

**Date:** March 24, 2026

**To:** Alpine Planning & Zoning Commission; Gina Corson, Planning Administrator

**CC:** Alpine Town Council; Eric Green, Mayor; Alpine Town Clerk

**RE: OFFICIAL PUBLIC COMMENT – March 25th Special Meeting (Item 4.a) and the Turley Annexation/PUD Proposal**

To the Planning & Zoning Administrator and Commission Members,

Please accept the following formal comments regarding the proposed amendments to the Land Use and Development Code (LUDC) as outlined in the Staff Report dated yesterday, March 23, 2026.

I am submitting these remarks to be included in the official record for the **Special Meeting and Work Session on March 25, 2026**. Furthermore, as these proposed code changes directly impact the criteria for pending annexations, I request that this correspondence also be included in the project file for the **Steven C. Turley Annexation & PUD application** scheduled for discussion on April 14, 2026.

The attached document outlines specific concerns regarding:

- The reduction of **binding safety oversight** (PUD vs. Master Plan) on geologically hazardous terrain.
- The **liability shift** from developers to Alpine taxpayers if "illustrative" conceptual plans fail.
- The risks of **administrative approvals** for "minor amendments" in avalanche and landslide-prone areas.
- The potential for creating **illegal enclaves** in violation of **W.S. § 15-1-406**.
- The **procedural conflict** of amending annexation rules while the 2026 Master Plan remains in draft form and while essential LUDC duties remain suspended under **Resolution 2025-014**.

I request a confirmation of receipt for this submission. I also request to be notified of any further work sessions, hearings, or staff reports issued regarding these LUDC amendments or the Turley Annexation.

Thank you for your time and for your dedication to the safety, welfare, and long-term stability of the Town of Alpine.

Sincerely,

Max Mogren

PO BOX 2981, Alpine, WY 83128

(307) 699-0464 | [maxmogren@gmail.com](mailto:maxmogren@gmail.com)

---

## **Formal Comment: Opposition to Proposed LUDC Amendments regarding PUD and Annexation Processes**

**To:** Alpine Planning & Zoning Commission

**RE:** Staff Report dated March 23, 2026 (Agenda Item 4.a)

### **Introduction**

While "administrative efficiency" is a worthy goal for standard lot developments, the proposed amendments to eliminate the Planned Unit Development (PUD) requirement at the annexation stage represent a dangerous reduction in oversight for high-risk, geologically unstable terrain. **Non-binding guidance is not a substitute for municipal liability protection.**

### **1. The "Guidance vs. Law" Gap (Liability Risk)**

The Staff Report (Page 15) explicitly states that a Master Plan is "non-binding and illustrative," whereas a PUD is "binding law."

- **The Issue:** Annexing ~46 acres of 9/10 landslide-susceptible terrain (as identified by the WSGS) based on "illustrative guidance" rather than "binding law" creates a massive liability gap for the Town.

- **The Question:** If the Town annexes land based on a "Conceptual Plan" that fails to account for steep slopes, previous landslides, or drainage issues, who is legally liable when the "illustrative" road design causes a landslide that impacts infrastructure and existing homes on Stoor and Trail Drives?
- **The Financial Risk:** If the Town adopts a non-binding approach, it loses the ability to enforce expensive engineering requirements until the end of the process. A developer may later argue "economic unfeasibility" to secure a variance (safety exception) once the land is already inside Town limits.

## 2. "Premature Zoning" vs. "Necessary Due Diligence"

The report claims requiring a PUD at annexation is "premature" (Page 4).

- **The Rebuttal:** On a 700 foot tall, steep, north facing mountainside, the "big picture" is the engineering. The Town cannot determine if an annexation is "logical", "feasible", or "safe" (as required by W.S. § 15-1-402) without knowing exact road grades, stabilization methods, and addressing the findings of an **independent Geotechnical Peer Review**.
- **The Comparison:** The Town already manages treacherous winter conditions on Sunset and Terrace Drives. If a developer cannot provide **engineered road profiles** showing a max grade of 12% at the annexation stage, the Town has no rational basis to find the expansion "feasible."
- **The Enclave Risk:** Because this specific annexation risks surrounding the Fitts property, the Town cannot rely on "non-binding" plans. A binding PUD is the only mechanism that can legally guarantee the boundary adjustments and access easements necessary to prevent a **statutory violation of W.S. § 15-1-406(d)** regarding the creation of illegal enclaves.

## 3. The Danger of "Minor Amendments" (Administrative Creep)

The proposal to allow "Minor Amendments" to be approved administratively (by staff) without public hearings (Page 10) is a major red flag for steep-slope projects.

- **The Issue:** What a staff member deems "minor" (e.g., a slight shift in a retaining wall or road cut) can be the difference between stability and slope failure in a steep "terrain trap" ravine.
- **The Demand:** Consistent with International Building Code (IBC) hillside standards, any proposed development on **slopes exceeding 25%** must be strictly excluded from "administrative" approvals and remain subject to full public and Commission scrutiny.

## 4. Procedural Conflict: Resolution 2025-014 and the 2026 Master Plan

The Staff Report mentions "Consistency with the Town's Master Plan" as criteria, yet the 2026 Master Plan is still in draft form.

- **The Conflict:** Under **Resolution 2025-014**, the Town Council suspended certain LUDC duties specifically to prevent overlap and confusion while the 2026 Master Plan is finalized. To amend the Land Use Code *now* to allow for "less binding" annexations—while the updated safety standards and geological data in the new Master Plan are not yet adopted—is **arbitrary and capricious**.
- **The Precedent:** In November 2024, this Commission requested a moratorium on annexations because the 2006 Plan was insufficient for modern growth. To proceed with weakened standards now, using an outdated 2006 document you previously labeled as "insufficient," creates a massive **legal vulnerability** for the Town.

### Conclusion & Formal Request

The current PUD requirement for annexation is not a "burden"—it is a **safety brake**. It ensures high-risk developers prove their project is safe, legal, beneficial, and bonded *before* the Town assumes the responsibility of serving and liabilities associated with that land.

### I formally request that the Commission:

1. **Reject** the proposed elimination of the PUD requirement for annexations involving hazardous terrain.
2. **Create a "Hazardous Terrain Exception"** where a full, binding PUD remains mandatory for any annexation involving slopes over 25%.
3. **Maintain Consistency:** Delay any final action on LUDC annexation amendments and annexation proposals until the **2026 Master Plan** is fully adopted and **Resolution 2025-014** is lifted.
4. **Require Independent Audit:** Maintain a requirement for an **independent Geotechnical Peer Review**, funded by the applicant, to be completed **prior** to any annexation vote by the Town Council.

Respectfully submitted,

Max Mogren