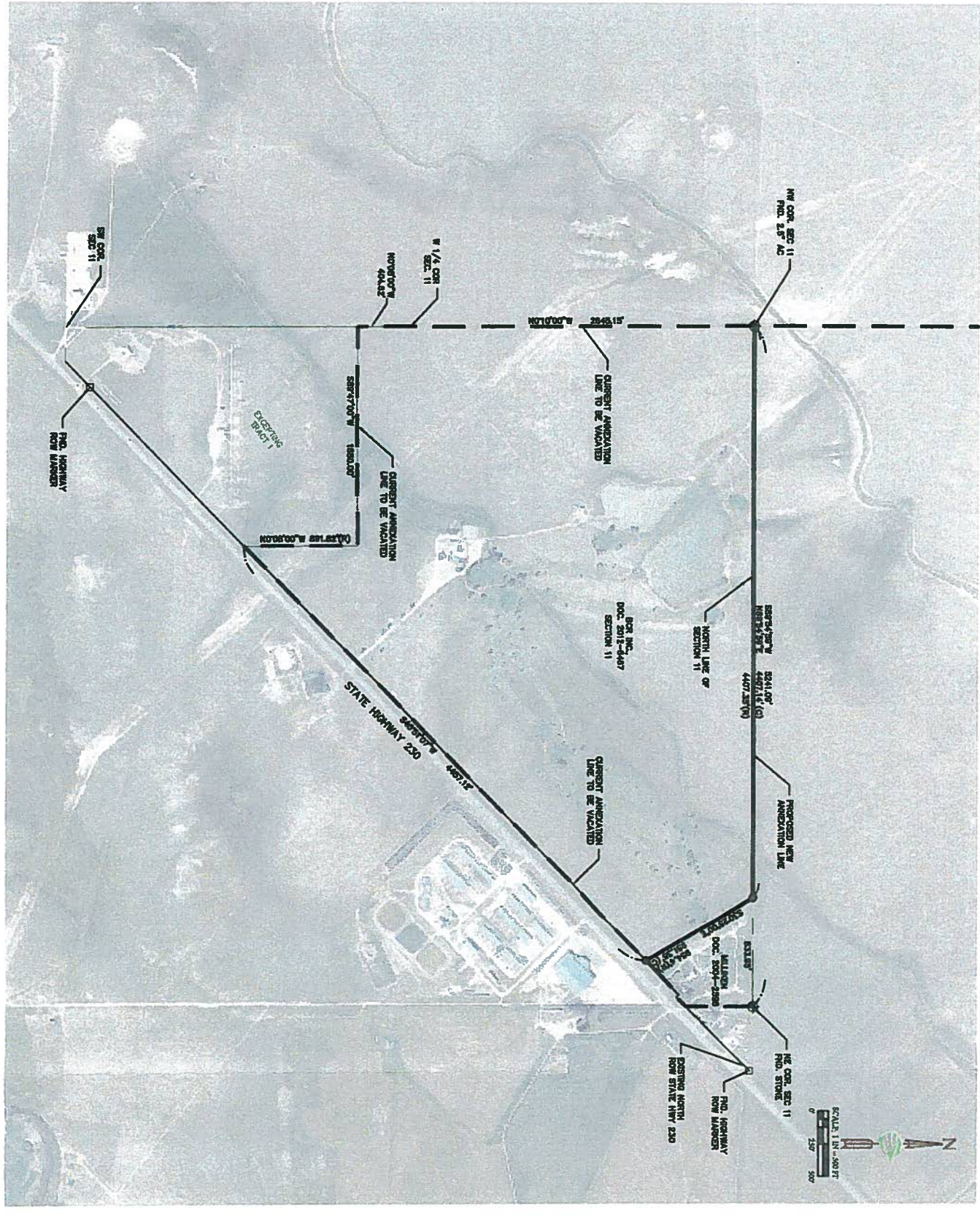
TRACT I:

BEGINNING AT A POINT WHICH BEARS SOUTH 00°08'48" EAST 404.62 FEET FROM THE WEST QUARTER CORNER OF SECTION 11, THE CORNER BEING A WELL SET AND MARKED STONE; THENCE FROM THE POINT OF BEGINNING NORTH 89°47'47" EAST A DISTANCE OF 1,680 FEET TO A POINT; THENCE SOUTH 00°08'48" EAST A DISTANCE OF 891.82 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 230; THENCE SOUTH 45°29'58" WEST A DISTANCE OF 1,933.53 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF SECTION 11; THENCE SOUTH 89°47'47" WEST A DISTANCE OF 298.15 FEET ALONG THE SOUTH LINE OF SECTION 11 TO THE SOUTHWEST CORNER OF THE SECTION; THE CORNER BEING A WELL SET AND MARKED STONE; THENCE NORTH 00°08'48" WEST A DISTANCE OF 2,242.23 FEET ALONG THE WEST LINE OF SECTION 11 TO THE POINT OF BEGINNING.

TRACT II:

A TRIANGULAR PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 74 WEST OF THE 6TH P.M., BEING 150.00 FEET IN LENGTH ON THE WESTERN SIDE AND 150.0 FEET IN LENGTH ON THE SOUTHERLY SIDE FROM THE SOUTHWEST CORNER OF SECTION 11.

BEARINGS BASED ON THE WEST LINE OF SECTION 11 FROM THE QUARTER CORNER TO THE NORTHWEST SECTION CORNER (NORTH 00°10'00" WEST).



- LEGEND:
- ◆ FOUND SECTION MONUMENT - AS DESCRIBED
 - SET BY REBAR & 2" ALUM. CAP, PLS 12081,
 - OR AS SHOWN
 - FOUND HIGHWAY ROW MONUMENT
 - (C) CALCULATED INFORMATION
 - (M) RECORD INFORMATION

CERTIFICATE OF SURVEYOR:
I, MARK F. COFFEY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY, TO THE BEST OF MY KNOWLEDGE.



COUNTRY CLUB DE-ANNEXATION MAP
RDR INC

SBC, 11, T15N, R74W, 6TH P.M.
ALBANY COUNTY, WYOMING

Project: 1839 01
DE-ANNEX
Drafted By: CGT
Date: 02/27/13
Rev. Date:
Check By: MPC

REVISED			REVISED		
DATE	REQUEST BY	CHECK	DATE	REQUEST BY	CHECK