

Sublette County, Wyoming
Planning and Zoning Commission
Official Minutes

August. 18th, 2022

A 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 Planner Tess Soll, Deputy County Attorney Clayton Melinkovich, and Commissioners, Blake Greenhalgh, Ken Marincic, Pat Burroughs, and Maike Tan. Comm. Lacinak was absent.

Comm. Greenhalgh called the meeting to order at 6:10 pm. With approximately 7 members of the public in attendance. Comm. Greenhalgh spoke to the rules governing public input and decorum.

Tia Leo
Dan Bailey
Shad Cooper
David Waller
Miriam Walker
Max Tucker
Mark Tucker

First Order of Business:

Approval of minutes from the 6/29 meeting. The motion to approve the minutes was made by Comm. Burroughs and seconded by Comm. Tan. Motion was unanimous 4/0.

Approval of minutes from the 7/21 meeting. The motion was made by Comm. Burroughs and seconded by Comm. Marincic. Motion was unanimous 4/0. Comm. Burroughs noted spelling errors that had since been corrected.

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

Agenda Item #1 The Sublette County Planning & Zoning Dept. will discuss the final draft of the Amendments to the Sublette County Zoning and Development Regulations.

Mr. Fornstrom addresses the board with a brief recap of the regulation work that has been accomplished up to this point. He asks the board for an affirmative acknowledgment that all the revisions made to this point are accepted, and re-notice the accepted board copy, for a formal recommendation at the September meeting and subsequent final decision by the BOCC. Comm. Burroughs request a copy of the final draft for a final read of the revised regulations and noted the members of the public in attendance this evening would like some input. Mr. Fornstrom states he will get all the board members a clean copy of the revised regulations, and notes he will also pass on a copy to the BOCCs.

Mr. Fornstrom states the importance of getting the bulk of the revisions in place and working on additional amendments to specific topics that have been discussed in the P&Z office and with the Planning commission.

Comm. Greenhalgh asks for public comment regarding changes in the zoning regulations.

Dan Bailey- Mr. Bailey states to the board that he had just recently received a copy of the revised regulations after requesting a copy from Mr. Fornstrom a week ago. Mr. Bailey is concerned with the lack of oversight by a trained consultant in zoning practices, and questions whether or not the county is opening itself up to issues down the road with developers. Mr. Bailey stresses his concern that a legal expert in zoning has not weighed in on the revisions.

Mark Tucker address Mr. Bailey's concerns and opines on the experiences with Sublette County's regulations in comparison to surrounding counties.

Comm. Tan addresses Mr. Bailey's concerns and describes her experience through the regulation revision process, and notes that deputy county attorney Melinkovich has been involved in the revision process since the beginning.

Comm. Greenhalgh calls the public to a point of order.

Mr. Bailey continues to expand his comment on the regulation revision process and references the processes of other counties. Comm. Tan asks Mr. Bailey if Teton Co, asks for BOCC involvement in regulation revision.

Mr. Melinkovich addressed the board and comments from Mr. Bailey. He cites an example of a consultant brought in to advise on tower regulations and ultimately the experience went poorly. That decision was made by the BOCCs to hire a consultant. Mr. Fornstrom follows up on Mr. Melinkovich comments by describing methods the Planning & Zoning office has used to make the revisions. Mr. Bailey points out that Mr. Fornstrom is not an attorney nor has formal planning training outside of his background and continued education since being appointed to his position. Mr. Fornstrom and Mr. Bailey give their final thoughts regarding Mr. Bailey's initial comment.

Mr. Bailey shifts his comments to the current STR Resolution and the Jackson Fork Ranch obtaining STR permits for 5 units on one of their properties. Mr. Bailey states his question to the board and Mr. Fornstrom as to the intent they had in mind when developing that resolution. Comment being, quote.... "Someone turning a property into essentially a resort". Mr. Bailey clarifies his comment as a concern regarding corporations, investors, wealthy developers, etc.... abusing the intent of the STR resolution.

Comm Greenhalgh addresses Mr. Baily's concern by stating, that when the board convened STR community workshops, an overwhelming number of people from the community were opposed to, too much government regulation over their houses. Comm. Burroughs states no one foresaw someone buying a ranch and turning it into a resort through the STR permitting process. Comm. Tan feels this speaks to what Mr. Bailey's point is.

Mr. Tucker addresses the board and asks questions about how far Sublette County is behind on modernizing the regulations. Mr. Fornstrom opines that Sublette County is on the top end as far as counties go. Teton county having the most restrictive regulations and references other counties such as Park, Albany, and Carbon.

Ms. Soll address the board for clarification as to what the concerns are regarding the STR resolution and potential abuse practices by one specific property owner located in the upper Hoback. Ms. Soll states the county has regulations in place that address new construction of residential units in our density regulation in residential zoning districts.

Mr. Fornstrom suggests opening up the STR conversation again and incorporating the current permit holders and community for feedback and input. Comm. Burroughs states to Mr. Fornstrom her sentiment regarding large corporations buying ranches for purposes other than Ag, and running STRs or 'resort' type operations as a crucial concern. Ms. Burroughs feels that was not her intent concerning the implementation of the STR resolution.

Mr. Bailey and the board continue the dialogue concerning STR regulation concerns.

David Waller provides comments regarding changing ecosystems as relates to building and development. Mr. Waller also references the pitfalls of relying on tourism in counties. Supports a strong small business community.

Mr. Tucker opines on the status of Sublette County's zoning regulations and the county's economic situation.

Miriam Walker addresses the board with concerns regarding the zoning regulations and implementation. Ms. Walker states she is here to learn more about the county she is now residing in and planning & zoning. Comm. Greenhalgh states that overall, the public has participated very little in the regulation revision, until this evening.

Continued discussion amongst the board and Mr. Fornstrom regarding STRs and prior meetings and workshops that happened at that time. Mr. Melinkovich points out that he has already discussed with the P&Z office about revisiting the STR resolution.

Mr. Bailey addresses the board and provides continued comments and suggestions to revise the STR Resolution.

~~Mr. Fornstrom addresses the board and the public present regarding decorum and proper procedure at a public hearing. Addresses the board and asks if all the red lines are acceptable to the board so that he may publish a copy for review.~~ Amendment by P&Z board.

Mr. Fornstrom addresses the board and public and states, “we are getting very argumentative. I don’t want this going on, this is not how this meeting is going to operate. This issue will be brought up and we will further discuss it and everybody’s point is well taken. I’m not having this get out of hand and this chaotic argument going on, this is not going to help anything. This is a good topic to be brought up and discussed. We need to bring this information together to a meeting so that everyone else can look at it also. There are vested interests in this, and I don’t want to have a giant argument. I would like to deal with the regulations and either move them forward or totally stop the whole process because I’ve wasted three years of my time on this and we need to do something with this one way or the other. Is the board in agreement with the red lines and those can be published? I’m not going through and rewriting everything this evening”

The conversation at this time is shifted to Comm. Greenhalgh who asks the public if they would like to comment on any other regulations other than STRs.

Tia Leo addresses the board and suggests that I-L industrial has a sub-category focusing on permitted and conditional uses within close proximity to residential areas. Ms. Leo describes to the board her current residential situation and her neighbor utilizing a parcel zoned I-L and how those uses have affected her property value.

Dan Bailey addresses the board regarding the regulation of special events. A brief dialog occurs between Mr. Bailey and the board. Mr. Bailey shifts to the guest ranch regulations and his concerns. Mr. Fornstrom takes an opportunity to read the definition of the guest ranch from the proposed revision of the regulation. The current changes to the guest ranch definition and development standard are discussed between Mr. Bailey and the board. Mr. Bailey expresses his concern with ARUs (employee housing) surrounding guest ranches utilizing structures for that purpose. Mr. Fornstrom addresses some of Mr. Bailey's concerns. Mr. Fornstrom ties the conversation back to density parameters being a built-in regulation for ARUs. Mr. Bailey’s main concern is defunct guest ranches using their infrastructure as ‘housing’ in a variety of ways; rentals, STRs, etc....Mr. Bailey also has concerns regarding some of the less desirable activities that guest ranches may be allowed to provide guests that could be a nuisance to the surrounding neighbors. Mr. Melinkovich attempts to address Mr. Bailey's concerns.

Comm Marincic addresses the broad issue of abuse happening with any regulation.

Mr. Bailey addresses the board regarding the time limit for campgrounds being 180 days. A discussion opens about past, present, and future campgrounds and the diversity of operation amongst them. Mr. Bailey has questions for the board regarding commercial and noncommercial landing strips.

At this time the meeting took a short recess.

Meeting came back to order at 7:57 pm.

Action #1

Comm. Marincic makes a motion that the board is satisfied with the regulation recommendation that is printed, Comm. Burroughs seconded the motion and the motion carries 4/0.

*As a point of clarification by Mr. Melinkovich, he and other board members will be doing one last read and are free to suggest and make changes.

Agenda Item 2 Mark Tucker, proposed an amendment to the Sublette County Planning & Zoning Regulations. Chapter 3, Section 9. Maximum Building Heights.

Mr. Fornstrom introduces the proposal and describes the language in the amendment before the board. Mr. Fornstrom reads the regulation and explains the current height maximums of principal and accessory

buildings in all zoning districts. He also describes the exceptions to maximum heights, and some heights that may be exceeded through a CUP. Mr. Fornstrom reads aloud the language of the proposed amendment to the board and the public. Comm Greenhalgh asks for clarification on whether this is a proposal for a CUP that comes before the board or goes through the P&Z office administratively. Mr. Fornstrom states it would be permitted through the building permit process through the office.

Comm Burroughs comments that she does not find a proposed maximum height not to exceed in this proposal. Max Tucker answers Comm. Burroughs with, the IRC (International Residential Code) having max heights in its code for residential building classifications. Mr. Fornstrom states through reading the IBC that there is a height restriction of 40ft for buildings that are 'non-sprinklered' and anything over 40ft is required to have a sprinkler system and other restrictions relating to what materials the structure is built out of.

Comm. Greenhalgh asks if the applicant is proposing engaging only a Wyoming contractor. Mr. Fornstrom responds to these questions by stating the engineering plans would be stamped with the seal of a Wyoming-based engineer or contractor.

Comm. Burroughs feels that this proposal should be a CUP and not a permitted use. Mr. Tucker responds to Ms. Burroughs by stating this is drafted in such a way to move the county forward, in a way that is non-punitive and taller houses would have to go through an inspection process, not a public hearing process. Mr. Tucker feels this is setting a standard for the future. Comm. Burroughs feels this proposal is not considering viewsheds or fire. Mr. Tucker feels this moves forward with a legitimate standard, not a 'weird' standard, and makes homes safer. This is a way we can baby-step the county forward in Mr. Tucker's opinion.

Comm. Greenhalgh asks Shad Cooper SCUF Fire Warden to comment on the proposal. Comm. Greenhalgh states that the last information he received gave the impression Mr. Cooper was not in favor and would like to know if his opinion has changed.

Mr. Cooper addresses the board and affirms that the first proposal that came across his desk to strictly raise the maximum building heights he was not in support of. Mr. Cooper refers to the memo he had composed and sent out giving an overview of how firefighting works and the tools that are carried on an apparatus. Since then, the applicants have met with Mr. Cooper and revised the proposal with specific language that addresses firefighting and life safety. Mr. Cooper states the proposal includes implementing IRC and makes a point of clarification between the IBC code and the IRC code that is very important. IRC relates to residential buildings. Mr. Cooper does feel that the adoption of the IRC code will move the county forward as it relates to firefighting and life safety. Mr. Cooper would like to make clear he is not suggesting that we adopt the IRC code for all buildings, just in the circumstance of a building being proposed over the 35ft limitation. Mr. Cooper expresses the critical need for the code to be adopted, as his job is to provide public safety and has been remiss as a chief in achieving the adoption of the IRC code in the county. Mr. Cooper reiterates how critical it is for the county to prepare for larger buildings, and to have the IRC code in place and enforcement. He states to the board that the American Fire Service is a part of the International Code Council that makes a recommendation, that writes the rules to improve and make sure large catastrophes do not reoccur. Mr. Cooper's recommendation to the board is to adopt some level of code in Sublette County and this proposal is a good way to test the waters.

Ms. Soll addresses the board and Mr. Cooper to clarify whether or not his position is in support of 60 ft tall buildings in rural residential areas. Mr. Cooper clarifies that he is not putting a number on it, as it is not stated in the proposal before the board today. Mr. Coopers supports the adoption of code.

Comm. Greenhalgh states that he feels that is the issue for him, there is no height in the proposal. Mr. Tucker responds to Mr. Greenhalgh's concern with examples of what heights restriction are in the code book. Mr. Tucker also states that the 5-acre rule is to prevent the 'McMansions'. Comm. Greenhalgh feels that this opens the county to a huge can of worms, and feels that the citizens don't want to see skyscrapers in the county. Comm. Greenhalgh describes his feeling as a 'checkbook writing height limit'.

Comm. Burroughs wonders what ability there is to cap the height. With a height limit perhaps, it enables smart things down the road but doesn't want to see skyscrapers in rural areas of the county. Max Tucker responds to Comm. Burroughs, with feedback from other property owners in the area that express to the Tuckers as they "cannot tell them what to do with their property."

Mr. Tuckers addresses the board with what he feels are their concerns. Billionaires coming in, and height restrictions because we don't want to look like Jackson...Mr. Tucker proceeds to opine on the economic

vitality of Big Piney/Marbleton and he is exasperated by the fact he is trying to be economically useful. Mr. Tucker feels it's not feasible to build his house within the 30ft height limit.

Comm. Tan feels that she has observed other houses around the county that seems to be over the 30ft height limit. Mr. Fornstrom address this observation and points out the GIS server, and buildings in the community and measures them in real-time for Comm. Tan. Comm. Tan asks about the large home in Cora, in Calico Estates. Mr. Fornstrom states it's closer to 35-36ft.

Comm. Greenhalgh brings the public to a point of order.

Ms. Soll addresses the board and Mr. Cooper if he could describe the fire recommendation process and what that might look like as proposed in this amendment. Mr. Cooper responds and clarifies he is strictly here and speaking on emergency services response and nothing else. Mr. Cooper states, that he has now purchased the IRC code book and has been reading it, and admits he is not a code official nor has a certification however, if this moves forward and was adopted, he will be the first to go to the ICC school and become certified, which is an 80-hour course to learn about the adoption of the IRC. Mr. Cooper further goes on to say once he has completed the course, he would expect proposals of this nature to come before him with full plans, and he would review the plans and would ensure it was following the IRC code. He states that he strictly has an advisory role as a grounded third-party opinion from the perspective that he would not be employed by the general contractor. Mr. Cooper states to the board the research he has done on this matter as it relates to the IBC code and IRC code and after engaging with the State Fire Marshalls office for feedback.

Mr. Waller has reservations regarding the 5-acre minimum.

Comm. Tan asks the applicant what previously had happened with the building permit and its denial. Mr. Tucker brings the board up to speed on the process he has gone through in the last couple of years. Mr. Tucker states he has been living in an RV on their property while trying to find a solution to his height issue.

Comm. Marincic would not be in favor of unlimited height on buildings. However, does support some building codes as it relates to homeowner safety. Comm. Marincic is in favor of working with the amendment, but feels the language still needs work.

Comm. Greenhalgh states that he is not comfortable with a building permit to exceed building height solely being permitted administratively through the P&Z office, Comm. Greenhalgh feels that it's something that should implement the public hearing process. However, does support the adoption of building codes for homeowner safety. Feels that this amendment is something that can be worked with, but how it's proposed now is not the answer.

Comm. Burroughs states this should not be solely permitted in the P&Z office and supports incorporating the IRC code into the regulation. Feels the height should be capped and feels this process should be a CUP. Overall, feels the community of Big Piney may not want that type of development. Supports code enforcement.

Max Tucker states that they can already seek a variance therefore instead of going through 'all this rigmarole' and folks yelling at you, let the homeowner pay for the added costs of inspection, code enforcement, etc. Mr. Tucker states there is no financial incentive to propose what they are proposing, "let the baby walk, and let Mr. Fornstrom's office do their job. Everything doesn't need to be a commissioner's vote and everything doesn't need to be a planning vote". Mr. Tucker asks for a vote by the board.

Comm. Greenhalgh asks if it's possible to obtain a variance on a height restriction. Mr. Melinkovich responds with 'no because it's a self-created hardship.' Mr. Tucker makes statements to the effect that other houses in the county are over the height limits. Mr. Fornstrom does point out on the GIS, houses over the height limit. Discussion between Mr. Fornstrom and the board regarding houses that could be over the height limits.

Comm. Marincic asks for clarification on what is expected as far as a recommendation by the board. Mr. Fornstrom states the proposal could be added to the amended regulations package that will go to the BOCC, or be added later as a separate stand-alone amendment. Mr. Tucker asks the board for a vote on the proposed amendment. Mr. Fornstrom states that last winter he did bring a height proposal to the board. There is some discussion about the procedure of adding the proposal or not. Mr. Fornstrom states if the

board makes a motion to add this proposal to the regulation packet, the packet will be noticed and given to the BOCC. Mr. Tucker would like a vote so his proposal goes with the regulation packet.

Comm Burroughs needs clarification on why the board has to vote on this proposal when there are still many questions to be answered. Comm. Tan does not understand why this requires a vote either. Comm. Greenhalgh proposes a possible motion example to add a #17 to CH. III Section 9 Maximum Building Height, with details to be worked out at a later date. Mr. Melinkovich states to the board that the proposal, as it appears before the board today, has not been noticed as a full-on amendment request. Mr. Fornstrom clarifies. This is a request for this proposal to be added to the ongoing regulation revision packet, but as a standalone, would require notice. Mr. Melinkovich references a previous applicant that presented an amendment to the regulations. This has only been noticed as part of the regs discussion.

Comm Greenhalgh would like to see this in a motion for public transparency. Comm Greenhalgh states to Mr. Tucker that they will vote on whether or not to add it to the revised regulations packet. Greenhalgh states to Mr. Tucker that the language proposed will not be set in stone. Comm Greenhalgh reiterates to Mr. Tucker, that they are not adopting the proposal as written. However, will make a motion to add a #17 to the Maximum Building Height, and an avenue to exceed the building height. Comm. Greenhalgh encourages Mr. Tucker to continue to participate in this process.

Action #2

A motion is made by Comm. Burroughs to add a #17 to Ch. III Sec. 9 to the zoning and development regulations, which will be titled 'Exceeding the Maximum Building Height', and the language and content as yet to be determined. Comm. Tan seconds the motion. No other discussion by the board and motion carried 4/0.


Old Business

Board and P&Z staff discussion to revisit the STR resolution and permitting process. Continued discussion of election of board officers.

A brief discussion regarding September's agenda.

Comm. Greenhalgh calls the Planning and Zoning meeting to adjournment at 9:10 pm.

PLANNING AND ZONING COMMISSION
SUBLETTE COUNTY, WYOMING


Chris Lacinak, 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 and the written minutes are a summation of the meeting.