

City of Laramie

Planning Division
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LARAMIE PLANNING COMMISSION MARCH 27, 2023 STAFF REPORT

FILE: TA-23-01 Amendment to LMC Chapter 15.06, Procedures

REQUEST: Text amendments to LMC Chapter 15.06

APPLICANT: City of Laramie

PURPOSE: Amendments to Chapters 15.06 to correct an error from TA-15-06 process and Enrolled Ordinance 1689.

PREPARED BY: Philipp Gabathuler, AICP, Principal Planner

RECOMMENDED MOTION:

Move to recommend that the City Council **approve** amendments to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of re-instating language that was removed in error from previous Text Amendment Process (TA-15-06) and Enrolled Ordinance 1689 as shown in the staff report and as recommended by staff.

APPLICABLE CODE SECTION(S):

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

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

BACKGROUND:

The below amendments will resolve an error that was found in a previous Text Amendment Process (TA-15-06) and Enrolled Ordinance 1689. The process outlined in TA-15-06 clearly showed that only LMC 15.06.060.X.3.A and 15.06.060.X.3.B were to be deleted. However, the motion brought before Planning Commission on June 22, 2015 and City Council on October 6, 2015 in Ordinance 1926 stated that LMC 15.06.060.X.3 be *deleted in its entirety*. Deleting 15.06.060.X.3 in its entirety would have deleted the entire Procedures section (A, B,

C, D, and E) of the Comprehensive Plan Amendments section, which was clearly not the intent from the Planning Commission Staff Report for TA-15-06 which is attached. The result was that LMC 15.06.060.X was reduced to only sections 1 and 2 (highlighted in blue below). The sections from LMC 15.06.060.X that are stricken through in red is what the TA-15-06 process intended to delete. The text highlighted in green is what needs to be reinstated into LMC 15.06.060.X through this process, TA-23-01.

15.06.060.X. Comprehensive Plan Amendments

1. Purpose

The purpose of this section is to provide standards and requirements for amending the text and/or maps of the Laramie Comprehensive Plan. The amendment process is established in order to provide flexibility in response to changing circumstances, to accommodate potential change where such change meets the intent of the plan, to reflect changes in public policy, and to advance the general welfare of the city as permitted by W.S. §15-1-503.

2. Applicability

An application for a comprehensive plan amendment may be initiated by the city council, planning commission, department or requested by an owner of land in the city or within the city's extraterritorial planning area. The planning commission shall adopt and certify to the city council an amendment to the comprehensive plan only in accordance with the requirements of this section.

~~3. Review Cycles~~

~~Amendments to the comprehensive plan shall be reviewed by the planning commission and the city council bi-annually.~~

~~a. Summer Review Cycle~~

~~Applications received for amendments to the plan received by May 31 of the calendar year will be considered by planning commission at their first regularly scheduled meeting of July. If the amendment involves a territory outside the city, action shall be taken with the concurrence of the Albany County Board of County Commissioners and the county planning and zoning commission.~~

~~b. Winter Review Cycle~~

~~Applications received for amendments to the plan received by November 31 of the calendar year will be considered by planning commission at its first regularly scheduled meeting of January. If the amendment involves a territory outside the city, action shall be taken with the concurrence of the Albany County Board of County Commissioners and the county planning and zoning commission.~~

4. Procedures

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submission, Contents, and Fees

Applicable pursuant to subsection 15.06.030.B.

c. Step 3: Staff Review, Referral, and Staff Recommendation

Applicable pursuant to subsection 15.06.030.C.

d. Step 4: Public Notice Requirements

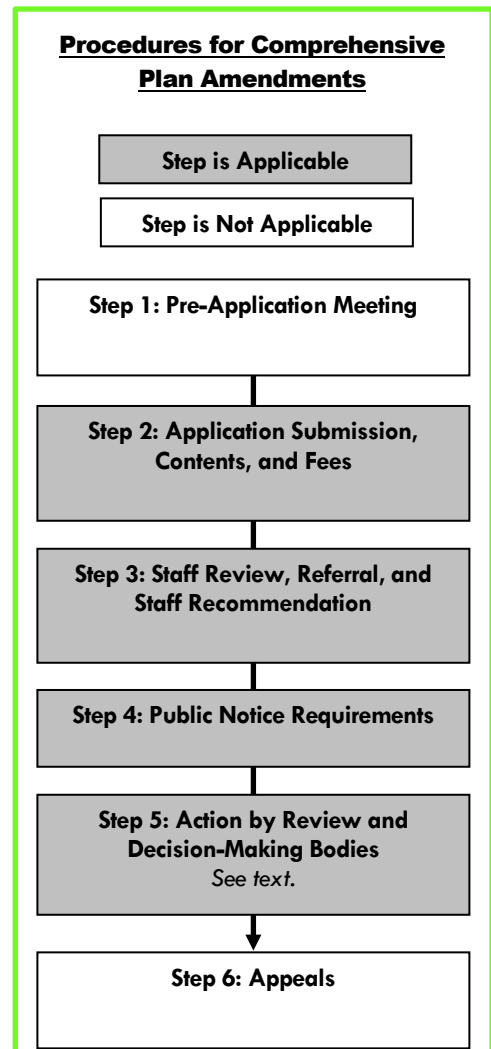
Applicable. Published notice required pursuant to subsection 15.06.030.D. Written notice shall be required for future land use plan map amendments.

e. Step 5: Action by Review and Decision-Making Bodies

Applicable. The following review procedures shall apply:

(i) Review of Amendments Involving Property Entirely Within City Limits

In addition to the procedures set forth below, the process is outlined in Figure 15.06-4.

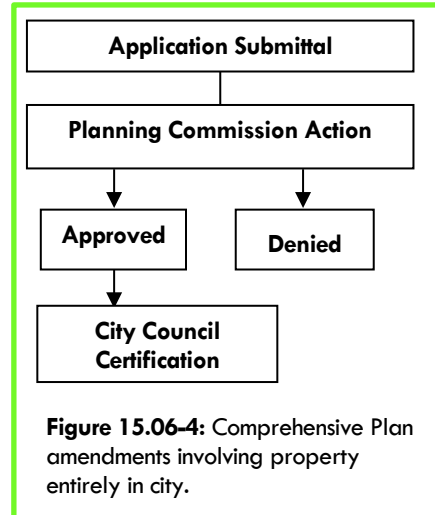


(1) Planning Commission Public Hearing

The planning commission shall hold a public hearing and shall approve, approve with revisions, postpone, or deny the application. Approval or approval with modifications of the request shall be by adoption of a resolution.

(2) City Council Certification

The city council shall certify the action of the planning commission by resolution within 60 calendar days of planning commission action. The city council may remand the resolution to the planning commission for additional review and study. If remanded to the planning commission, the planning commission shall prepare a new resolution within 30 calendar days of city council action to remand. Failure of the planning commission to act on an item remanded to the planning commission shall deem the original resolution reaffirmed. The city council may postpone action pursuant to subsection 15.06.030.E.



(3) Approval Criteria

The planning commission shall not approve and the city council shall not certify such approval for any comprehensive plan amendment unless the application meets one or more the following criteria:

- (a) The proposed amendment is based on a change in projections or assumptions from those on which the comprehensive plan is based;
- (b) The proposed amendment is based on identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
- (c) The proposed amendment is based on a change in the policies, objectives, principles, or standards governing the physical development of the city;
- (d) The proposed amendment may result in unique development opportunities that will offer substantial benefits to the city; or
- (e) The proposed amendment is based on an identification of errors or omissions in the comprehensive plan.

(ii) Review of Amendments Involving Property Not Entirely Within City Limits

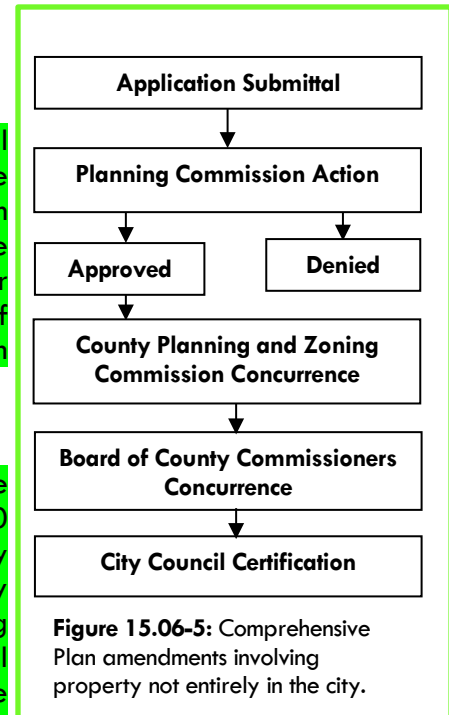
In addition to the procedures set forth below, the process is outlined in Figure 15.06-5.

(1) Planning Commission Public Hearing

The planning commission shall hold a public hearing and make shall approve, approve with revisions, postpone, or deny the application. Approval or approval with modifications of the request shall be by adoption of a resolution.

(2) City Council Certification

The city council, with concurrence of the county and within 60 calendar days of county concurrence, shall either certify the action of the city planning commission by resolution, or shall remand the resolution to the Planning commission. The city council may remand the resolution to the planning commission for additional review and study. If remanded to the planning commission, the planning commission shall prepare a new resolution within 30 calendar days of city council action to remand. If the new planning commission resolution differs from the first, the county shall review the amendment for concurrence subject to the review procedures outlined in this subsection. Failure of the planning commission to act on an item remanded to the planning commission shall deem the original resolution reaffirmed. The city council may postpone action pursuant to subsection 15.06.030.E.



(3) County Action

The county shall issue statement of concurrence for the proposed amendment within 60 calendar days of city planning commission action. The board of county commissioners may issue a statement of concurrence, a statement of concurrence with modifications to the resolution, or a statement of no concurrence. Modifications to the resolution shall be reconsidered by the city planning commission, affirmed or modified, and incorporated within the resolution. Should the city planning commission fail to adopt the county's resolution modifications, the proposed amendment fails. The planning commission shall not ask for the county's concurrence more than two times on a specific request.

(4) Approval Criteria

The planning commission shall not approve and the city council shall not certify any comprehensive plan amendment unless the application meets one or more of the following criteria:

- (a) The proposed amendment is based on a change in projections or assumptions from those on which the comprehensive plan is based;
- (b) The proposed amendment is based on identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
- (c) The proposed amendment is based on a change in the policies, objectives, principles, or standards governing the physical development of the city;
- (d) The proposed amendment may result in unique development opportunities that will offer substantial benefits to the city; or
- (e) The proposed amendment is based on an identification of errors or omissions in the comprehensive plan.

f. Step 6: Appeals

Not Applicable.

STAFF RECOMMENDATION:

Move to recommend that the City Council **approve** amendments to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of correcting an error in a previous Text Amendment Process (TA-15-06) and Enrolled Ordinance 1689 by re-instating the language deleted as shown in the staff report and as recommended by staff.

ATTACHMENTS:

1. Planning Commission Staff Report for TA-15-06
2. Enrolled Ordinance 1689
3. Draft Ordinance xxx (TBD)