

Sublette County, Wyoming
Planning and Zoning Commission
Official Minutes

May 20, 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, Maïke Tan, Pat Burroughs, Chris Lacinak and Ken Marincic, also present was assistant County Attorney Clayton Melinkovich.

Chairman Blake Greenhalgh called the meeting to order at 6:05 PM. and welcomed everyone (approx. 25 people) to the evening meeting. Chairman Greenhalgh spoke to the rules governing public input and decorum.

First order of business:

Minutes of the April 22, 2021 meeting were approved. The motion to approve was made by Comm. Burroughs and seconded by Comm. Tan. Vote to approve was unanimous. 3/0 (Commissioners Greenhalgh and Marincic abstained.)

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 J.O.M. LLC (Wind River View Campground) for a Change in Zoning District Boundary. The applicant was desirous of this change to facilitate both the use of a campground **and** a commercial greenhouse. It was felt a change from RS-1 to CH-1 would be appropriate.

Mr. Fornstrom expanded on the applicant's request and noted his appearance before the board last year. It was determined that a zone designation of CH-1 would be appropriate to permit both activities. Chairman Greenhalgh solicited questions and comments from the board members. Comm. Lacinak made inquiries regarding CH-1 not expressly listing campgrounds, indeed greenhouse was only enumerated as a use in RM and Campground was enumerated only in RS-1 (as a conditional use). Mr. Fornstrom indicated an informal poll of zoning administrators around the state suggested it was the norm to consider a greenhouse as appropriate use in a highway commercial or agriculture zone. Mr. Fornstrom indicated he felt a commercial greenhouse was very similar in character to those uses currently permitted by right in the CH-1 zone. Comm. Lacinak inquired if this meant a "determination of similar use" was being sought. Some discussion continued on the matter. The matter of antiquated regulations arose. Mr. Melinkovich noted the nature of highway commercial and "general commercial establishments" and subordinate uses. Comm. Lacinak spoke to his concern of the "exclusivity" of uses by zone, i.e., if a use is listed as permitted by right or conditionally in a given zone, does this exclude it from being permitted in a different zone it was not originally enumerated in. In this case, if Campgrounds are only mentioned as a conditional use in the RS-1 zone (and nowhere else in the resolution), is it appropriate to permit such use as a "general commercial establishments" CH-1 ? Mr. Huston opined that there existed similarities to A-1 and its "General agricultural uses" and CH-1 and its "General Commercial establishments" clause. The widest latitude was given to A-1 and to restrict such latitude to CH-1 might be seen as burdensome. Comm. Burroughs inquired as to the distinctions around A-1 use vis-à-vis on-site sales/traffic vs. shipping of raw product, i.e., was one commercial and the other agricultural use?

Chairman Greenhalgh noted a granting of the rezone request would be insufficient for the applicant to proceed with his enterprise until a CUP for "general commercial establishments" was favorably determined before the Board at some future meeting. There was some general discussion on how to proceed. Mr. Fornstrom noted it was his intent to have greenhouse added to the permitted by right items in CH-1 as opposed to conditionally permitted as a "general commercial establishment". Mr. Melinkovich opined the either path required staff analysis and notice. Some further discussion ensued. The board examined uses currently permitted by right (in CH-1) and felt no enumerated use was particularly similar to "greenhouse".

Applicant Mr. Arambel spoke to his eagerness to proceed and his plans for operation. The applicant was joined by Brian Gray. Mr. Arambel spoke to the County Commissioners suggestion (a year earlier) that

he apply for a rezone to CH-1. Comm. Burroughs clarified this. Chairman Greenhalgh spoke to the board's inability to approve the required CUP at this time due to notice requirements. Mr. Arambel voiced some considerable frustration. Comm. Lacinak noted inconsistency with Campground development standards which limited scope and greenhouse inclusion in the RS-1 that would increase structures, thus indicating maybe split zoning was preferred. Mr. Arambel was under the impression such split zoning was discouraged. Mr. Fornstrom indicated this was not the case, and dual zoning designation was often useful.

Comm. Marincic and other board members commiserated with Mr. Arambel and the difficulties of the process. Mr. Huston inquired if noticing requirements allowed for any deviation in outcomes. Board members were reluctant to have the process continue longer at the applicant's detriment. Mr. Gray spoke to some confusion and complexity in the process. Mr. Arambel indicated time was of the essence in this season's operation.

Chairman Greenhalgh asked for any further public comment. Mike McFarland, a neighbor to the west, indicated his opposition to any expanded endeavors, noting the campground already generates considerable trespassing (on foot and in errant traffic). He was concerned with what impact undefined CH-1 zoning might have in the future. Will there be different uses other than a campground in the future? Chairman Greenhalgh suggested this type of growth must occur somewhere and perhaps a locking gate was required. Comm. Lacinak clarified that Mr. McFarland's opposition was not so much with a greenhouse but with the campground. Mr. McFarland concurred. Some further discussion occurred.

No further public discussion was forthcoming.

Board members discussed at length available options. Mr. Arambel indicated he really needed to proceed immediately, so some choice which would expedite the process was required. Comm. Lacinak noted campground development standards seemed to limit further structures other the office and bathroom facilities. Other options were discussed. Mr. Greenhalgh inquired of the applicant's wish in how to proceed. Mr. Arambel indicated he wished to see the board vote on his application as presented.

Action #1:

Comm. Marincic made a motion to approve the applicant's request and Comm. Tan seconded the motion. Chairman Greenhalgh called for a vote. Comms. Tan and Marincic were in favor. After a pause Comm. Burroughs began to proffer a friendly amendment to the above motion. Some further discussion among the board members, and Mr. Melinkovich occurred at great length. Comm. Lacinak expressed his uneasiness in several aspects of the process and his duty as a board member to act within the resolution's boundaries. Mr. McFarland sought some clarification. Further discussion ensued for some minutes. Mr. Gray indicated finding a clear path in his client's interest was difficult.

Chairman inquired if Comm. Marincic was willing to amend his motion. Mr. Melinkovich clarified the board's options on a rezone with conditions and noted scheduling of different options. Chairman Greenhalgh opined the board should vote on the request as presented and some further discussion on the process of "determination of similar use" ensued.

At approx. 7:17 it was suggested a motion to withdraw to executive session may be appropriate.

Action #2:

Comm. Burroughs made a motion to withdraw to an executive session. Comm. Tan seconded the motion. The motion passed 4/0.

Chairman Greenhalgh called the meeting back to order at 7:38. Commissioner Marincic withdrew his previous motion. Mr. Arambel was informed that a one-year moratorium on reapplication would apply if his request as presented was denied. Chairman Greenhalgh inquired if Mr. Arambel would like to withdraw his application and reapply, or if he wished to proceed with his request as presented. Mr. Arambel clarified the timeline associated with his options, and upon consideration expressed his desire to see action on his request as originally presented (rezone to CH-1). Some further discussion among the board ensued. Mr. Arambel had some question regarding his existing right of way. Chairman Greenhalgh suggested Mr. Arambel take some time to consider what action he wished to request. Mr. Arambel inquired if split zoning was an option at this meeting. He was informed the board could only take action on his request as advertised but was likely they would view his split zone request favorably. Mr. Arambel concluded he would like to see the board vote on his request as advertised.

Action #3:

Comm. Marincic made a motion to approve the request as noted in the agenda. Comm. Tan seconded the motion.

Motion passed 3/2. Comms. Greenhalgh, Tan and Marincic in favor; Comms Lacinak and Burroughs opposed.

Agenda Item #2.

Chairman Greenhalgh introduced briefly the second item on the agenda. Mr. Fornstrom elaborated on the request by Ian Schroth (Elkhorn Bar and Grill) for a CUP which would allow a RV campground on his property which is currently zoned RS-1. A site plan and other materials were submitted with the application. Several letters and e-mails from the public were received at the P&Z office, primarily voicing opposition to the proposal.

The board had some question of Mr. Fornstrom; (1) Did the definition of campground (which limits permanent facilities to management offices and sanitary facilities) prevent the permitting of a campground on a parcel that has extensive other facilities? Mr. Fornstrom expressed his belief that a campground would be permitted on the same parcel perhaps as an accessory use, and that a parcel owner could have multiple uses as long as they fall within those uses enumerated in the RS-1 zone. Comm. Lacinak questioned this interpretation, and also had some difficulty reconciling wetlands reports with GIS pictography. Mr. Fornstrom suggested it is typical to have conflicting data and on the ground data from a report is generally superior. Chairman Greenhalgh inquired if the Forest Service ever expressed concern or comments in these types of applications (no), and if County Fire Marshall had been made aware of the application (no).

With no other immediate questions from board members, Chairman Greenhalgh invited the applicant to speak to his proposal. Mr. Schroth spoke at length regarding his options (motel vs. campground) and noted the seasonal nature of his endeavors indicated a need to generate more income when possible. Comm. Burroughs inquired as to the months of operation proposed for the campground, and to the occupancy of the existing cabins. Comm. Burroughs expressed concerns that such development as proposed would lead to many of the same difficulties being experienced at Hoback Junction.

Mr. Schroth indicated that while the plans showed sewer and water, his current intention was to have only pads with power (similar to what the USFS is doing along the river). It was thought that limited facilities would attract only truly transient guests and as such not create some type trailer park/sub-community in Bondurant. His hope is that this will re-invigorate the economy. Comm. Marincic clarified that the plans presented showed water and sewer, yet confirmed that it was not the applicant's intention to install them. Mr. Schroth indicated while such improvements were on the plans, for the first couple years it was unlikely that they would be installed until demand was ascertained.

Comm. Lacinak noted that the present long-term use by non-staff residents was not in compliance with current RS-1 permitted uses. He felt this suggested a future of non-compliance might be likely. Mr. Schroth indicated he was un-aware long-term rentals were a violation, given he inherited most the tenants upon purchase of the property. Comm. Lacinak and Burroughs affirmed their interpretation was that such long-term use was in violation. Comm. Tan inquired if there was some probability that water and sewer would be added in the future. Mr. Schroth indicated it was unlikely yet possible. "Unless we prohibited it" commented Chairman Greenhalgh. Comm. Tan indicated her concern was substantial if water and sewer were included, she also inquired as to how the proposed size of 29 was established. (engineering guidelines/capacity)

Chairman Greenhalgh invited the public to speak. Mark Anselmi spoke to his family's purchase of the adjoining property in 1948, and noted his brother Kurt, who lived at the home, was with him tonight. He spoke to his understanding that the RS-1 zone change in 1984 was conditioned on no campground being permitted. Upon Chairman Greenhalgh's prompting Mr. Melinkovich clarified the 1984 prohibition on campgrounds and its impact on this request. It was his office's opinion that the conditioning of a rezone was done in error, (at the time the Commissioners lacked authority to do so), and unenforceable.

Mark Anselmi questioned qualifications of wetland engineers and likelihood analysis was accurate. Mr. Fornstrom stated he generally relies on the report submitted. Comm. Tan inquired where Mr. Anselmi's property was located and concurred with his wetland concerns. Mr. Schroth noted the natural gas line and

its disturbance of wetlands. Comm. Lacinak expressly inquired of Mr. Anselmi if he was in opposition to the proposal or just had concerns. Mr. Anselmi suggested the board should consider denial.

Next to speak was Kurt Anselmi, expressing his concerns about the intrusiveness of the existing operation and fears that expanded operation would be even more disruptive. The quality of the wetlands report was again noted, and concerns that the Corp of Engineers must be involved. Traffic concerns were raised given that the existing 70mph speed was dangerous. Historic denial of the campground use should be considered. In addition, he noted his preference would probably be a motel, which is allowed. Many campgrounds are now "Teton county overflow" and worker housing. "What about my rights" given incremental growth over the years on the property in question.

Tracy Tolbert spoke to his concerns and questions as a NW neighbor. His first question was regarding wastewater, i.e., could Mr. Schroth's approval be conditioned upon the provision of sewer and water service being prohibited? Chairman Greenhalgh indicated, yes. Mr. Tolbert expressed concerns over length of stay, and if this too could be conditioned, and if conditioned who would be tasked with ascertaining compliance. Fears were expressed that use could run counter to what is imagined/approved by the board.

****recording malfunction @ 2:39:15****

Melissa Harrison expressed several concerns noted by others. Water quality, sewage disposal, antiquated definitions of seasonal/transient. She also opined on the vision for Bondurant many people shared and common fears of becoming workforce housing for Jackson. She, like most the evenings public speakers, supports Ian and wishes him well, but has concerns about non-compliance and poor definitions allow 180 day stays being too generous and she could not support the application in general.

Comm. Lacinak inquired of Mr. Fornstrom the proper application of development standards noted on pg. 19 and pg. 39. Mr. Fornstrom suggested standards on pg. 19 were regarding septic system applications. He opined that RV's were self-contained and was uncertain as to what size the required bathroom facilities would be.

Some general discussion occurred.

Mark Hamlin thanked the board for their hard work and also spoke highly of Mr. Schroth's efforts to date but reluctantly was opposed to the proposal. The spirit of the community seems in opposition, and while the 1984 law may be invalid, certainly its intent is obvious.

M. Anselmi again spoke to his concerns with septic capacity both current and future. Stephanie Housley spoke to compliance enforcement and safety concerns with long response times.

Mr. Schroth spoke briefly regarding a pre-existing RV site located on USFS property. Comm. Lacinak inquired as to the groundwater depth (26'). Further brief details regarding the site were provided. Chairman Greenhalgh inquired as to the least number of sites economically feasible. Mr. Schroth indicated perhaps 20 but was uncertain having not done any analysis. He did express concerns with 29 being too dense.

Comm. Marincic inquired if the applicant was amenable to dry camping only? (Schroth -Yes)

Mrs. Schroth indicated some records could be available with new campground reservation software.

Comm. Burroughs inquired as to a palatable minimum capacity? (Schroth - 20) and as to WYDOT and speed reduction. Mr. Schroth concurred that it was a problem and would spearhead the search for some change by WYDOT.

Comm. Lacinak inquired as to DEQ and Corp involvement in siting and design.

Comm. Greenhalgh expressed his support in light of economic necessity. While Bondurant is resistant to change it may be inevitable. Some concern was expressed about density, and dry camping was probably appropriate to assuage many public concerns.

Comm. Marincic felt a reduction to 20 was a sufficient compromise, and dry camping was helpful in addressing concerns. Growth of this kind was not unheard of.

Comm. Tan expressed concerns with current density as proposed in the application but was encourage by willingness to compromise.

Comm. Lacinak was worried about proximity to Hoback River, and recognized concerns expressed tonight were valid. He was comfortable that compromise seemed possible but questioned if the board should proceed tonight lacking a well thought out list of stipulations/conditions which was reflective of said compromise. He could not support the proposal lacking such modification.

Comm. Burroughs, taking all concerns to heart, felt the plan was not as well defined as could be hoped for given the evolving spirit of compromise. Hoback River, Density, Dry Camping issue, suggested a better plan was required. She suggested tabling the matter and revisiting it with a better defined plan might be looked upon favorably.

Comm. Greenhalgh inquired of Ian Schroth if tabling was possible. Mr. Schroth indicated time concerns in hopes of garnering some summer business, but expressed willingness to table the matter.

Action #4:

Comm. Burroughs made a motion to table the applicant's request. Comm. Lacinak seconded the motion. Motion carried 5/0

Agenda Item #3.

After a short recess Chairman Greenhalgh reconvened the meeting and introduced the last item. He inquired of the board members if any comments were desired. Comm. Burroughs expressed doubts on the appropriateness of the proposed noticing requirements and suggested 1,000 ft radius. Planners Fornstrom and Huston spoke to the benefits of adjacent neighbor noticing and the disadvantages of radius noticing. Some further discussion ensued. Comm. Marincic recommended editing to correct some redundancies noted in the application process vis a vis the operational standards.

Chairman Greenhalgh invited public comment. Holly Roberts inquired as to the nature of the substantial differences between short and long-term rentals and STR use in commercial zones. Noise guidelines were discussed and quiet hours were noted. It was noted to strike "Weekly" from the trash collection language.

Holly Roberts sought clarification regarding the enforcement of the STR requirements and her general angst with regulations in general. Several comments were laudatory of County's STR resolution process.

Ken Marincic made a motion to recommend adoption of the STR resolution to the County Commissioners noting an effective date of August 1, 2021, and with the striking of the word weekly and capitalization of the word Trash .

Pat Burroughs seconded the motion. The motion passed unanimously, 5/0.

There being no other business, Chairman Greenhalgh adjourned the meeting at 10:15 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.

