

Sublette County, Wyoming  
Planning and Zoning Commission  
Official Minutes

July, 21st, 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 Adrian Kowalski and Commissioners, Blake Greenhalgh, Chris Lacinak, Ken Marincic, Pat Burroughs, and Maike Tan.

Comm. Greenhalgh called the meeting to order at 6:03 pm. With approximately 13 members of the public in attendance.

**First Order of Business:**

Comm. Greenhalgh opened the meeting with a motion by Comm. Burroughs to table agenda item #1 until the next regularly scheduled meeting, seconded by Comm. Tan, and carried 5/0.

Approving the meeting minutes from the June 29<sup>th</sup> meeting was moved to the regularly scheduled meeting in August. No motion made.

The public comment item on the agenda was also moved to the next regularly scheduled meeting as the individuals were not ready to present their regulation amendment to building height. It was not an official agenda item; therefore, no motion was made.

**Agenda Item #1** Regulation discussion:

**Action #1** Tabled until the next meeting.

**Agenda Item #2** An application by Danielle Dover and the Dorothy Noble Trust, dated Aug. 19, 1991, requesting a Change of Zoning District Boundary pursuant to Chapter VIII, Section 2, of the Sublette County Zoning and Development Regulations. This proposed Change of Zoning District Boundary would reclassify 28.47 acres from A-1, Agricultural Zoning to a mixture of (I-L) Light Industrial, (CH-1) Highway Commercial, and (MFR) Multi-Family Residential Zoning.

Mr. Fornstrom opens the discussion with the staff report provided to the board members. Mr. Fornstrom gives location, current zoning, and gives a summation of the uses of the parcel through the years. Discusses road realignment in 1986, and points out WYDOT's location on the map. The parcel has mostly been used for a gravel pit. Mr. Fornstrom reiterates for the board and public the mixed zonings proposed. Mr. Fornstrom identifies points of entry from the respective proposed access roads. Mr. Fornstrom then asks the applicant's representative, Ryan Wells with Jorgenson Engineering if he has comments.

Mr. Wells presents his applicant's development proposal. He comment's this development is at a major thoroughfare in the county with the intersecting highways. He discusses zoning across the HWY at Daniel Junction, which is also mixed with RS-1, CH-1, and I-L. Mr. Wells states the applicant feels this is the best and most efficient use of the property and is fulfilling a need in the community. Mr. Wells has spoken to potential business owners that would be interested in lots through this rezoning. Mr. Wells states there are not many environmental hazards. Mr. Wells then asks if the applicant Ms. Dover would like to speak.

Ms. Dover presents a commercial real estate inventory list to the board members. Build sites are 23, with several in Sand Draw area and in town. The lots in town are limited in use activities. The intent is not to get rich but to fill a need for small business owners. Closed commercial lots are 25, which has driven down inventory. Ms. Dover states the majority of their work is in the northern part of Sublette County or Teton county. Ms. Dover states her company drills water wells. Ms. Dover feels the location is good to meet a need.

Mr. Wells notes the wildlife fencing around the parcel. He also notes that WYODT in granting their access permit may also recommend road upgrades for commercial use/access. At this time, two projected entrances are proposed.

Comm. Lacinak clarifies with Mr. Fornstrom that this meeting is just for the approval of the re-zone not anything regarding the subdivision. Comm. Burroughs also appears to be uncertain about what they are making a recommendation on. Mr. Fornstrom clarifies; Rezone of the proposed acreage amount. The current master plan reflects the acreage in question for rezone, the potential development of lots, and the grouping of lots.

Comm. Greenhalgh asks for public comment:

Tia Leo- opposes the project for a variety of reasons. She is upset not everyone in the entire Daniel community was notified, for reasons that this is a residential area. Current property owners lack rights and would like nothing to be built there. Refers to MFR zoning district as 'low' income housing. Concerned about the speed limit around the junction area and poor design of corner. States that you can put a motel in MFR Zoning. Bedroom community to Jackson and Teton County. Would like all development to be within town limits or as close as possible. Sewer treatment plant? Water pollution to the Green River.

Katie Robertson- has questions about minimum lot sizes for the proposed zones. The biggest concern is the watershed and habitat in this area. Has questions about density.

Tess Soll- clarifies that no motel could be allowed in the MFR Zoning District per the current version of the Sublette County Regulations.

Tia Leo- additional problems include; Zack Roberts property that is A-1. References '10 prime directive'. Continues to reference bedroom community. The need to protect current property owners' rights, P&Z seems to be protecting all new development lately, and people that have paid taxes longer than others need to be considered. Fire exits. References Little Jackson Hole. Can the zoning be reversed? Yes. Has questions regarding restricting what a developer can do. Lights? We do not like apartments. We are residential.

Commission comments:

Comm. Lacinak- feels that this road is really important. High traffic. Esthetic value and economic value to the county. The main concern is, to many zones in one area go against what P&Z does, which is to keep like things together. Refers to the proposal as a 'smattering.'" Does not like I-L on a major thoroughfare. Likes the CH-1.

Comm. Burrough- states proposal looks like a pot of spaghetti, and pieces of spaghetti thrown against the wall, to see what 'sticks'.... personally, would like to see the CH-1, but does not like the mixed zoning, and feels that the plan is bad.

References the property owner across the HWY and speculates regarding what that owner may do with their property. Would feel more comfortable with mostly CH-1, and if the 'employee housing' was referred to as residential (MFR= Residential).

Comm Marincic- states he doesn't see the traffic being backed up onto HWY 191 and is probably a non-issue.

Comm Tan- traffic concerns. Has concerns regarding cohesiveness. Tia makes good points concerning changing the setting of that area. States that the proposal is a 'smattering' of things.

Comm. Greenhalgh- likes the mixed zoning. Thinks Sublette County needs apartments. Some reservations regarding, I-L because of broad 'by-right' uses. Believes the applicant tried to address things Sublette County needs.

Ryan Wells- we did put thought into zones, not an accident. Doesn't find a need for 15 acres for CH-1 in the county. This attempts to address a concern of little housing inventory for employees of small business owners, also considering small businesses need lots to store equipment. Intends to be small lots for small businesses to service people in Sublette County.

Comm. Burroughs- Are you going to be the developer of this? What is your intent? Selling the lots? Ms. Dover responds and states, to sell the lots, and states that she will have strict covenants and her overall goal is to have a nice clean subdivision and not a junkyard.

Public Comment:

Joy w/newspaper- Commuter bus? From Teton County to.....would like an explanation.... (Board conversation amongst each other.) Comm. Greenhalgh states that he found that comment on the application to be something down the road. Mr. Wells responds the main intention is to run small businesses from these lots. Ms. Ufford states 'so this isn't being planned for commuters to Teton County?' Comm. Burroughs states "that is exactly what it said, Joy", Comm. Burroughs then reads an excerpt from the applicant's application. Comm Lacinak then follows up Comm. Burroughs to read the entirety of the passage for clarification. Ms. Ufford asks if there is a plan for this? Ms. Dover responds, 'there has been no talk,' and that this was just a possibility and was offering extra details in the application.

Rick Johnson- are these I-L going to be leased or sold? If the lots are put on the market and sold, how will you control what they are used for" Ms. Dover responds, 'with covenants and specific uses within those', Ms. Dover states she does not want sawmills (for example).

Katie Robertson- She is concerned with the proximity to Jackson and references a development in Jackson she did not support. Overall, comments on Teton county's housing and workforce. Comm. Greenhalgh states he doesn't feel where people work has anything to do with zoning. Comm. Lacinak states we have no tools to regulate that through zoning.

Tesa Manning- Under the current A-1 zoning what other uses are there? Mr. Fornstrom reads the regs of by right & conditional under A-1.

Tia Leo- brings up housing. Ms. Leo references the property owner across the HWY, Daniel Housing, LLC which is the same address as Jackson Hole Ranch (I believe she was referring to Jackson Fork Ranch located in Bondurant). Ms. Leo states that 'we' don't want to support Teton county, we want to support Sublette County. Comm. Greenhalgh states that JFR has nothing to do with this application, Ms. Leo disagrees and feels this application will set a precedent.

Public comment closed.

Comm. Greenhalgh asks each member of the board if they have reviewed all information before them and the 10 factors related to a change in zoning district boundary;

- Comm. Burroughs: Yes
- Comm. Lacinak: Yes
- Comm. Tan: Yes
- Comm. Marincic: Yes
- Comm. Greenhalgh: Yes

Board members provide final thoughts.

**Action #2** Comm Marincic makes a motion to approve the rezoning request as written, Comm Burroughs seconded the motion. The vote was 3/2 to recommend denial.

**Agenda item #3** An application by Jason and Melinda Moyes requesting a Change of Zoning District Boundary pursuant to Chapter VIII, Section 2, of the Sublette County Zoning and Development Regulations. This proposed Change of Zoning District Boundary would reclassify 299 acres from A-1, Agricultural Zoning to (RR-5) Rural Residential 5 Acre, and (RR-10) Rural Residential 10 Acre Zoning. Mr. Fornstrom gives his presentation of the application. States that the one 10-acre lot is located across the HWY in the 'sliver'. Mr. Fornstrom summarizes to the board the history of the area provided in the staff report. States that there have been some boundary adjustments with two property owners and the applicants' agent will discuss that. The preliminary map provided to the board gives a general breakdown of lots but does not represent the final plat map.

Aaron Seehafer presents the application on behalf of the applicant, Jason Moyes. Mr. Seehafer gives an in-depth presentation regarding this re-zone application. Topics addressed in this presentation are:

History of subdivisions in the area of the proposal. Points out some of the highest densities in the county can be found in Green River Ranches. No spot zoning is proposed. Feels the RR-5 fits the area.

The intent of the application is to develop a major 5-acre subdivision. The map currently shows what the maximum lots to be developed could be, about 51. That would be the max. The vision is most likely to have larger lots than the 5-acre minimum.

Apex ditch on the property. Met with Pape Ranches and Vandersloot to figure out an agreeable land swap to keep the Apex ditch on these two ranches. This would protect the local ranchers in the area. Mr. Seehafer provides a visual exhibit for both Pape Ranch and Riverbend Ranch (Vandersloot). Mr. Seehafer goes on to explain in depth, the Apex ditch and the solution with the two neighboring ranches. With a successful re-zone, the applicant would be providing the completed maps and survey conveying the land swap at the next BOCCs meeting.

Mr. Seehafer reiterated the past uses, Ag exclusively, and points out 84 adjudicated waters rights with water coming from the Canyon Canal irrigation system. This is a private irrigation system, not a district i.e., Canyon Canal Co. With these factors and predominantly covered sage brush parcel, he feels that this falls into the Comp plan pertaining to what lands are good to develop. It's not prime or producing A-1 land. Developers' intent is to maintain the water rights on the land and will be shown on the plat map.

#### Board Questions for the Agent and Applicant:

Comm Tan- asks if the RR-10 has been considered. Mr. Moyes states topography on the parcel was the biggest factor when determining the requested zoning. Mr. Moyes points out that the map shows the maximum number of lots that could be there, it most likely will not be the final product and the final maps will likely show lower lot numbers.

Comm Marincic- ask what the best-case scenario would like in regards to number of lots? The worst being 51. Mr. Moyes states that it's difficult to predict for a number of factors. A guess would be 30-40 lots of various sizes.

Comm. Burroughs- asks about covenants for the subdivision. Mr. Moyes states that there will be covenants and gives some examples, specifically to preserve surface ground and accommodate wildlife.

Mr. Seehafer- Sage Grouse Exc. Order that affects private property. Anything that is permitted through the state would trigger that order. Mr. Seehafer then asks Brandon Scurlock to speak and states that this new wildlife order will affect all of Sublette County and future development. Most of the county is within the 4.5-mile radius circles.

Mr. Scurlock- Game and Fish Regional Coordinator. Mr. Scurlock presents on ungulates and the respective corridors and the sage grouse executive order. He gives data and visual exhibits provided by Mr. Seehafer for his presentation.

#### Board Questions:

Comm Lacinak- Do the colors represent each subject animal? Comm Lacinak asks Mr. Scurlock his assessment of what's been presented. Mr. Seehafer asks Mr. Scurlock about areas of use i.e., high, medium, and low use pertaining to this proposal. Exhibit provided by Mr. Seehafer regarding the high density and stop-over area.

Comm. Marincic- will you cluster housing to provide more open space? Mr. Moyes responds with yes, but those things are still being developed, but they have ideas.

Mr. Scurlock- We prevented Sage Grouse from being listed by implementing this Sage Grouse strategy.

Mr. Lacinak- What is the 'bank'? Mr. Scurlock states Pathfinder Ranch receives all the 'credits' from developing in sage grouse areas. One credit = \$6,000. Mr. Scurlock states two ranches in Sublette County are under federal review to be a 'bank'.

#### Public Comment:

Dave Stephens Board of County Commissioner- Mr. Stephens states he is here to support the wildlife. Mr. Stephens gives an oration of his opinion on wildlife moving through this parcel and will be concerned about these corridors till the end. Mr. Stephens is very concerned regarding the wildlife fence needing to be extended. He states that he is not against a subdivision, but he would like the fence extended so the wildlife can get up to the state section. Mr. Stephens states he has no hard feelings, but he will push for the wildlife fencing to be extended or he will be against this till the very end. In conclusion, he states, he will be against this till the very end if a corridor is not made, with extended fencing along the HWY. He states this plan needs to be done in the early stages of development.

Fred Pape- Overall statement was that he was happy to work with the Moyes regarding the Apex ditch, and had an overall good experience working with them.

Tesa Manning- In opposition to the development. Wildlife concerns and the Comp plan, plan reflect serving the best interests of the county residents. Ms. Manning also states the reality is this development will likely serve a lot of Teton County workers and references their housing crisis. Does not think the county regulations should encourage mitigating the problems of other counties. Makes a few statements from the Comp Plan regarding HWY safety, commuting, and another school bus. References vacant land in Pinedale that people should reside on, instead of the far reaches of the county.

Eric Johnson- representing Riverbend Ranches (Frank Vandersloot) comments on the overall good experience the ranch has had working with Jason Moyes.

Mark Anselmi- references the deer migration working group and the results of that, caring for the wildlife. He is opposed to the development and the potential extinction of the wildlife for his grandkids this will bring. Would like it to remain zoned A-1.

Jackie Hillen- comments that her children are adults and looking for places to live in Sublette County. Giving the children the opportunity to live here is the greatest gift.

Rick Johnson- operator of Canyon Canal Co. for 17 years. This is a private canal company. As far as the canal company is concerned dealing with potential land owners on this parcel will not be a problem. We want to keep all the water rights on the canal.

Mr. Johnson would like to now speak as an individual; he states he sees no deer migration at his place, and antelope are a different story. States that, those subdivisions in the 1970s changed the deer migration. What will Mr. Moyes sell his lots for? Mr. Moyes responds that this is undetermined. Mr. Johnson goes into an in-depth market analysis of lot values in subdivisions and affordability.

Jason Moyes- addresses some concerns of the public. There is no property in Sublette County that would be ideal for a large development or would not garner any attention from the public. Mr. Moyes chose this property as it was located to adjacent subdivisions, has HWY access, and has services already provided to the surrounding area. Mr. Moyes stated that he did buy this property with the intent to subdivide. In developing this land, he is engaging these conservation techniques discussed prior. He would like a chance to meet a need in the community and work with stakeholders. Additionally, Mr. Moyes states Sublette County is behind in the health of its housing inventory.

Dan Bailey- comments are on the migration corridor. He is against this proposal as this will affect the migration corridor. Heading down a bad road in his opinion.

Mr. Seehafer goes over the migration corridor maps again, with the board.

#### Board Comments:

Comm. Lacinak- feels more housing is needed in Sublette County and likes 5-acre lots over 2-acre lots. He appreciates the thoughtfulness put into this proposal. Stuck on wildlife corridor and migration. Hopes that there is diligence behind this project, and we will see if it comes back to subdivision.

Comm. Burroughs- biggest concern is the wildlife issue. From the exhibits shown the corridors appear to skirt the actual development. Liked the consideration in the way that it was presented other than the wildlife issue. Comm Burroughs felt it was well thought out, however, cannot speculate on what the lots will cost and whether or not Teton county residents will buy the lots.

Comm. Tan- siding with the maps and the migration.

Comm. Marincic- does not feel comfortable unless direction comes from the Comp plan or BOCC saying that we cannot develop in a corridor. Mr. Marincic does not feel comfortable telling someone they can't develop prior to coming in here. Comm Marincic states, don't bother applying because these corridors are here. I can't deny it if someone doesn't know that prior. It needs to be out there before someone comes in here that's developing by a corridor that it's not acceptable.

Comm. Greenhalgh- Sublette County needs more housing. Would like diversification i.e., apartments, MFR, etc.... Comm Greenhalgh expressed he didn't like the way the map was drawn, but it seems to be

addressed in the next phase. Mr. Greenhalgh also reminds the audience that he could sell off 35-acre chunks without even coming in here, and the deer would still be bothered and be upset. Look at the public gain. Someone is still going to build there. Whether it's one house or 50, the public gains housing with this proposal.

Comm Lacinak- developing these lots will take time. 50 houses will not be there overnight. However, once you take the corridor away, you can never get it back.

Prior to a motion Comm. Greenhalgh asks each board member if they have reviewed all information, public comment, and the 10 factors to consider for a change in zoning district boundary;

- Comm. Lacinak: Yes
- Comm. Burroughs: Yes
- Comm. Tan: Yes
- Comm. Marincic: Yes
- Comm. Greenhalgh: Yes

**Action #3** A motion is made by Comm. Marincic to accept the re-zone request, seconded by Comm. Tan. Motion carried 4/1 in favor.

**Comm. Greenhalgh calls the Planning and Zoning meeting to adjournment at 9:13 pm.**

PLANNING AND ZONING COMMISSION  
SUBLETTE COUNTY, WYOMING

  
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Blake Greenhalgh, Chairman

Attest:  
  
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Dennis Fornstrom, Sublette County Planner

\*\*\* Please note that a digital audio recording of the meeting is available at the Planning and Zoning Office.