

Sublette County, Wyoming Planning and Zoning Commission Official Minutes

June 17th, 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, Maike Tan, Pat Burroughs, Chris Lacinak and Ken Marincic (by phone).

Chairman Blake Greenhalgh called the meeting to order at 6:08 PM. and welcomed everyone (approx. 10 people) to the evening meeting. Chairman Greenhalgh spoke to the rules governing public input and decorum.

First order of business:

Minutes of the May 20th, 2021 meeting were not yet available.

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

Agenda Item #1.

Chairman Greenhalgh introduced the first item as noted in the agenda posting; a request by Doug and Virginia Mika, and Union Telephone Co. for CUP allowing the construction of a 50' broadband communication tower on tract B of the Lambeth Lot Division. Mr. Fornstrom spoke to the particulars of the request, after which board members Tan, Burroughs and Lacinak questioned the Union Telephone representatives on specifics.

The representatives indicated that while much of the area was covered, redundant coverage was desired. They also spoke of meeting with LR Comm. to determine a mutually acceptable site, and indicated colocation with LR was not possible given the limited engineering design of existing tower (weight concerns). Line of sight coverage was desired. A new colocation build would be expensive. There being no comment from the attending public, Chairman Greenhalgh opined that it was unfortunate yet understandable the more colocation was not possible and more towers was probably inevitable. Comm. Lacinak expressed his frustration with the lack of colocation and looked forward to forthcoming guidelines which might compel colocation.

Action #1:

Comm. Burroughs made a motion to approve said CUP request as advertised. Comm. Tan seconded the motion.

Findings of fact both a. and b. were satisfied unanimously by members.

Motion Carried unanimously 5/0.

Old Business:

Chairman Greenhalgh introduced a tabled matter from the May meeting, a CUP request by Ian Schroth for the operation of a RV campground to be located on his property which is currently zoned RS-1. In May, as owner of the Elkhorn Mr. Schroth had sought a permit to construct a RV campground, it was decided to table the matter until he could return with a somewhat modified version of his plan which addressed several concerns expressed by the board and members of the public. Chairman Greenhalgh prompted Mr. Schroth to speak to his revised proposal. For the remainder of the meeting (two additional hours), the applicant and his associates, the P&Z board, staff and members of the public addressed a wide range of concerns in an effort establish physical and operational conditions upon which the CUP might be prudently recommended to the County Commissioners.

Mr. Schroth began with a brief presentation on his revised scaled-down proposal which included: (1) a reduction of RV spaces to 20 from 29 to address encroachment on wetlands; (2) an assertion that engineering analysis indicated existing wastewater infrastructure was sufficient for incidental toilet and showering facilities; (3) installation of a vault/holding tanks which would facilitate RV dumping yet, (by frequent pumping) preclude black water discharge into a leachfield; (4) or engineer an expansion of existing field. (5) Public restrooms seemed to be cost prohibitive at \$80 to 100 thousand dollars.

Mr. Schroth indicated to Comm. Tan that his preference was a RV dumping station which he felt might help with illegal dumping of waste in the area. Furthermore, he clarified to Comm. Burroughs that being able to charge for dumping would help offset the cost of frequent waste removal. He confirmed to Comm. Lacinak the concrete composition of the tanks and to Comm. Tan the location of the tanks. Mr. Schroth spoke to the nature of the proposed berm/fence and expressed his willingness to accommodate his neighbor's concerns, be it fence or heavily foliated berm. Chairman Greenhalgh felt no leached wastewater was commendable, and clarified the modified proposal's components (un-distributed centralized water was noted). Comm. Lacinak inquired if the USFS had commented, Mr. Schroth indicated no, and it was felt by Chairman Greenhalgh that any response would be slow.

Comm. Burroughs inquired of Mr. Schroth as to the current composition or his rental inventory (long-term, short-term, or employee). Mr. Schroth indicated some are short-term and he is phasing out long-term rental in favor of employee housing. Mr. Fornstrom indicated the regulations were poorly worded regarding the permitted type of guest in a RS-1 zone, and hoped to clarify such vagueness in upcoming amendments to the regulations.

Comm. Burroughs questioned Mr. Schroth regarding proposed stay limits. It was noted by Mr. Schroth that the proposal indicated a 180 day stay limit, consistent with county development standards, but it was his hope that guests would stay between 1-3 days. Comm. Burroughs noted this contrasted with USFS stay limits of 14 days and expressed her concern the campground would evolve into something similar to that occurring in the Hoback junction. Mr. Schroth asserted he had no interest in operating a trailer park. Some confusion was present regarding length of stay as opposed to months of operation. Mr. Schroth concurred with Chairman Greenhalgh that months of operation were likely to be May 15th thru Oct. 15th at the most. He had no intention of operating in the winter. Some discussion occurred regarding limits of use due to freezing temperatures.

Comm. Lacinak questioned why no stay limit restrictions were proposed. Mr. Schroth indicated he was open to some restrictions but would hope to reserve a portion if need be for employees. Chairman Greenhalgh confirmed with Mr. Fornstrom that other campgrounds in the county lacked any stay limits. Comm. Burroughs inquired of Mr. Schroth regarding his efforts to increase safety by reducing speed limit. Mr. Schroth elaborated on his ongoing efforts.

It was asserted by Mr. Schroth that the existing sanitary facilities were sufficient and sufficed for the development standards requirement. Comm. Tan inquired if fewer spaces were an option. Mr. Schroth indicated 16 spaces was the minimum number of spaces any ROI analysis suggested was feasible. Chairman Greenhalgh questioned the provision of fire rings and Mr. Schroth indicated perhaps a couple of grills and a communal fire ring. Mr. Schroth would strongly discourage tent camping for noise reasons.

Lacking further inquiries by board members Chairman Greenhalgh invited comment from the public. First to address the board was Bondurant resident Rick Melby. Mr. Melby opined that the residents of Bondurant valued the status quo and felt a RV campground would introduce an undesirable tourist/traffic load impacting amenities. He had concerns regarding future owners and their commitment to any conditions placed today.

Kurt Anselmi sought to clarify the matter of berm/fencing and was assured by Chairman Greenhalgh it would be a condition of approval and addressed shortly. Mr. Anselmi expressed concerns regarding the existing use Mr. Schroth was engaged in and felt many current uses were in violation and contrary to those permitted, specifically long-term rentals. Mr. Fornstrom noted again the poorly defined uses enumerated in RS-1 and spoke to his similar desire to see long-term rentals prohibited in a RS-1. Mr. Anselmi felt the lack of compliance with current zoning could justifiably limit Mr. Schroth's standing before the board. He felt it was unlikely the WYDOT would be responsive to changing the speed limit. Mr. Lacinak inquired of Mr. Anselmi of his experience in wetland analysis. It was considerable and suggested the provided wetland analysis could be disputed.

Chairman Greenhalgh confirmed Mr. Anselmi's preference for a foliated berm and questioned Mr. Fornstrom on when the US Army Corp. of Engineers got involved.

Mr. Bob Schroth (father) spoke in support of the proposal and felt strongly that even ranching communities need services such as the Elkhorn provided. He noted community members frequently confided in him their delight in seeing the Elkhorn operations evolve. Mr. Schroth continued in a well-spoken manner to elaborate on his son's commitment to the community and the need to grow the sources of income in order to maintain the operation's overall financial viability. He felt the granting of the CUP would impose a marginal change on neighbors and those in opposition.

No further comment was forthcoming from the public.

Chairman Greenhalgh returned comment to board members and discussion continued regarding particulars. Comm. Burroughs questioned the applicant regarding outdoor events noted in his proposal. Mr. Schroth agreed to withdraw this use in recognition of noise concerns. Mr. Lacinak applauded the process of compromise, but mentioned his unease with the RS-1 zone versus CH-1. He felt the Elkhorn property might be better zoned CH-1. Mr. Fornstrom, after earlier discussion with Mr. Melinkovich, felt multiple business by one owner would be permitted. Comm. Lacinak did not concur. Comm. Tan agreed, but all noted the length of time the Elkhorn had been zoned RS-1. Further discussion ensued on options and it was noted The Rim also was zoned RS-1 with a gas station. Comm. Lacinak spoke at further length regarding his unease as to what mechanism was appropriate within any reasonable interpretation of the current regulations, and what path could lead to uniform compliance throughout the county. It was noted by Mr. Fornstrom that perhaps uses permitted by right could be included in particular zones that would bring existing operations into compliance. Comm. Tan hoped enterprises throughout the county might be prompted to examine their particular operations and zoning and determine if compliance was complete. It was felt changes in permitted by right uses would be more expedient. Comm. Tan appreciated the applicant's flexibility and willingness to assuage concerns through their compromises. She also concurred with community concerns and the need to protect the uniqueness of Bondurant as a special place. In closing Mr. Schroth reiterated his commitment to Bondurant and its uniqueness.

Comm. Lacinak inquired of Mr. Schroth his plans to come into compliance. Mr. Schroth noted the difficulties in changing to short-term but assured the board he would do so. He was in a much better financial position to transition. Bob Schroth noted nightly rates were now high enough that operators had every incentive to transition to nightly rentals. After some further discussion, thinking out loud and negotiation among the board members, the following motion was made.

Action #2:

Comm. Lacinak made a motion to recommend approval of the applicant's request as advertised, with the following conditions:

- 60-day maximum stay within a calendar year for non-employees of Elkhorn
- Maximum of 18 spots placed in areas that are not designated as wetlands (as mapped by the current GIS)
- Centralized water and closed vault dump station (instead of septic) with overflow/backup tank and overflow alarm
- Put up an agreed upon berm/fencing along the boundary to the East
- Must get compliant with current long-term rental non-compliance issues within a year

Comm. Burroughs seconded the motion.

Chairman Greenhalgh polled the board to determine if they felt the required findings were made. It was determined unanimously that (a) and (b) (Chapter V. Sec. 2., subsection 4) were both satisfied. 5/0

Comm. Lacinak's motion passed unanimously. 5/0

There being no other business, Chairman Greenhalgh adjourned the meeting at 8:45 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.

