

Sublette County, Wyoming
Planning and Zoning Commission
Official Minutes

Jan. 20th, 2021

The regularly scheduled meeting of the Sublette County Planning and Zoning Commission was held in the Commissioners Room of the Sublette County Court House on this date. Present were Sublette County Planner Dennis Fornstrom & Associate Planners Tess Soll and Alan Huston. Commissioners Blake Greenhalgh, Maike Tan, Pat Burroughs, Chris Lacinak, Ken Marincic, and Deputy County Attorney Clayton Melinkovich were present.

Comm. Greenhalgh called the meeting to order at 6:03 PM. Members of the public present were Scott Scherbel and Miki Sluyter representing their respective agenda items. No other members of the public were present. Comm Greenhalgh poses a question to the board regarding amending the agenda to include board by-law discussion. Comm Lacinak states that he would like to amend the agenda, however, it does not seem feasible to discuss zoning regulation amendments and board by-laws in the same meeting. No amendment to the agenda was made.

First Order of Business:

Comm. Greenhalgh introduced approving the meeting minutes from the Nov. 18th meeting including the approved amendments and edits. Comm. Greenhalgh introduces approving the Dec. 16th meeting minutes. Comm. Burroughs points out errors in Comm. Marincic's last name (misspelling has been corrected) in the Dec. 16th minutes.

Action #1

A motion by Comm. Marincic for approval the Nov. 18th meeting minutes is made and seconded by Comm. Burroughs and the motion carried 5/0.

Action #2

A motion by Comm. Burroughs to approve the Dec. 16th meeting minutes is made and seconded by Comm. Tan and the motion carried 5/0.

Items on the agenda were introduced by the Comm. Greenhalgh as follows:

Agenda Item #1.

Item #1 was an application by Delany Properties Wyoming, LLC, and Jeff Bauer requesting a Minor Subdivision, for a property described as the E/2 E/2 of Tract 19, Sheet 12 of Hoback Ranches Subdivision. Comm. Greenhalgh asks Mr. Fornstrom to further describe the agenda item. Mr. Fornstrom refers the board to the county GIS to the parcel in question and describes to the board that a legal subdivision of Tract 19 never took place. Currently, all property from Delany in this matter is described as the E/2 E/2 of Tract 19. In doing so, over time they have lost any division to where the parcels of Tract 19 were originally broke out, henceforth they have all been merged, by deed, into one parcel. No re-plate was ever done. The intent now is to create a minor subdivision of Tract 19 (Elk Minor SD; Lot 1), to sell a 10-acre parcel. Comm. Burroughs asks if any further subdivision of this tract is possible? Mr. Fornstrom defers to Mr. Melinkovich to answer Comm. Burroughs question. This opens up a discussion between Mr. Melinkovich, Mr. Fornstrom, P&Z board, and Mr. Scherbel relating to the legality of how the property came to be, minor and major subdivisions of the property, etc.... Mr. Fornstrom reiterates, through this process, this parcel would become Lot 1 of the Elk Minor Subdivision. Mr. Fornstrom states he has not received any public comment on this agenda item. Comm. Greenhalgh asks for final comments from the board and Mr. Scherbel, neither party had comments.

Action #3

A motion by Comm. Lacinak for approval of the request for a minor subdivision of Tract 19, Sheet 12 of Hoback Ranches is made, seconded by Comm. Burroughs and motion carried 5/0.

Agenda Item #2.

Item #2 was a request for two variances from Fagowi Properties, LLC/Micki Sluyter for a setback variance in the RM zoning district and guest house (ADU) within said RM zoning district. The subject property is described as Lot 9 of the Rendezvous Subdivision. Comm. Greenhalgh asks Mr. Fornstrom to further describe the request. Mr. Fornstrom opens with information regarding the previous property owners and how they utilized the property for commercial enterprise and full-time residence. Mr. Fornstrom recalls this being the reason why the RM zoning was designated to this property. Mr. Fornstrom states that this parcel is the smallest RM parcel in the county at 2.9 acres. Mr. Fornstrom reviews the RM zoning language in the regulation manual to describe the rationale for the variance request. Additionally, Mr. Fornstrom points out the close-by commercial property and rural residential property, both with considerably smaller setback requirements than the 2.9 acre RM lot in question, and the fact RR allows an additional ADU. Mr. Fornstrom concludes this thought with the above reasons as to the parcel of RM being compatible with the adjacent lots. Additionally, Mr. Fornstrom states that RM is the only zoning district that does not allow for an ADU, and states that perhaps, this is out of character with other Ag lands and suggests possibly amending the STR reg to include RM. In conclusion, Mr. Fornstrom gives a summation of the reasons for the two variances requests reflected above and their applicability in the regulations. Comm. Tan asks for additional information as to why a re-zone was not requested. Mr. Fornstrom defers to Ms. Sluyter for additional information regarding her decision not to re-zone. Comm. Greenhalgh asks if the board has any additional questions for Mr. Fornstrom. Comm. Burroughs asks if the county GIS is up to date? GIS is up to date. Some confusion with the property owner and the LLC the property is under on GIS. They are one in the same. Comm. Burroughs asks the applicant for reasons as to why she did not pursue a re-zone to RR. Applicant opines as to why she did not pursue a re-zone. Her reason's mostly encompassed flexibility with the residential and commercial enterprise for the parcel in question. Comm. Greenhalgh asks if square footage parameters will apply to the RM zone for ADU. Comm. Tan would like to know the location the ADU is being proposed. Comm Burroughs comments on the existing ADUs on the combined properties of the applicant (only one property in question). Comm. Burroughs asks the applicant to clarify the purpose of her ADU request; that being for STR purposes. Mr. Fornstrom reviews setbacks for C-1 and RR for the board. Comm. Marincic comments on setting precedent of RM. Comm. Lacinak states he feels these requests are a poor definition of what a variance is and what it is intended to do. He feels a re-zone is more appropriate. Comm. Greenhalgh suggested perhaps waiting till the zoning regs have completed the amendment process, and seeing if RM zoning has changed.... Comm. Lacinak stated that is an option, however, nothing could guarantee a favorable outcome. The next few minutes are spent discussing an array of commercial ventures that are permitted in the RM zoning. Mr. Fornstrom reiterates that in the past (the mid-1970s), this parcel was re-zoned to fit the use of activity that was going on there at that time. Through discussion, it's confirmed that 'Bucky' did live simultaneously on the property with his commercial business(s)

Scott Scherbel stated that a petition for a line-item change is more conducive than the applicant waiting for a whole 'book' change to be done. Mr. Scherbel states that one line item should be heard on its own merits.

For the next approximately 30 minutes a myriad of options is discussed with the applicant as to how she might redirect her application to fit with the zoning regulation. Mr. Melinkovich advises the board on proceedings regarding a potential vote on this agenda item. The focus is on whether or not the applicant would be locked out from a development proposal for a year if the board votes on her request. Mr. Melinkovich reiterates that the board cannot make a recommendation on what the applicant should do, but only present options for moving forward. Comm. Lacinak restates that a petition for a line-item change is possible, but no guarantee that it would be favorable.

The applicant asks for the board to make a motion on her agenda item.

Board asks if they are making a motion on both variances (2) requests. Mr. Melinkovich states that would be appropriate.

Mr. Fornstrom addresses the applicant regarding her request.

Mr. Melinkovich addresses the board with the option of tabling this matter. This could be applicable so the applicant may do more research and make a decision another day. Mr. Melinkovich references that there are no rules regarding tabling agenda items. The board may table items more than once, with no specific statute regarding tabling. However, specific board bylaws may address tabling agenda items in the future.

The applicant requested the board to table the agenda item.

Action #4

A motion is made by Comm. Burroughs to table agenda item until the February meeting, motioned seconded by Comm. Tan and motion carried 5/0.

Agenda Item #3

Item #3 is a review of the Zoning Regulations amendments to Ch. 1-3. This discussion started at 7:20 PM and lasted the duration of the meeting. Alan Huston presented a couple of things that were leftover from the previous regs discussion. Some items were RVs on personal property, campgrounds, manufactured homes concerning the current IBC code, and tiny homes.

Review of new items commences regarding Ch. 1-3. Comm. Tan has a brief question regarding AMU for poultry. Alan now addresses Ch.1 and comments Comm. Lacinak made to 'dark skies.' The following items were also discussed:

- Accessory 'use' defined
- Definition of Agriculture
- Definition of Ranch
- Definition of Livestock
- Discussion regarding Greenhouses/Ag uses/Ag definition
- Ag open space Subdivision
- Attempting to clarify 'Campground'
- Home Occupation
- Definition of Customarily
- Definition of Golf Course
- Definition of Guest Ranch
- Bison vs. Buffalo
- Remodel Permit
- Temporary Camp/Workers Camp
- Industrial Transportation Facility
- Authorized Uses and no applicable development standards
- Outdoor Recreation Facility
- CH-1 Zoning
- RS-1 Zoning
- CCRs

Comm. Greenhalgh asks what is on the Feb. agenda. The agenda was noticed on Feb. 14th.

****Board agrees to keep moving forward on Zoning Regulations at the next meeting.**

****Board agrees to continue reviewing board by-laws and agrees to send suggestions to Comm. Lacinak.**

Comm. Greenhalgh calls the Planning and Zoning meeting to adjournment at 9:08 pm.

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.