
PLANNING AND ZONING COMMISSION
Sublette County Official Minutes

Pinedale, Wyoming
May 16, 2013

The regularly scheduled meeting of the Sublette County Planning and Zoning Commission was held in the Commissioners Meeting Room at the County Courthouse in Pinedale on this date. Commission members present were Chairman Dave Harper, Commissioners Dennis Seipp, Tim Thompson, Shelly Gregory and Tom Noble. County Planning Director Bart Myers, Associate Planner EJ Leniger and Deputy County and Prosecuting Attorney Matt Gaffney were present to represent the Planning Department.

Chairman Harper called the meeting to order at 6:30 p.m. and explained the rules of procedure governing the meeting to the public.

Chairman Harper asked if the Commissioners present at the February 2013 meeting had a chance to review the minutes. Commissioners Gregory and Seipp responded that they had reviewed the minutes. Chairman Harper called for a motion to approve the February 2013 meeting minutes. Commissioner Gregory offered a motion to approve the February 2013 minutes as presented, with the motion seconded by Commissioner Seipp. Chairman Harper called for a vote on the motion to approve the February 2013 minutes, with the motion being approved on a vote of 3-0 (Harper, Seipp and Gregory – aye). Chairman Harper then asked if the Commissioners present at the April 2013 meeting had reviewed the minutes. Commissioners Seipp and Noble responded that they had reviewed the minutes. Chairman Harper asked that the section of the minutes addressing the special events amendment be reworded to reflect that the entire Commission was not present at the meeting. Chairman Harper called for a motion to approve the April 2013 meeting minutes. Commissioner Seipp offered a motion to approve the April 2013 meeting minutes with the amendment offered by Chairman Harper, with the motion seconded by Commissioner Noble. Chairman Harper called for a vote on the motion to approve the April 2013 minutes, with the motion being approved on a vote of 3-0 (Harper, Seipp and Noble – aye).

In accordance with the legal published in the Pinedale Roundup a public hearing was held for the following application(s):

AGENDA

NEW BUSINESS

1. Request for Minor Subdivision approval, pursuant to Chapter 15 of the Sublette County Zoning and Development Regulations, entitled Minor Subdivision; Gil Winters, applicant. The application for Minor Subdivision proposes the creation of a 1.3 acre lot and a 2 acre lot from a 3.3 acre parcel. The 1.3 acre lot proposed is within the General Commercial zoning district and the 2 acre lot is within the Rural Residential zoning district, with the remainder of the parcel being within the Agricultural zoning district. The parcel subject to the application for Minor Subdivision is located in Section 5, Township 33N, Range 109W; generally described as Lot 1 of the Bloom Lot Division and being located at 10101 U.S. Highway 191.

County Planning Director Myers gave an overview of the proposed minor subdivision. Chairman Harper asked Myers to show the easements and well location on the plat.

Chairman Harper invited the applicant to speak, with Skylar Wilson of Wilson Land Surveying responding that he represented Mr. Winters. Mr. Wilson explained the parking provided in relationship to the lot line and briefly discussed the shared well.

Chairman Harper then opened the application to public comment, with none being offered.

Chairman Harper closed the public comment and asked for Commissioner comments, with all five commissioners expressing their support for the minor subdivision.

With no further discussion Chairman Harper asked for a motion on the Winters Minor Subdivision. Commissioner Thompson offered a motion to recommend approval of the proposed minor subdivision, as recommended by staff. Commissioner Gregory seconded the motion. Chairman Harper then called for a vote on the motion to recommend approval. The motion carried on a vote of 5-0 (Harper, Thompson, Gregory, Noble and Seipp - aye).

2. Request for Conditional Use approval for a landing strip, pursuant to Chapter V of the Sublette County Zoning and Development Regulations, entitled Conditional Uses, by David Carl Goodwin IV, and Sandra L Simpson. The application is proposing a landing strip in the agricultural zoning district. The parcel subject to conditional use is located in Township 31N, Range 106W, Section 17, more commonly known as 96 East Fork Big Sandy County Road 23-133, Boulder, Wyoming.

Associate Planner EJ Leniger gave an overview of the proposed conditional use application. Commissioner Noble asked whether there was a time limit on the landing strip, Associate Planner Leniger responded that staff had not placed a recommended condition of a time limit in the staff report, but if the Planning Commission was interested in doing so they had the option of recommending one. Chairman Harper asked if there was a basis for limiting the number of maximum allowed landings per year. Staff responded that in reviewing other conditional use approvals for landing strips within the County that a maximum number of landings was a standard condition and that Mr. Goodwin did not think that he would exceed the 60 per year that staff had recommended.

With no further questions of staff Chairman Harper invited the applicant to speak. David Goodwin stated that he was in agreement with all of the conditions that staff was recommending but would like to see no limit in the number of landings even though he felt that there would never be more than 60 landings per year. Mr. Goodwin also explained the 7480-1 form that he would be required to submit to the FAA.

With no questions of the applicant Chairman Harper opened the application to public comment. Skylar Wilson commented that the location of the proposed landing strip is ideal and that he felt 60 landings per year should be more of a guideline than an absolute.

With no further public comment Chairman Harper asked for Commissioner comments, with all five commissioners agreeing that that the condition on the number of landings should be modified to state approximately 60 landings per year, and to add an additional condition requiring a County Commissioner review after a 10 year period.

With no further discussion Chairman Harper asked for a motion on the Goodwin/Simpson Conditional Use for a landing strip. Commissioner Seipp offered a motion to recommend approval of the proposed conditional use for a landing strip as recommended by staff, modifying the staff recommended condition number 3 to state: Approximately 60 landings per year shall be allowed; and adding condition number 5 stating: The Board of County Commissioners shall review the landing strip Conditional Use Permit 10 years from the date of approval. Commissioner Noble seconded the motion. Chairman Harper then called for a vote on the motion to recommend approval. The motion carried on a vote of 5-0.

3. Request for Conditional Use approval for temporary storage of heavy equipment, pursuant to Chapter V of the Sublette County Zoning and Development Regulations, entitled Conditional Uses, by Mary Kay Jensen, Trustee. The application is for storage of heavy equipment related to natural gas extraction on a 40 acre parcel in the Agricultural zoning district. The Parcel(s) subject to Conditional Use are located in Township 31N Range 108W, Section 7, and Township 31N Range 109W, Section 10.

Associate Planner EJ Leniger gave an overview of the proposed conditional use application. Stating that as this application was a renewal of an existing conditional use that there were slight changes in the conditions that were in

existence on the current permit. The first change was that the conditional use would be for an area of 20 acres versus the originally approved 40 acres as the applicant has no desire to expand the existing area, and secondly that the permit be approved for a period of 10 years versus the standard 5 years as the use is obviously needed. Commissioner Gregory questioned staff whether it would be prudent to simply change the zoning in this location to Industrial, with Associate Planner Leniger responding that it would be very difficult to justify a zone change as there is no industrial zoning surrounding and in fifty years the use may not be needed.

With no further questions of staff, Chairman Harper invited the applicant to speak. Mary Kay Jensen stated that staff had explained the application well, and that the area had been utilized for a long period of time.

Chairman Harper opened the application to public comment. Skylar Wilson stated that he felt that the location of temporary storage was appropriate, but questioned whether 20 acres of area was enough as the gas field could potentially boom again. Chairman Harper asked the applicant if she felt 20 acres was enough space and whether she had any intentions of expanding the yard. Mary Kay Jensen responded that the existing yard was sufficient for their needs and there were no plans of expansion beyond the existing area.

With no further public comment Chairman Harper asked for commissioner comments with all five commissioners agreeing the application was appropriate but to modify condition number 2 to state: The conditional use shall be reviewed by the Board of County Commissioners in a period of 10 years from the date of approval, versus having the permit expire in a period of 10 years.

With no further discussion Chairman Harper called for a motion on the proposed conditional use for temporary storage of heavy equipment. Commissioner Gregory offered a motion to recommend approval of the conditional use modifying the staff recommended condition number 2 to state: The conditional use shall be reviewed by the Board of County Commissioners 10 years from the date of approval. Commissioner Thompson seconded the motion. Chairman Harper then called for a vote on the motion to recommend approval. The motion carried on a vote of 5-0.

OLD BUSINESS

1. Pursuant to Article VIII, Section 1 of the Sublette County Zoning and Development Regulations, entitled Administration; the Sublette County Planning Department proposes the following amendment to the Sublette County Zoning and Development Regulations:

Amendment to the language contained in the Sublette County Zoning and Development Regulations to allow special events as conditional uses in the Agricultural, General Commercial, Highway Commercial and Recreational Service zoning districts. The amendment would apply on a County wide basis.

Planning Director Myers gave an overview of the proposed amendment and explained the involvement and changes resulting from discussions with Sheriff Lankford at the February and April Planning Commission meetings. The Commission and staff discussed the change from 300 to 1,000 for the number of attendees to reach the threshold for a conditional use. Commissioners Thompson and Gregory did not agree with increasing the threshold to 1,000. Chairman Harper and Planning Director Myers explained that the increase was a direct result of input from Sheriff Lankford.

Chairman Harper then opened the application to public comment, with Skylar Wilson questioning the need for the amendment. Planning Director Myers explained that request for special type events on private property are often received and the amendment is directed towards giving the Sheriff's Department and various emergency services providers and opportunity to review and be involved in such events. There was no other public comment offered.

Chairman Harper closed the public comment and asked for Commissioner comment. Commissioners Thompson and Gregory stated that they could not support changes to the amendment. Chairman Harper again explained that the changes were a result of discussions with Sheriff Lankford at past meeting(s).

With no further discussion Chairman Harper asked for a motion on the special events amendment. Commissioner Seipp offered a motion to recommend approval of the proposed special events amendment, as recommended by staff. Chairman Harper seconded the motion. Chairman Harper then called for a vote on the motion to recommend approval. The motion carried on a vote of 3-2 (Harper, Noble and Seipp – aye / Thompson and Gregory - nay).

Chairman Harper asked if there were any matters for discussion from the public. There were no matters for discussion raised by the public.

Chairman Harper next opened the meeting to matters from the Commission and staff. Planning Director Myers and the Planning Commission discussed amending the County regulations with respect to gravel operations, specifically small and large mines. Myers had prepared a list of potential areas that could be regulated by the County, with that list being discussed by staff and the Commission. The Commission expressed some concern over requiring wheel washing and portable toilets, as these matters could be covered by the State Mine Safety division. Deputy County Attorney Gaffney discussed the County’s authority to regulate mining operations and associated case law. The Commission agreed that Commissioner Noble should meet with Myers and Gaffney, as Commissioner Noble has experience and knowledge of gravel operations.

Chairman Harper asked for public comment regarding the County potentially adopting gravel regulations for small and large mines. Skylar Wilson stated that staff had not mentioned that 10-acre exemptions were going to 15 acres with the passage of recent legislation. Myers and Gaffney responded that the Commission was aware of the change. Mr. Wilson questioned why further regulation was being looked at now and asked Myers to address asphalt plants. Myers explained that a recent application for a 10-acre exemption raised the issue of County regulation of small and large mines and the County Commissioners directed the Planning Commission and staff to pursue an amendment directed towards the County adopting regulations for mining operations. Myers addressed asphalt plants by pointing out that the regulations currently only allow asphalt plants in the industrial zoning districts and that every time an asphalt plat is placed in a gravel pit it violates the Zoning and Development Regulations. Myers explained that any amendment should address allowing asphalt plants in conjunction with gravel operations.

With no further discussion the Commission expressed their unanimous support for Planning Director Myers and Deputy County Attorney Gaffney to meet with Commissioner Noble in order to look at potential areas that should be subject to County regulation of small and large mines and to report back to the Planning Commission at a future meeting.

With no further agenda items or matter from the public, the Commission or staff Chairman Harper adjourned the meeting at 7:43 PM.

PLANNING AND ZONING COMMISSION
SUBLETTE COUNTY, WYOMING

Dave Harper Chairman

Attest:

Bart R. Myers, Sublette County Planning Director