
PLANNING AND ZONING COMMISSION
Sublette County Official Minutes

Pinedale, Wyoming
March 18, 2010

The regular meeting of the Sublette County Planning and Zoning Board was held at the Sublette County Courthouse on this date. Board members present were Chairman Albert Sommers, Tim Thompson, Carmel Kail, Dennis Seipp, Sr., and David Harper. County Planner, Bart Myers, Associate Planner, E.J. Vestal, and Administrative Assistant, Betty Golden were in attendance to represent the office. An attached roster lists the names of those in attendance for the public meeting.

Chairman Sommers called the meeting to order at 6:30 p.m. and explained the rules of engagement to the public. Commissioner Kail made a motion to approve the minutes of the March 18, 2010 meeting as submitted and Commissioner Seipp seconded.

In accordance with the legal published in the Pinedale Roundup on February 12, 2010 public hearing was held for the following applications:

AGENDA

1. Request for Minor Subdivision approval, pursuant to Chapter VI of the Sublette County Subdivision Resolution, entitled Minor Subdivision. The application for minor subdivision proposes the division of a 23.16 acre lot into an 18 and 5.16 acre lot within the Light Industrial zoning district (2 acre minimum lot size). Glen Alderman is the landowner and applicant. The Alderman parcel subject to the application for a minor subdivision is located in Sections 30 and 31; Township 33N; Range 108W; generally described as 9325 U.S. Highway 191 and being located immediately south of the Pinedale Airport.

Mike Jackson, Rio Verde Engineering, represented the application.

Bart Myers, Planner, presented a detailed explanation of the application and discussed the reasoning for the staff recommended conditions of approval. After the staff presentation, Commissioner Harper asked how long the junk and vehicles had been on the property and if the use was grand fathered. Staff explained that the use does not appear to be grand fathered as historical aerial photography from 1994 does not show anywhere near the amount of materials currently stored on the property. Staff pointed out that even if it were established that the use was grand fathered, expansion of that use would not be allowed and a huge expansion has occurred. Commissioner Seipp asked for clarification of the alleged violation on the property. Staff explained that the current use most definitely meets the definition of a junkyard and the Zoning and Development Regulations provide specific standards for the operation of a junkyard. Staff showed photographs depicting the condition of the property. Staff further explained that the salvage/junk yard standards provide for screening and a 1,000 foot setback from the highway, with it being impossible to meet the 1,000 setback given the size of the property. Commissioner Kail asked about the landscaping/screening requirement. Staff explained that for this proposal screening and landscaping should be in the form of a fence and shrubs, as trees could be a problem given the proximity of the airport and runway. Commissioner Thompson asked about any airport or FAA regulations. Staff explained that the recommended conditions addressing future building permit applications and lighting are a direct result of coordination with the Airport Board. Staff also discussed the section of the Zoning and Development Regulations addressing the airport safety zone. Chairman Sommers then discussed past efforts to establish an overlay district around the airport and why that effort failed. Chairman Sommers pointed out that the current regulation dealing with the airport safety zone was adopted after the overlay zone effort failed. Commissioner Thompson then asked about the fence at the airport property. Staff used the County GIS to show the airport property boundary/fence and the access road to serve both lots proposed by Mr. Alderman. There were no other questions of staff.

Mike Jackson indicated that if required, Mr. Alderman would remove the junked cars and materials off the property, as Mr. Alderman is not interested in screening and fulfilling the other requirements for the operation of a junkyard. Mr. Jackson indicated that if the staff recommended condition requiring removal of junk vehicles and materials were imposed Mr. Alderman would comply. Commissioner Kail asked Mr. Jackson about drainage patterns for the property. Mr. Jackson showed the high areas and explained that most runoff water flowed to the east. There were no other questions of Mr. Jackson.

Public Comment:

Jim Parker, Pinedale Airport Board Manager, commented that it was understood that the Airport Board has no authority beyond the airport property. Mr. Parker continued by stating the Airport Board is not opposed to the change of zoning, as long as the change does not restrict existing operations at the airport or future development plans. Mr. Parker expressed support for the staff recommended conditions, which would address FAA requirements related to the construction of new structures in the vicinity of the airport. Mr. Parker explained that the FAA required completion of a form prior to new construction occurring and that FAA review/approval process normally takes 4 to 6 weeks.

No additional public comment was offered.

Commissioners' Discussion:

Commission Thompson asked staff about the condition related to exterior lighting and if the height limit would apply to lights on structures. Commission Thompson used the existing Quonset hut as an example, as the height of the hut is greater than 12 feet. Staff explained that the condition would apply to all exterior lighting, including exterior lighting attached to structures. Commissioner Thompson stated that he did not like the lighting condition.

Commissioner Kail said she was OK with this proposal, but was not sure the condition related to the junkyard and removal of junk vehicles and materials was needed; because the cars and junk cannot be seen from the highway she does not care or think this is an issue.

Commissioner Seipp said he had no problems with this application and that it seemed like a win for everyone. Commissioner Seipp stated that the property does have a lot of junk and cleaning up the property is a good thing.

Commissioner Harper stated that the conditions addressing aviation hazards concern him. Commissioner Harper said he is a supporter of property rights and is concerned that the conditions are unjustly impacting Mr. Alderman. Commissioner Harper continued by saying the airport has the ability to control development around the airport with the purchase of easements from private landowners. Commissioner Harper said that by imposing conditions and limiting property rights the County is engaging in a taking of those property rights. Commissioner Harper continued by stating he believes it is wrong to set the precedent of taking away property rights without first purchasing those rights and that an easement from private property owners should be required prior to taking away property rights. Commissioner Harper said he understood the need to address and mitigate potential hazards to operation of the airport, which is what the staff recommended conditions are accomplishing. Commissioner Harper concluded by saying any attempt to mitigate hazards should be done without taking property rights. Commissioner Harper said he supports the good neighbor approach and consulting with the Airport Board, provided such an approach does not involve a taking of property rights.

Chairman Sommers said he supported this application and the staff recommended conditions. Chairman Sommers pointed out that this airport is vitally important to this County and the County needs to be responsible for ensuring development around the airport does not impact operation of the airport. Chairman Sommers stated that he believes the staff recommended conditions are justifiable.

Commissioner Seipp moved the Planning and Zoning Board make a recommendation to the Board of Sublette County Commissioners to approve the Alderman Minor Subdivision application with the staff recommended conditions. **Commissioner Kail seconded** the motion. **The motion carried 5/0.**

2. Request for Change of Zoning District Boundary approval, pursuant to Chapter VIII, Section 2 of the Sublette County Zoning and Development Regulations, entitled Administration; Brad and Karen Stepp, applicants. The application proposes a change of zoning district boundary for 20 acres of a 40 acre parcel from Agricultural zoning to Highway Commercial zoning. With the change of zoning to Highway Commercial, the applicants are proposing the construction and operation of an equestrian facility. The facility will include a 150' x 300' (45,000 square foot) riding/roping arena. The arena would be used commercially for persons desiring an indoor riding facility and for equestrian events and clinics. The arena will contain bathroom facilities and a kitchen to provide meal service for on-site events. In addition, the proposed facility would provide boarding for horses. The application is also proposing overnight "trailer camping" for participants in events held at the facility. The Stepp parcel subject to the proposed change of zoning district boundary is located in Section 32, Township 33N, Range 108W; generally

described as 9123 Highway 191 and being located on the south side of Highway 191, across from Meadow Lark Lane, approximately 7 miles south of the Pinedale town boundary.

Brad and Karen Stepp represented their application for change of zoning district boundary.

Myers explained the application and discussed the staff recommended conditions of approval. After the staff presentation Commissioner Harper asked if the additional letter received recently was in support of the proposal. Staff responded that the letter was in support and Chairman Sommers said he would read the letter after public comment was taken. Commissioner Kail asked about similar facilities within the County and what the zoning was for those facilities. Staff discussed other indoor arenas around the County which are within the Agricultural zoning district. Staff explained that while this proposal is for an indoor arena it is clearly intended as a commercial use, as users will pay in order to utilize the facility and the intent of the applicant is to profit from the operation of the facility. Staff stated that none of the other facilities appear to be operated as commercial facilities and are not similar to what the Stepps are proposing in this application. There was then a general discussion of other arenas, including the County fairgrounds. Staff pointed out that the fairgrounds is a public facility and clearly different from this proposal. Staff discussed the other privately owned facilities and how if those facilities were being operated in a manner similar to what the Stepps are proposing it would be in violation of the Zoning and Development Regulations. There were no other questions of staff.

Brad Stepp then addressed the Commission, stating that there is a need for this facility in northern Sublette County and this arena would eliminate the need for travel to the arena in Big Piney. Mr. Stepp said he did not expect this facility to compete with Big Piney, but it would provide a local facility which would be open to anyone wanting to use the arena. Commissioner Seipp asked about manure generated by the facility. Mr. Stepp explained his intent to mix the manure with soil for compost. Staff discussed the need for a Storm Water Pollution Prevention Plan from the Department of Environmental Quality, which would address potential run-off/contamination issues associated with the manure. There were no further questions for Mr. Stepp.

Public Comments:

Konra Williams said that her family members are neighbors of the Stepp's and this proposal would provide a great venue. Mrs. Williams continued by stating the Stepp's are great neighbors and she hopes this is approved.

Ted Reinwald stated his support for the proposal; saying that a private arena, not funded by taxpayers is a benefit to the community. Mr. Reinwald concluded by saying such a facility in northern Sublette County is long overdue.

Twillia Butner said this facility has been needed for years and will be a real asset to the County. Mrs. Butner said she hopes this facility is approved, as it will give local kids something to do.

Lynn Bernard began by stating that he served on the Planning Commission 15 years ago and wanted to complement the Planning Commission on the tremendous progress made over the years. Mr. Bernard commented that he has represented this application for the Stepp's and throughout this entire process planning staff has been very professional and helpful. Mr. Bernard pointed out that this is not some isolated parcel and as pointed out by staff this property is along a major highway in an intensely developed area, with commercial and industrial development on both sides.

Rex Hamner stated that he is the Ag teacher at the high school and fully supports this proposal. Mr. Abner said when the Pinedale FFA needs such a facility they must travel to Big Piney and with this facility they can have shows and events in the dead of winter. Mr. Abner concluded by saying this proposal will be great for the areas youth, for jobs and for merchants in town.

Bill Mayo expressed his support by stating this is a wonderful opportunity for a great facility.

Andy Nelson said he supports this proposal and thanked staff and the Planning Commission for their work on this application.

With no additional public comment being offered Chairman Sommers read a letter from Bob and Carolyn Bing in support of this proposal.

Commissioners' Discussion:

Commissioner Kail said she had a problem with the change of zoning application. Commissioner Kail said there is no development on this side of the highway and she feels this is spot zoning. Commissioner Kail continued by saying we are not making a decision on the facility, we are deciding a zone change to commercial. Commissioner Kail said there is nothing in the regulations about such a facility and she feels we should just leave the zoning Agricultural and approve this use as an outfitter/dude ranch, which would still require board approval while leaving the zoning Agricultural. Staff pointed out that the proposed facility is most definitely defined by the Zoning and Development Regulations as a recreational use, which is only allowed in the Highway Commercial zoning district. Staff stated that we are going down a slippery slope if we try to define a use as something that it is not. Staff concluded by saying that when an applicant or potential applicant first contacts staff about a specific proposal it is our job to determine what the use is and where it is allowed, not to try and pound a square peg into a round hole.

Commissioner Seipp said he agrees with the people who spoke in support of this proposal and that the facility is needed. Commissioner Seipp said that Commissioner Kail has a good point about the zoning, but he will support this proposal.

Commissioner Harper stated that he supports this application and does not agree with Commissioner Kail. Commissioner Harper said the area around the airport and Highway 191 is not going to stay agricultural forever and that commercial and industrial is appropriate for this area/location.

Chairman Sommers said he has concerns about the change of zoning, not with this use. Chairman Sommers said that while this use may fit and be appropriate, other commercial uses may not.

Commissioner Thompson said he was concerned about there being enough hook ups for persons attending high school rodeos or roping events and staying overnight. Commissioner Thompson asked Mr. Stepp if he was sure there were enough hook ups. Mr. Stepp said in certain situations and for certain events there could probably never be enough hook ups, but he was satisfied with the number provided and if they run out of hook ups and space, then they run out.

Chairman Sommers moved the Planning and Zoning Board recommend to the Board of Sublette County Commissioners approval of the request for zone change district boundary with the staff recommended conditions, plus an additional condition limiting the uses allowed to the equestrian facility proposed in this application. **Commissioner Seipp seconded** the motion. Commissioner Harper said he does not agree with the third condition, limiting the use. Commissioner Harper stated commercial zoning is appropriate for this location and this applicant should not be restricted to only the one use proposed. Chairman Sommers said we have imposed similar conditions in the past and if the use changes additional approval should be required. With no further discussion, Chairman Sommers motion to recommend approval, with three conditions, was called to a vote. **The motion carried 5/0.**

3. Request for Change of Zoning District Boundary approval, pursuant to Chapter VIII, Section 2 of the Sublette County Zoning and Development Regulations, entitled Administration; Brad Haslem Investments LLC, applicant. The application proposes a change of zoning district boundary for 10 acres of a 25 acre parcel from Rural Residential 10 zoning to Light Industrial zoning. With the change of zoning to Light Industrial the applicant is proposing the operation of an electrical contracting business from the property. With the requested change of zoning, operation of the proposed electrical contracting business will include the construction of an office building and outdoor storage yard. The Haslem parcel subject to the proposed change of zoning district boundary is located in Section 26, Township 33N, Range 109W; generally described as 51 Runway Lane and being located adjacent to the south/west boundary of the Pinedale Airport, approximately 4.5 miles south of the Pinedale town boundary.

The Haslem zone change application was not represented.

Myers pointed out that the applicant was notified of tonight's hearing and indicated that a representative of the company would attend, however a company representative was not present. The Planning Commission discussed what approach should be taken with the applicant not being present, with the Planning Commission indicating it would be proper to table the application. Chairman Sommers asked staff to go ahead and explain the proposal, even though the applicant was not present. Staff provided a detailed explanation of the application and discussed the staff recommended conditions of approval.

After the staff presentation Chairman Sommers asked staff to identify owners of neighboring properties, which was done using the County GIS. Commissioner Seipp asked what materials would be stored in the outdoor storage yard. Staff explained materials related to electrical installation/repair and equipment were proposed for the storage area. Commissioner Seipp asked about transformers, as larger transformers can pose a hazard. Staff was unsure if transformers would be stored on the property. Chairman Sommers asked about slopes and staff used the County GIS and photographs to show the topography of the site. While looking at the photography of the site, Jim Parker, Airport Board Manager, pointed out the game proof fence surrounding the airport and the actual fence delineating the airport property. Commissioner Kail asked about the storage of flammable or toxic materials, as she is not clear if this proposal is for the storage of such materials. Staff explained that the storage of hazardous materials was not proposed, including hydrocarbons such as gas or diesel fuel. There were no other questions of staff.

Public Comments:

Jim Parker said the same concerns discussed with the Alderman application applied to this proposal and that the Airport Board supported the staff recommended conditions.

Stan Zierlein of the County Fire Board stated he shared Commissioner Seipp’s concerns over transformers. Mr. Zierlein also commented that if the applicant cannot bother to be here this application should be tabled.

Commissioners’ Discussion:

Commissioner Seipp stated that he had a problem with the applicant not being present and feels this application should be tabled.

Commissioner Harper said he had the same issues with this application as with Alderman, in that we are taking away property rights by imposing conditions limiting development of the property. Commissioner Harper stated he supports the good neighbor approach and consulting with the Airport Board, provided such an approach does not involve a taking of property rights. Commissioner Harper continued, stating that by taking property rights without first purchasing those rights we are negatively impacting this property owner. Commissioner Kail commented that this is a zone change and the conditions are appropriate. Commissioner Harper restated his belief that without first securing easements to address the taking of property rights we are impacting property owners.

Chairman Sommers read two recently received letters from Mcroft Family Partnership and By The Way 2006 LLC opposing this proposal. Chairman Sommers then commented that he was not willing to support any application when the applicant does not show up, as questions cannot be asked of the applicant.

Commissioners Kail and Thompson had no comments on the application.

Commissioner Kail moved the Planning and Zoning Board to table the application. Commissioner Thompson seconded. The motion carried 5/0.

Other Business:

Myers distributed agenda notices to the Board members for the next meeting in April.

With no further business, Sommers adjourned the meeting at approximately 7:55 p.m.

PLANNING AND ZONING COMMISSION
SUBLETTE COUNTY, WYOMING

Albert Sommers, Chairman

Attest:

Bart R. Myers, Sublette County Planner
Attachment: Attendance roster