

Sublette County, Wyoming
Planning and Zoning Commission
Official Minutes

Feb. 18, 2021

The regularly scheduled meeting of the Sublette County Planning and Zoning Commission was held in the Lovatt Room of the Sublette County Library on this date. Present were Sublette County Planner Dennis Fornstrom, Assistant Planner Alan Huston and Commissioners Blake Greenhalgh, Maika Tan, Pat Burroughs, Ken Marincic and Chris Lacinak. Also present by zoom was assistant County Attorney Clayton Melinkovich.

Chairman Blake Greenhalgh called the meeting to order at 6:03 PM. and welcomed everyone to the evening meeting.

Minutes of the Dec. 14th, 2020 meeting were approved with one typo noted. The motion to approve was made by Comm. Tan and seconded by Comm. Burroughs. Vote to approve was unanimous.

Items on the agenda were introduced by the Chairman as follows:

Agenda item #1.

Chairman Greenhalgh introduced the first item on the agenda, an application by Jared and Mandie Huffines requesting a variance to the setback as describe on the Carmichael Hills Subdivision Second Filing. This request, to accommodate the construction of a shop/garage, sought relief from the 40' setback required per plat and desired to be governed by the County's standard setback requirement of 25'.

Mr. Fornstrom spoke to the details of the request and expanded on the process required. The HOA involved was supportive of the variance. Points of clarification asked by Comm. Tan and Burroughs. No letters or calls from the public were received by the P&Z Dept. Adjoining property owner Latner Straley was present at the meeting to express his opposition in person. He voiced concerns that such a variance may establish a precedent which could impact him along the entirety of his property's borders. Mr. Straley elaborated on the location of some of his out buildings being sited before the adoption of County zoning regulations. Mr. Fornstrom elaborated on subdivision setback and building envelopes of other lots along the common border. Comm. Tan inquired as to other siting options. Mrs. Huffines spoke to building constraints resulting from septic location, elevation changes, utility locations and uncertainty over precise property boundaries. She indicated 5' into the 40' setback would probably suffice. Comm. Lacinak inquired if Mr. Straley's opposition would continue with 35' setback. Mr. Straley spoke to a myriad of incidents which he felt was death by a thousand cuts. He opined that the subdivision had been quite invasive on his property and hoped some other resolution could be found other than back-tracking and approving variances of things that had been approved in better times. Some discussion between Mr. Straley and Mrs. Huffines ensued. Mr. Straley expressed concern regarding future development along his property lines and to any precedent impacting the future. Mr. Straley indicated he would need to confer with his siblings to determine if opposition would cease with a 35' setback. Both parties were instructed by the Chairman to address the board. Origins of the 40' set back and identity of the original subdivider were among other questions. Comm. Lacinak noted it was interesting to ponder impacts on A-1 parcels of adjoining A-1 parcels being rezoned to RR. Chairman Greenhalgh inquired of Huffines if only 5' was needed could the garage be 5' smaller? Mrs. Huffines indicated lacking a variance the contingency plan was to move the septic system. The Chairman voiced his concern on varying established setbacks, and the precedent such variance could establish. Mr. Straley was surprised the applicant never spoke to him. "Would that have changed anything?" inquired Comm. Burroughs. Mr. Straley indicated perhaps it would have, yet still concerned regarding future encroachment through variances. Mr. Fornstrom noted to those present that the HOA could choose to modify any of the setbacks noted on the plat and could do so with a plat revision, that would need approved by the County Comm. Some further discussion ensued among the Commissioners regarding the process. Comm. Marincic inquired of Mr. Straley if he understood correctly that the two parties may be able to find common ground and return. Both concurred that they would meet and indicated returning at the next meeting.

Action #1: Comm. Marincic made a motion to table the applicant's request as seen in the agenda. Comm. Burroughs seconded the motion. Motion passed unanimously 4/0.

Agenda item #2

Chairman Greenhalgh introduced the second item on the agenda, an application by Daniel Community Center Inc. and Union Wireless requesting a CUP for the construction of a 50' Broad Band Communication Tower at 18 School House Lane in Daniel.

Mr. Fornstrom spoke to the particulars of the application. The proposed tower would be a power pole with equipment similar to that approved earlier in the year in the Friendly Creek Subdivision near Big Piney. This tower would facilitate Wi-Fi service for the greater Daniel area. Limited wireless was currently available.

Tyler with Union Wireless and Jean Hayward with the Community Center were present. Chairman Greenhalgh expressed some concern regarding high water at the proposed site behind the Center near the propane tank. Comm. Tan voiced concern of the proliferation of towers. Tyler indicated range was only about 2 miles, so proliferation of towers was unavoidable if service and high speeds were desired. Comm. Tan expressed her desire to see multiple providers use a reduced number of towers. Tyler suggested that a tower the size of the one proposed could likely handle one additional device. Comm. Lacinak recalled a Vissionary Communication rep indicating leasing space on a tower was difficult due to price and concurred with Comm. Tan's concerns about the total number of towers. Assistant planner Huston indicated the current tower regulations under review/consideration could have language requiring good-faith efforts to collocate and perhaps even arbitration. Mr. Fornstrom noted that towers which accommodate more devices are generally taller. Chairman Greenhalgh inquired of Tyler if he was aware of standing water at the site. Some further discussion ensued among the Commissioners. Tyler indicated only similar equipment could be collocated and that a much taller tower would be need to accommodate a variety of devices. Joy Ufford inquired as to why this location. Tyler explained the process and search. He indicated the School House seemed willing to work with the company.

Mr. Fornstrom noted no opposition was received at the office.

Action #2:

Comm. Burroughs made a motion to approve the applicant's request with conditions as recommended by staff. Comm. Marincic seconded the motion.

Chapter V, Section 3, (4) a and b finding of facts were satisfied unanimously.

Motion Passed 5/0

Agenda Item #3

Chairman Greenhalgh introduced the next item concerning the request from Monument Ridge Ranch LLC requesting a minor Subdivision of Tract 8 of the Bondurant Ranches Subdivision. This application for Minor Subdivision would create 2 lots ranging in size from 16 to 18 acres.

Mr. Fornstrom expanded on the request. The applicant, as permitted by subdivision covenants, is requesting the division of tract 8. The Bondurant Ranches subdivision is a large tract subdivision with all original parcels in excess of 35 acres. Previous minor-subdivisions have occurred on parcels within the subdivision. No further division of lots is permitted by covenants. Resulting 16-18 acre parcels are required to be rezoned from A-1 to RR-10.

Comm. Burroughs inquired if such resulting parcels could be further divided. Mr. Fornstrom indicated not only did covenants prohibit such division, but any further division would require a "Major Subdivision" application, a much more daunting process. Laura Nugent, residing nearby, indicated her concern for further division and down zoning. Mr. Fornstrom noted that covenants prohibited more than one division, and even that division could not result in a parcel less than 10 acres.

Comm. Lacinak noted that the County did not enforce covenants and was hesitant to consider them in any decision-making process. Comm. Lacinak inquired if, (absent the covenants' existence), could these parcels continue to be divided. Mr. Fornstrom replied, "It could happen". Mike Jackson with Rio Verde Eng. felt previous minor subdivisions of Bondurant Ranches' parcels indicate a precedent for minor division, but no further division seemed likely. Comm. Lacinak noted setback requirements changed substantially from A-1 to RR-10.

John Walker, head of the Bondurant Ranches HOA, inquired if the covenants could be incorporated into the subdivision plat and if so, would they then have more weight. Mr. Fornstrom indicated no. Fred Morris voiced his concern regarding HOA's role. Comm. Lacinak clarified the respective parties roles. Mr. Walker indicated if subdivision residents continued to have concerns about one-time lot divisions they could look to amend covenants.

Some further discussion occurred regarding the applicant's intent, (private home on each lot) and concerns regarding the change in zoning from A-1 to RR-10 and its ramifications. Laura Nugent was uncertain what rezoning would permit. Mr. Fornstrom listed many of the A-1 use as opposed to the RR-10 uses and noted the stark difference in permitted activities, suggesting RR-10 zoning was likely to be less impactful upon neighbors. Chairman Greenhalgh concurred. Some additional general concerns about sprawl and growth were expressed. Comm. Lacinak shared such concerns but opined that the matter at hand did not seem to represent any detrimental pattern.

Action #3

Motion to change zoning from A-1 to RR-10 as recommended by staff was made by Comm. Marincic and Seconded by Comm. Tan.

Motion carried unanimously.

Motion to approve the Minor Subdivision as recommended by staff was made by Comm. Burroughs and seconded by Ken Marincic.

Motion carried unanimously.

Some casual discussion ensued among the commissioners and it was determined to have a public workshop seeking input from the public regarding short-term rentals.

Chairman Greenhalgh reminded the remaining applicants that they may wish to attend the County Commissioner's meeting if they felt their concerns were not addressed.

Some discussion between staff and commission continued regarding format and time for public workshop. It was determined to have the public workshop on March 25th at 6:00.

There being no other business, Chairman Greenhalgh adjourned the meeting at 7:47 P.M.

PLANNING AND ZONING COMMISSION
SUBLETTE COUNTY, WYOMING



Blake Greenhalgh, Chairman

Attest:


Dennis Fornstrom, Sublette County Planner

*** Please note that a digital audio recording of the meeting is available at the Planning and Zoning Office.

Sublette County Planning and Zoning

Meeting Date: 2/18/21

Name:

Mike Jackson, RVE

Jean Hayward

Joy Ufford

Mandie Huffines

Latner Straley

Laura Nugent

Fred Morris

Shawn Walker

John Walker

Victor Nicodemus

Betty Jo Nicodemus



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