

# TOWN OF SARATOGA

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Mayor Chuck Davis

Councilman Michael Cooley

Councilwoman Kathy Beck

Councilman Jerry Fluty

Councilman Jacob Fluty

## DECISION OF RECORD “**Exhibit C**” TOWN OF SARATOGA PLANNING AND ZONING COMMISSION OCTAGON CONSTRUCTION GROUP SUBDIVISION APPLICATION

<b>In the Matter of:</b>	)	APPLICATION NUMBER SP-23-3
	)	
Subdivision Application	)	FINDINGS OF FACT
Property Owned by Octagon Construction Group Inc	)	
Saratoga, Carbon County, Wyoming	)	CONCLUSIONS OF LAW, AND RECOMMENDATION
_____	)	

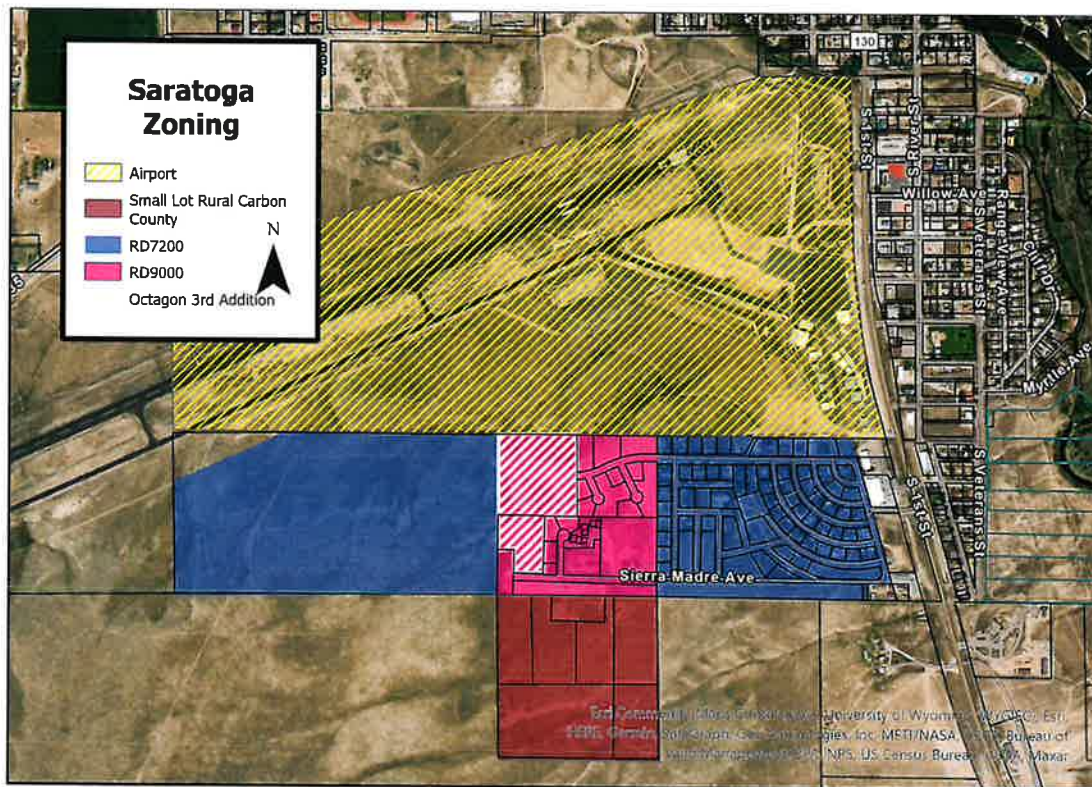
**This Matter**, came before the Town of Saratoga Planning and Zoning Commission for consideration on September 12, 2023. The Planning and Zoning Commission reviewed the Final Plat application to They also reviewed the materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

### FINDINGS OF FACT

1. The Applicant is: Octagon Construction Group, Inc.  
P.O. Box 129  
Dixon, WY 82323  
  
Their engineer is Craig Kopaz (P.E.), Engineer Associates
2. Submitted Documents
  - a. Construction Plans “Exhibit A”
  - b. Final Plat
3. The property owner is Octagon Construction Group
4. The location of the property is:  
Undeveloped lands just west of the Amended Valley View Acres Addition and North of Sierra Madre Avenue.



5. The subject property is 13.9 acres
6. The proposed property is currently zoned RD-9000
7. The property is not in the floodplain
8. The property is not a wetland
9. The property is not a historical site
10. The property will have access to the Town of Saratoga Water and Sewer System
11. The property will have direct access to underground power
12. Access to the lots will be from local roads as identified in the 2016 Master Plan
13. The Saratoga Municipal Airport is located directly north of the property.



14. Surrounding uses are:
  - a. North-Airport
  - b. West-Empty ground/residential
  - c. South-Empty ground
  - d. East-Residential
  
15. The development is not in conflict with the operation of the local municipal airport.
  
16. No excess noise or pollution will be produced with the development.
  
17. On September 12, 2023, a public hearing before the Planning and Zoning Commission was held.
  
18. Notices for the hearing were published in accordance with Wyoming Code
  - i. Newspaper notices August 24, 2023 (Legal #8694) and September 7, 2023 (Legal #8699)
  
19. Written Comments were received from: None
  
  
20. Agency Comments were received from: None
  
  
21. Public Testimony in favor received from:
  
  
  
22. Public Testimony neutral received from:
  - a. Randy Raymer was concerned that the subdivision is not going to get completed and was wondering what was the town going to do to ensure that the developer completes the project.
  
  
23. Public Testimony against received from:
  
  
  
24. The following sections of the Wyoming State Code, Saratoga Town Code, and Saratoga Comprehensive Master Plan that apply to this proposal:
  - a. Wyoming State Code, Title 15
  - b. Saratoga Town Code, Title 17
  - c. Saratoga Town Code, Title 18
  - d. Saratoga Comprehensive Master Plan Land Use Goals and Future Land Use Map

25. The Town of Saratoga Planning and Zoning Commission has made the following findings:

Legal Document Conclusions			
Conclusion			Standard
Compliant	n/a	Not Compliant	
X			<p><b>Finding:</b> Wyoming State Code has granted authority to the Town of Saratoga to regulate development including this proposal.</p> <p><b>Fact:</b> Authority is granted cities and towns by Wyo. Stat. Sections 15-1-502 through 512 to establish a planning commission to assist the governing body with a review and recommendation process concerning land and transportation planning and development, and public improvements. Further authority pursuant to Wyo. Stat. Section 15-1-101(a)(v) allows for the establishment of planning regulations and policies through city ordinances, resolutions and rules and regulations.</p>
X			<p><b>Finding:</b> Saratoga Town Code requires that: 18.24.050 Lots in RD9000 zoning district be of a certain size and shape.</p> <p><b>Fact:</b> All of the proposed lots in the subdivision meet the required: Min. lot area of 9000 sq. ft. Min lot width of 60 ft. Min corner lot width of 75ft. Min lot depth of 100 ft.</p> <p>All lots are adequate in topography, size and shape to allow the permitted uses identified in Title 18, Zoning that apply to the properties current zoning designation. No uses not allowed in the current zoning district have been proposed.</p>

X			<p><b>Finding:</b> Saratoga Town Code requires that: 17.28.090 Every subdivider make a dedication of land for the purpose of parks and recreational facilities or pay a fee in lieu thereof.</p> <p><b>Fact:</b> The dedicated park indicated on the Octagon Third Addition Plat that was dedicated in the Octagon Estates First Addition is sufficient to complete this requirement. Open space calculations equate the land dedication size to be adequate for over 68 subdivided gross acres at a density of 1 D.U. per 10,000 sq ft. to ½ acre.</p>
X			<p><b>Finding:</b> Saratoga Town Code requires that: 17.28.060 and 17.28.060 Streets and alleys be constructed and dedicated in a particular fashion.</p> <p><b>Fact:</b> The proposed streets in the Octagon Estates 3<sup>rd</sup> Addition are:  Designed to create a continuance of existing and future street systems.  A minimum of a 60 ft right-of-way  Cul-de-sacs are a radius of 50 ft.  All driveway access from local roads  Temporary dead-end roads have a proper turn around.  Construction plans are in compliance industry construction standards for local roads.  The Final Platt indicates all roads be dedicated to the public.  The proposed roads are in compliant with The Town of Saratoga Municipal Code.</p>
X			<p><b>Finding:</b> Saratoga Town Code requires that: 17.28.100 required improvements be made according to the specifications and under the inspection of the designated engineer. Cost of all improvements to be bore by the developer.</p> <p><b>Fact:</b> A.&amp;B. Water and Sewer Supply- Upon completion of the construction of the proposed water and sewer utility improvements in “Exhibit A” as well as the acceptance and dedication thereof, Water and Sanitary Sewer will be provided by the SCCIJPB &amp; The Town of Saratoga’s municipal utility system. The construction plans have been approved by the appropriate governing bodies. All construction for these improvements will be bore by developer. Individual service tap fees for water</p>

		<p>and sewer services will be required to be paid by the property owner at the time of the request to connect to the municipal services.</p> <p>C. Street Grading and Surfacing-Proposed construction plans are in compliance with the paving requirement in 17.28.100.C.</p> <p>D. Curbs and Gutters-The proposed drainage and surface water abatement system is deemed adequate by the presiding engineer. Curb and gutter is not required unless our or their engineer deems it necessary. In this instance the proposed drainage plan is in compliance with town code 17.28.100.D.</p> <p>E. Fire Hydrants-As deemed by the Director of Public Works and the Presiding Engineer. The proposed construction plans provide adequate fire flow for the subdivided area.</p> <p>F. Street Lighting-The developer will install adequate streetlights for the subdivision. An amount in which will be in the best interest of the public's health and safety as well as its dark skies.</p> <p>G. Underground power infrastructure will be installed by the developer and service provided by Carbon Power and Light.</p> <p>H. Providing natural gas service to individual lots is not a current requirement of the Saratoga Town Code.</p>
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X			<p><b>Finding:</b> The Saratoga Comprehensive Master Plan identifies lands and uses in its Plan and Future Land use Map. As well as Goals for future developments.</p> <p><b>Fact:</b> The proposed lot size, intended use and zoning designation are congruent with Goals identified in the Master Plan.</p> <ul style="list-style-type: none"> <li>• Locate new developments in close proximity to areas where public services already exist and can be provided efficiently.</li> <li>• Maintain current levels of service for all public services, utilities and transportation infrastructure.</li> <li>• Ensure that any new development does not place undue burden on the existing system or greatly diminish the quality of existing levels of service.</li> </ul> <p>The land to be divided is identified as residential use in the Saratoga Master Plan 2016 Future Land Use Map.</p>
X			<p><b>Finding:</b> Saratoga Town Code requires that a developer make certain commitments and put in place assurances concerning improvements and pertinent matters to the development of the subdivision.</p> <p><b>Fact:</b> The conditions of the recommendation by the Planning and Zoning Commission are compliant with Saratoga Town Code 17.28.280.</p>

**CONCLUSIONS OF LAW**

The Planning and Zoning Commission reviewed the application with regard to Town of Saratoga Zoning Ordinance Title 17 and Title 18, The Town of Saratoga Master Plan, Wyoming State Code and based on the conditions required herein, concludes the subdivision application is in compliance with all three documents.

**RECOMMENDATION**

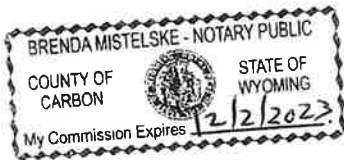
WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Town of Saratoga Planning and Zoning Commission hereby recommends APPROVAL of APPLICATION NUMBER SP-23-3 for the subdivision of the property described heir in subject to the following conditions:

1. That all financial assurances and development agreements for public improvements in the proposed construction plans (attached hereto as Exhibit "A") be executed prior to the approval of the final plat by the Town Council.

McCall Brown  
Planning and Zoning Commission Chairman

Date: 9/14/23

SUBSCRIBED AND SWORN to before me the day and year first above written.



Brenda Mistelske  
Notary Public for McCall Brown  
Residing at 610 W Farad  
Expires: December 2, 2023