
PLANNING AND ZONING COMMISSION
Sublette County Official Minutes

Pinedale, Wyoming
June 18, 2015

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 Seipp, Vice-Chair Tom Noble, Commissioners Andrew Mackenzie, Blake Greenhalgh and Jim Huntley. Planning Director Bart Myers and Deputy County and Prosecuting Attorney Matt Gaffney were present to represent the Planning Department.

Chairman Seipp called the meeting to order at 6:00 PM. The first order of business was approval of the minutes from the May 21, 2015 meetings. Chairman Seipp asked for Commissioner comments or corrections with none being offered. Commissioner Huntley offered a motion to approve the minutes as presented by staff Vice-Chairman Noble seconded the motion, with the motion to recommend approval of the minutes passed on a vote of 5-0. Chairman Seipp asked Planning Director Myers to proceed with the items on the agenda for the meeting.

In accordance with the legal published in the Pinedale Roundup on May 15, 2015 a public hearing was held for the following application(s):

AGENDA

NEW BUSINESS

1. Request for Variance approval, pursuant to Chapter III, Section 9 of the Sublette County Zoning and Development Regulations, entitled Variances; David Petrie applicant. The application proposes a variance to the standards found in Chapter VII, Section 3 of the Sublette County Zoning and Development Regulations, which allow for a 20% expansion of non-conforming structures. The variance proposed by Mr. Petrie is to allow a 512 square foot addition to an existing 789 square foot residential structure. The existing residential structure is non-conforming with respect to the side yard setback requirement. While the proposed addition will exceed the 20% expansion allowed, the addition itself will comply with all setback requirements. The parcel subject to the variance application is located in Section 27, Township 34N, Range 109W; generally described as 27 Riverside Subdivision County Road 23-101.

Planning Director Myers explained the proposed variance application and reasoning behind the staff recommendation for approval. Vice-Chairman Noble commented that because the proposed addition meets all setback requirements there is no harm associated with the proposal. Commissioner Greenhalgh asked Myers if there have been any neighbor comments regarding the variance. Myers answered that two neighboring property owners had been in contact with the Planning Department and that both were supportive of the requested variance.

Chairman Seipp asked the applicant if he would like to address the Planning Commission. Mr. Bullock thanked the Planning Commission and Planning Director Myers for variance, with none being offered.

With no further discussion, Vice-Chair Noble offered a motion to recommend **approval** of the variance as recommended by staff. Commissioner Huntley seconded the motion. Chairman Seipp called for a vote on the motion to approve the variance, with the motion adopted on a vote of 5-0.

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

CHAPTER I – GENERAL

Section 6. Definitions.

Asphalt hot mix plant. A plant used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

CHAPTER II - ZONING DISTRICTS

Section 3. Authorized Uses.

- b. In the Agricultural District (A-1):
 - (5) Asphalt hot mix plants which are temporary in nature and linked to a specific public project, in accordance with Chapter III, Development Standards, Section 44 of the Zoning and Development Regulations. A public project shall be defined as a County, State, Federal or Municipal funded road project.
 - (6) Conditional Uses:
 - (p) Asphalt hot mix plants, which are not temporary in nature or linked to a specific public project.
- l. In the Light Industrial District (I-L):
 - (13) Asphalt hot mix plants.
- m. In the Heavy Industrial District (I-H):
 - (20) Asphalt hot mix plants.

CHAPTER III – DEVELOPMENT STANDARDS

Section 44. Asphalt Hot Mix Plants. Asphalt hot mix plants in the Agricultural (A-1) zoning district shall be subject to the following standards:

- a. Operation of temporary hot mix plants linked to a specific public project shall not be allowed for more than 120 days duration.
- b. Asphalt hot mix plants in the Agricultural (A-1) zoning district shall be allowed to operate in conjunction with an existing and permitted small or large mining operation.
- c. The hours of operation for asphalt hot mix plants within the Agricultural (A-1) zoning district shall be M-S 7 a.m. to 5 p.m.
- d. Prior to operation hot mix plants shall be permitted by the applicable divisions of the Wyoming Department of Environmental Quality. Copies of applicable Department of Environmental Quality permit(s) shall be provided to the Sublette County Planning and Zoning Department.
- e. The Planning and Zoning Administrator may grant exceptions to the standards and regulations contained in this Section in order to provide flexibility to the application of these standards and regulations where exceptions do not materially compromise public health, safety or welfare. In granting an exception the Planning and Zoning Administrator will consider the following criteria:
 - 1. Impacts to neighboring property owners; and
 - 2. Duration of the exception sought; and
 - 3. Effect on traffic; and
 - 4. Consequence of not granting the exception to the project.

The proposed amendment(s) would apply on a County wide basis.

Planning director Myers presented the amendment, explaining that the regulations currently only allow for asphalt hot mix plants in the industrial zoning districts. Myers further explained that as a matter of practice hot mix

plants are setup in existing gravel pits, which violates the Zoning and Development Regulations. Myers discussed the public nature of projects in Sublette County. Myers and Deputy County Attorney Gaffney reviewed the Swift vs. Sublette County case, which dealt with concrete batch plants, but is similar to asphalt in that the regulations did not allow concrete batch plants. There were no questions for staff.

Chairman Seipp asked for public comment. Skylar Wilson offered that he is not as concerned about the regulations not addressing asphalt plants as Planning Director Myers. Mr. Wilson questioned the restriction on public vs. private projects and stated that he could easily envision a scenario where homeowners would want the contractor on a public project to pave their driveway. Commissioner Greenhalgh asked Myers about the reasoning for separating private vs. public projects. Myers explained that there is not a huge demand for asphalt for private projects in Sublette County, with almost all the demand for asphalt generated by public road projects. Myers also discussed the asphalt plant operated by Teletractors, which can and does provide asphalt for private projects. Mr. Wilson reiterated his belief that the current practice of asphalt plants operating in gravel pits is not an issue and the amendment is not necessary. Myers responded by stating that no one thought concrete batch plants were an issue, until the County was challenged and lost. There was no additional public comment.

Chairman Seipp asked for Commissioner comments. Commissioner Huntley said that he believes the County has jurisdiction over asphalt plants and he would liken the amendment to any other County regulation. Commissioner Huntley concluded by stating that he feels the amendment is necessary and he supports the proposal. Commissioner Mackenzie said he believes the amendment makes the current practice of asphalt plants in gravel pits legal, which is a good thing. Commissioner Mackenzie said he does not see a huge need for asphalt for private projects. Commissioner Noble said he believes the proposed amendment is solving issues, rather than creating problems. Commissioner Noble pointed out that contractors on public projects are not going to care about the work associated with private projects and are not going to pull off a road project to pave a driveway. Commissioner Greenhalgh commented that he supports the amendment and believes the distinction between public and private projects is necessary. Commissioner Greenhalgh continued by stating that should someone wish to set up an asphalt plant for private projects in an existing gravel pit they will be able to do so under the proposed amendment as a conditional use. Chairman Seipp concluded the discussion by stating that overall the amendment solves more problems than it creates and that Teletractors has been and will continue to provide asphalt for private paving projects.

With no further discussion Commissioner Greenhalgh offered a motion to accept the amendment as presented by staff and recommend approval. Commissioner Mackenzie seconded the motion. Chairman Seipp called for a vote on the motion to recommend approval of the proposed amendments, with the motion being adopted on a vote of 5-0.

With no further agenda items, Chairman Seipp asked if there were any matters from the public, the Commission or staff. Commissioner Noble asked if the Planning Commission was happy with the start time of 6 PM or wanted to consider bumping the time back. The four other Planning Commissioners indicated they were happy with the 6 pm start time. With no additional matters, Chairman Seipp adjourned the meeting at 6:30 PM.

PLANNING AND ZONING COMMISSION
SUBLETTE COUNTY, WYOMING

Dennis Seipp, Chairman

Attest:

Bart R. Myers, Sublette County Planning Director