

**PLANNING AND ZONING COMMISSION
MEETING AGENDA
June 5, 2023
6:00 PM
AT: Sublette County Library, Lovat Room, Pinedale, Wyoming
82941**

Virtual Meeting Details

Video call link: <https://meet.google.com/xjo-vuvv-gdx>

Join by Phone

Call-in Number: (US) +1 860-391-6529

PIN 270 063 634#

Attendees on the virtual option will be able to listen to the meeting. Efforts to give virtual attendees an opportunity to speak will be made but cannot be guaranteed.

Agenda Items:

1. Organizational Matters
 - a. Approve June 5, 2023 regular meeting agenda
Motion:
Second:
Vote:
 - b. Approval of the May 2, 2023 regular meeting minutes.
Minutes not complete from P and Z Administrator, please defer approval to next meeting.
Motion:
Second:
Vote:
2. Public Comments: Regular meeting Q and A. Not related to Public Hearing
3. Public Hearing: Triangle Addition Lot 17; Helm Premanufactured House Variance Application.
 - (a) Review of Application and summary of Town Staff Report
 - (b) Commissioner Question and Answer
 - (c) Applicant Question and Answer
 - (d) Public Comment, Present and Virtual
 - (e) Motion and Vote
Motion:
Second:
Vote:
 - (f) Recommendation to Town Council

4. New Business:

(a) Upcoming Preliminary Plat Application for Crosswinds Lot Division, First Amendment

5. Planning and Zoning Administrator's Report:

(a) Summary from P&Z Administrator

(b) Question and Answer from Commission

6. Board Member Comments:

7. Schedule of next Regular P&Z Meeting and Public Hearing for Crosswinds Lot Division, First Amendment Preliminary Plat Application and Variance Requests.

Time:

Location: Sublette County Library, Lovatt Room, Pinedale, Wyoming

8. Adjourn meeting.

(a) Time:



TOWN OF
PINEDALE
WYOMING

1-a

Item: Accept/Amend Agenda

Action:

Presenter: Chairman Wells

Information:

Issue:

Supporting Information:

Recommendation:



TOWN OF PINEDALE WYOMING

1-b

Item: Approve the minutes of the May 02, 2023 regular Planning and Zoning Commission Meeting

Action: Approve/Disapprove/Amend

Presenter: Chairman Wells

Information:

Issue:

Supporting Information: Attached

Recommendation:



TOWN OF
PINEDALE
WYOMING

2
Public Comment

NOTES:



TOWN OF
PINEDALE
WYOMING

3

Public Hearing

NOTES:



**TOWN OF
PINEDALE
WYOMING**

**4
NEW
BUSINESS**

NOTES:



Planning and Zoning Report –June 2023

Primary efforts in the past month have been focused on the following items.

1. Union Wireless began Zone 12 of Fiber installation (Southwestern End of Town)
2. Crosswinds Lot Division First Amendment Subdivision Application. Worked on Compiling information for Staff Report. (Advertised in Pinedale Roundup and Pinedale online for Public Hearing)
3. Triangle Addition Lot 17 Variance application (To allow seeking a building permit for a 400 Sq. Ft. Manufactured Home.) www.hause.me (advertised in Pinedale Roundup and Pinedale online for Public Hearing)
4. Discussion with Town Attorney regarding allowed number of Trailers or Tiny Homes that can be placed on 141 East A Street property. (Limit of 5 allowed per Town Code)
5. RFQ Sent out to Electrical/Fire Safety companies to bring 205 Entertainment Lane up to code for occupancy. (Estimated occupancy now Late June) One Bid Received did not meet Town Requirements Rejected Plan to re-advertise RFQ.
6. Hospital Building permit waiting on Request from Town Staff to Engineers regarding parking plan and drainage plan. (All other required components in place to issue permit) Multiple discussions with Landscape Architects in charge of parking lot design waiting for final submission to send onto town Engineer for review. Waiting on Finalized Drainage Plan from Jorgensen Engineering, will then send on to Town Engineer for review and comment.
7. Review of Town Fee Resolution Planning and Zoning fees. (Would like to make small increase to fees to help reduce the cost burden of this position) Did not increase fees relating to Planning and Zoning
8. Walk Through of Previous Union Wireless Fiber install Zones to get final acceptance from Town. (None of the previous Zones have received final acceptance to start clock on Bond Release) Union to date has not scheduled walk through with town Staff.
9. Issued 5 New Building Permits
 - C&A Investments/Marguerite Russold 875 Grace Ln. Split Diamond Meadows (Single Family Residence)
 - DynaMcK Construction/Trey Wilkerson 545 Meadowood St. (New Detached Garage, abandoned lot line to allow for structure)
 - Andrew and Roxanne Tomich 205 Tee Circle. (New Shed Construction)

- Smee Homes/Jason Moyes 907 River Bend St. Trails Creek. (New Single-Family Residence)
- Wilson Construction/Shane Wilson 840 McCoy Dr. Split Diamond Meadows (New Single-Family Residence)

10. Issued Various other permits Water and Sewer, Shed, Fence and Sign.

Respectfully,



Chad Mitchell

Pinedale Planning and Zoning Administrator





TOWN OF
PINEDALE
WYOMING

5
P&Z REPORT

NOTES:

June 1, 2023

Chairman Ryan Wells
Town of Pinedale, Planning and Zoning
PO Box 709
Pinedale, WY 82941
307.367.4136

**RE: Helm Variance Application – Staff Report
Triangle Addition, Lot 17 Skyline St.**

Dear Chairman Wells and Distinguished Planning and Zoning Commission,

The Town of Pinedale Planning and Zoning received a Variance Application for the Triangle Addition, Amended BLK 5, Lot 17 in the Town of Pinedale. The application was deemed complete and acceptable on April 25, 2023. The application seeks a variance to the following sections of Town Code:

- 1) ***Chapter 475 §475-200.C the structure shall include a permanent masonry or concrete perimeter wall that complies with all building codes adopted by the town.***
- 2) ***§475-200.D The structure shall not be less than 24 feet in width and shall include a minimum gross floor area of 1,000 Square feet.***
- 3) ***§475-200.E Roof Materials Shall consist of Nonreflective material customarily used for conventional dwellings, including, but not limited to, Fiberglass Shingles, Shake Shingles, Wood Shingles, composition shingles, or tile materials. All roofs shall have at least a nominal 4/12 Pitch. Roof Material shall not include flat or corrugated sheet metal, except for manufactured metal roof panels.***
- 4) ***§475-200. G. The structure shall include a minimum roof overhang of 12 inches measured from the outside of the exterior wall.***

The Proposed Structure does not meet the stated requirements within the previously mentioned codes. However, when the applicant purchased the property he discussed with the real estate agent, as well as consulted an Engineer as to the feasibility of placing a structure of this size on the property and was told yes by both. Later during the process of seeking a Water and Sewer permit as well as a Building permit, the applicant discovered the codes prohibiting this type of structure. For this reason, the applicant feels the extraordinary circumstances required to grant a variance as defined in the town code are not self-inflicted and create an extreme hardship as he has purchased the land and prefabricated building and is not sure either deal can be backed out of. For these and reasons of presenting a very well built, quality, cutting edge, environmentally friendly building for placement on the property, they would like this commission to recommend that Town Council approve this variance application.

While the Town is sympathetic to landowners and does not wish to infringe on the rights of its citizens by restricting the use of properties, it is also the responsibility of the Town to create and enforce codes that are in the best interest of all our community. In doing so town codes are open to interpretation and

discussion, the responsibility then falls upon the Planning and Zoning Commission to review the application and make its written findings to be presented to the Town Council.

The review of variances is defined in **§160-26** of the Town Code, with the review of variances defined in Subsection C. Below is a summary of Staff review of this variance as it applies **to §160-26**. **A variance shall not be approved by the Planning and Zoning Commission unless it finds:**

- (a) ***That there are special circumstances or conditions, fully described in the findings of the Planning and Zoning Commission, applying to the land, vegetation or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land, vegetation or building and do not apply generally to land, vegetation or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance codified in this article or Chapter 475, Zoning.***

While the Town recognizes that this property will be complicated to build upon and meet the towns requirements, there is nothing unique to the land, vegetation, or buildings in the neighborhood that prevents a structure being built on the property that meets the codes the applicant seeks to vary from.

- (b) ***That, for reasons fully set forth in the findings of the Planning and Zoning Commission, the circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of the land, vegetation or building, that the granting of the adjustment is necessary for the reasonable use of the land vegetation or building, and that the adjustment as granted by the Planning and Zoning commission is the minimum adjustment that will accomplish the purpose.***

The Town recognizes a stick-built structure or pre-manufactured structure that meets the towns code is not what the applicant wishes to place on the property. Nothing to do with the land, vegetation, or current Town building standards, would deprive the applicant of reasonable use of their property.

- (c) ***That the granting of the adjustment will be in harmony with the general purposes and intent of this section and Chapter 475, Zoning, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not unduly reduce the effectiveness of this section in attempting to promote the use of solar energy.***

The Town has been approached in the past with a request for a manufactured structure to be placed on other properties that did not meet all the code requirements. To date we have not granted such a variance or prohibited any landowners from approved zoned uses within the town. Town Staff does not feel the granting of this variance is needed to allow an approved structure to be built on the property, and promoting the use of solar energy had no bearing on the Town Staff recommendation.

Variance Review

Timelines relating to this submission and required notifications, public hearings, review, etc. is available upon request. This Staff Report will be updated pending progression of the application. At this time, all required submissions, notifications, and processes comply with Town Code.

§475-22.A.B (Administrative Review)

Letter requesting comment on the variance application was sent on April 25, 2023 to the following entities.

1. Ed Wood, Town Attorney
2. Matt Bowers, Town Engineer
3. Amy Sturman Town of Pinedale Clerk
4. Shad Cooper, Sublette County Unified Fire
5. Kevin Mitchell, Town of Pinedale Public Works Supervisor
6. Spencer Hartman, Town of Pinedale Water/Wastewater Supervisor
7. KC Lehr, Sublette County Sheriff
8. Leslie Hagenstein, Pine Creek Ditch Association

Comments were received back from the Pine Creek Ditch Association and are included in this staff report for your review.

§475-22.C.2 (Administrative Review. Planning and Zoning)

Town Code requires notification be sent to all property owners within 140 feet of the extreme limits of the proposed subdivision. A list was submitted by the applicant and reviewed by Town Staff for completion. Neighbor Notifications were submitted to the required addresses on May 23, 2023.

Town Code is very specific and lays out 7 requirements that must be met to recommend the granting of a variance.

§160-26.C Review.(3) Each variance authorized shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the land. No variance shall be authorized unless the Planning and Zoning commission finds that all of the following conditions exist:

- (a) That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;***
- (b) That, owing to extraordinary circumstances, literal enforcement of the provisions of this chapter will result in unnecessary hardship;***
- (c) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;***
- (d) That the variance, if granted, will not substantially or permanently injure any adjacent conforming property;***
- (e) That the variance, will not alter the character of the district in which it is located.***
- (f) That the variance, if granted, is the minimum variance and least modification that will afford the relief sought;***
- (g) That the variance will be in harmony with the spirit of the town code chapter and will not adversely affect the public health, safety or welfare.***

Recommendations:

This Recommendation is based on the review of the Town Code by Staff, Town Engineer, and other agencies. The applicant, while given information from others, has the responsibility to conduct research and investigate local rules and code. It is a frequent occurrence for prospective buyers of property to contact the Planning and Zoning office and request information regarding the Towns zoning regulations. Therefore, it is our opinion that this application is a personal hardship and not one created by the land, or its surrounding vegetation and structures so we cannot recommend the approval of the variance request presented before the commission.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chad Mitchell', with a stylized flourish at the end.

Chad Mitchell
Planning and Zoning Administrator, Town of Pinedale

Attachments:

Applicants letter describing the reasons for Variance Request

Proof of Neighbor Notifications

Available building envelope, prepared by Rio Verde Engineering.

Proposed Site Plan, prepared by Rio Verde Engineering.

Profile View of proposed Haus on site, prepared by Rio Verde Engineering.

Rendering of proposed Haus model

Pine Creek Ditch Association Letter.

Re: Lot 17 Block 5 Triangle Addition

Variance Descriptions:

475-200 C: The structure shall include a permanent masonry or concrete perimeter wall that complies with all building codes adopted by the Town.

Variance Requested: We request that the house be mounted on specifically designed blocks placed on grade, rather than a foundation.

475-200D: The structure shall not be less than 24 feet in width and shall include a minimum gross floor area of 1,000 square feet.

Variance Requested: We request that the width be 12 feet 11 inches (length is 33 feet 6 inches) and the gross floor area be 432.7 square feet.

475-200G: The structure shall include a minimum roof overhang of 12 inches measured from the outside of the exterior wall.

Variance Requested: We request that the house be allowed to have no roof overhang as it is designed without it to achieve its R values for walls and windows of R54 and R 26 respectively. The M1 is waterproof and made of waterproof materials so roof runoff effecting the siding is not an issue.

Criteria:

- _That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought.
-These variances do not alter the criteria for R2a zoning.
- _That owing to extraordinary circumstances, literal enforcement of the provisions of this title will result in unnecessary hardship.

-The Haus.me model M1 which is a 432.7 sf self-sustainable and autonomous Smart House.

It is HUD, IRC, and IBC 2030 building codes compliant. We felt it would be a good fit for this extremely narrow, small, and challenging building envelope. We would use it as a vacation home for us and our family.

These homes are fire-resistant, hurricane resistant, solar powered and have a snow load rating of 320 pounds per square foot. They are 3-D printed out of composite polymers and are earthquake resistant. The windows are double-triple pane... so 6 layers of glass, for insulation and sound control and are R-24. The walls and roof are R-54. The structure may be attached to a foundation or placed upon blocks or pads placed directly on grade. Optional features allow it be operated completely off the grid if necessary, even in harsh winter environments such as in Pinedale.

This structure is completely different than a typical mobile home or other stick built prefabricated homes. The M1 dwelling is designed to be ultra energy efficient and therefore is manufactured in small square footage to achieve this. This is ideal for second homes as it consumes little or no grid energy while unoccupied. Its solar panels are designed to put energy back onto the grid rather than consuming it, especially when not occupied.

We conveyed to our Pinedale realtor Sheryl McCulloch of Real Estate of Wyoming and Eric Sackett of Rio Verde Engineering PRIOR to purchase of the lot that we intended to place Haus.me model M1 on the lot. They were positive and excited about our plans. Once we found it was possible to excavate a driveway and pad area for the M1, we purchased the lot. Neither of these professionals brought to our attention that minimum square footage limits were extant. Later we purchased the M1. After inquiring about water and sewer permits required, Mr. Chad Mitchell brought to our attention the 1000 square foot minimum, 24 foot width and permanent perimeter codes for manufactured homes. It is unclear what our legal rights are and even if it is possible to back out on this purchase. It is quite possible we may have a dwelling with no place to put it, which would be an extreme hardship.

- _That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located.

-These variances are needed because in good faith we conveyed our lot development intention to professionals who should have been familiar with local building codes and who should have advised us otherwise.

- _That the variance, if granted, will not substantially or permanently injure any adjacent conforming property.

-These variances will not injure adjacent properties.

- _That the variance, if granted, will not alter the character of the district in which it is located.

-The M1 will blend in with the surrounding area; its color can be customized and will be neutral. The roof line will not block any view from adjacent lots. The M1 is finished with the highest quality materials and has ultra-sophisticated HVAC and air quality monitoring and air purification systems that will be helpful during fire season.

Because of these features the cost of the unit is nearly \$600 per square foot, so it will not bring down the value of surrounding homes or properties. Since there are no restrictions to the square footage of stick built dwellings, the fact that the M1 is smaller than most homes should not be of major concern.

- _That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought.

-These variances are sought because of the M1's design and the M1 is not otherwise modifiable.

- _That the variance will be in harmony with the spirit of this title and will not adversely affect the public health, safety or welfare.

-These variances will have no adverse effects as above.



STEAMBOAT SPRINGS
200 LINCOLN AVE
STEAMBOAT SPRINGS, CO 80487-9998
(800)275-8777

05/23/2023 05:17 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$2.70
Las Vegas, NV 89118 Weight: 0 lb 6.40 oz Estimated Delivery Date Sat 05/27/2023			
Certified Mail® Tracking #:			\$4.15
70222410000306392128			
Total			\$6.85

First-Class Mail® Large Envelope	1		\$2.70
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Grand Total:			\$34.25
Credit Card Remit:			\$34.25

Card Name: VISA
Account #: XXXXXXXXXX08-09
Approval #: 023580
Transaction #: 833
AID: A0000000031010
AL: VISA CREDIT
PIN: Not Required
CHASE VISA

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 PO Box 744
 Pinedale, WY 82941

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 10300 W. 16th St
 P.O. Box 13
 Pinedale, WY 82941

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 PO Box 13
 Pinedale, WY 82941

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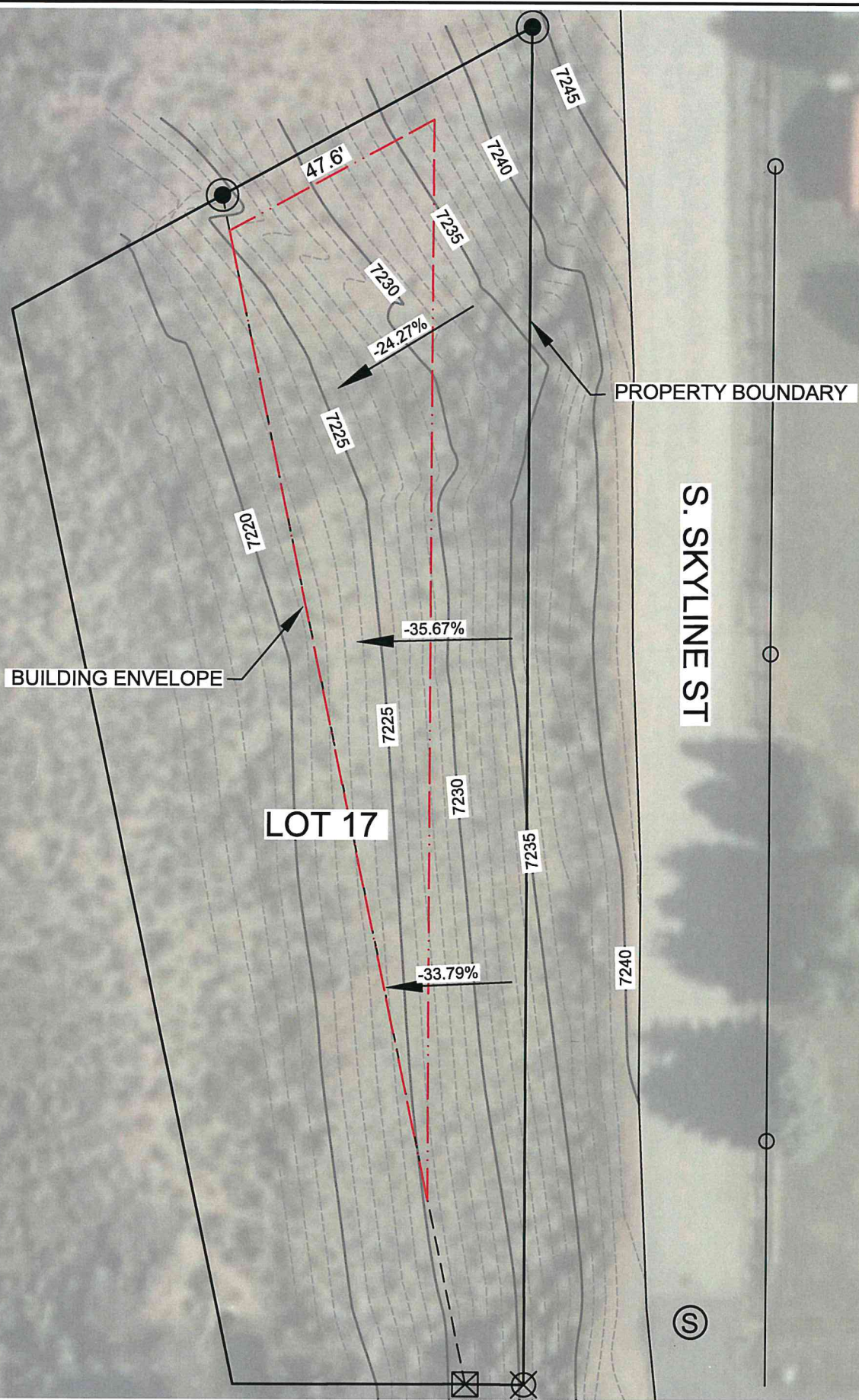
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Send To: Vernon T. Delgado Family LTD Partners
 PO Box 13
 Pinedale, WY 82941

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BUILDING ENVELOPE

PROPERTY BOUNDARY

S. SKYLINE ST

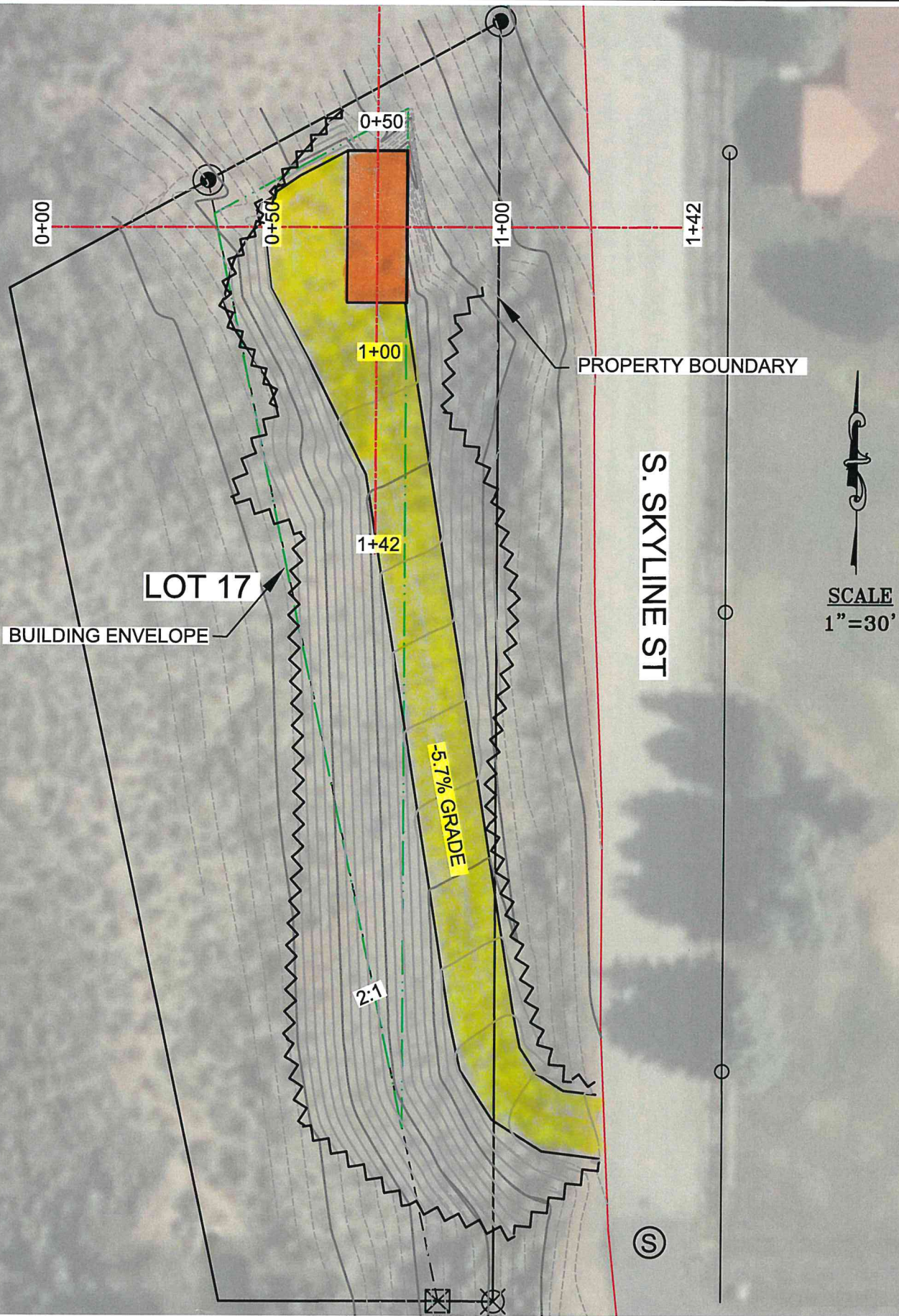
LOT 17

SCALE
1"=30'

DESIGNED BY: EAS
 DRAWN BY: EAS
 CHECKED BY:
 DATE: 9/23/21
 REV:
 JOB NO: 4773
 PAGE: 1 OF 1

LOT OVERVIEW
LOT 17, AMENDED BLOCK 5,
TRIANGLE ADDITION
TO THE TOWN OF PINEDALE,
SUBLETTE COUNTY, WYOMING

RIO VERDE
ENGINEERING
 (307) 367-2826
 FAX# (307)-367-2546
 PINEDALE, WYOMING

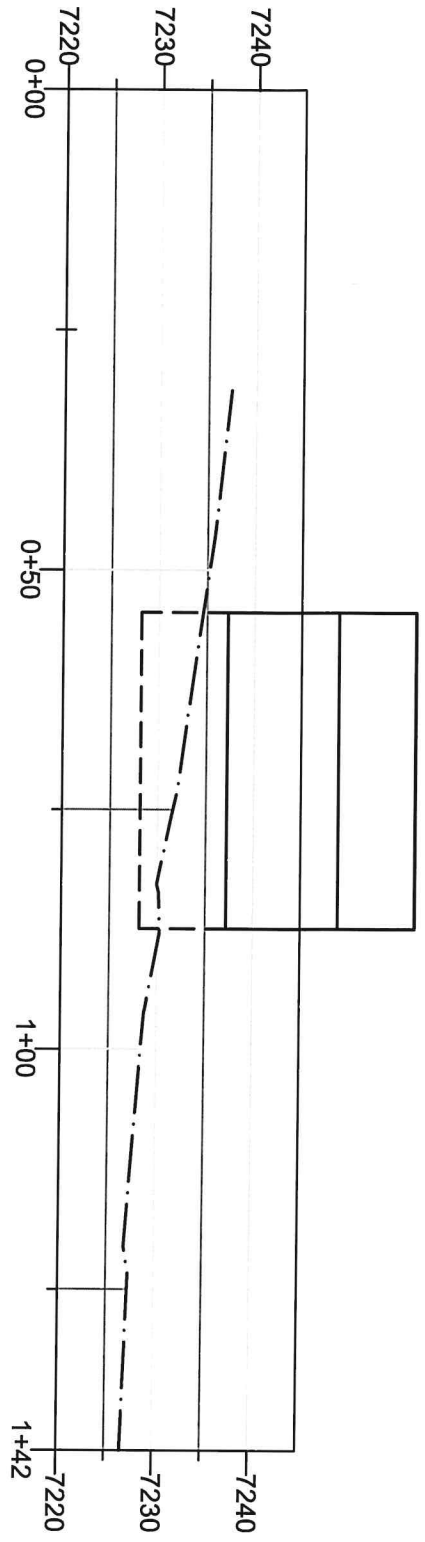


LOT OVERVIEW
LOT 17, AMENDED BLOCK 5,
TRIANGLE ADDITION
TO THE TOWN OF PINEDALE,
SUBLETTE COUNTY, WYOMING

RIO VERDE
ENGINEERING
 (307) 367-2826
 Pinedale, WYOMING
 FAX# (307)-367-2546

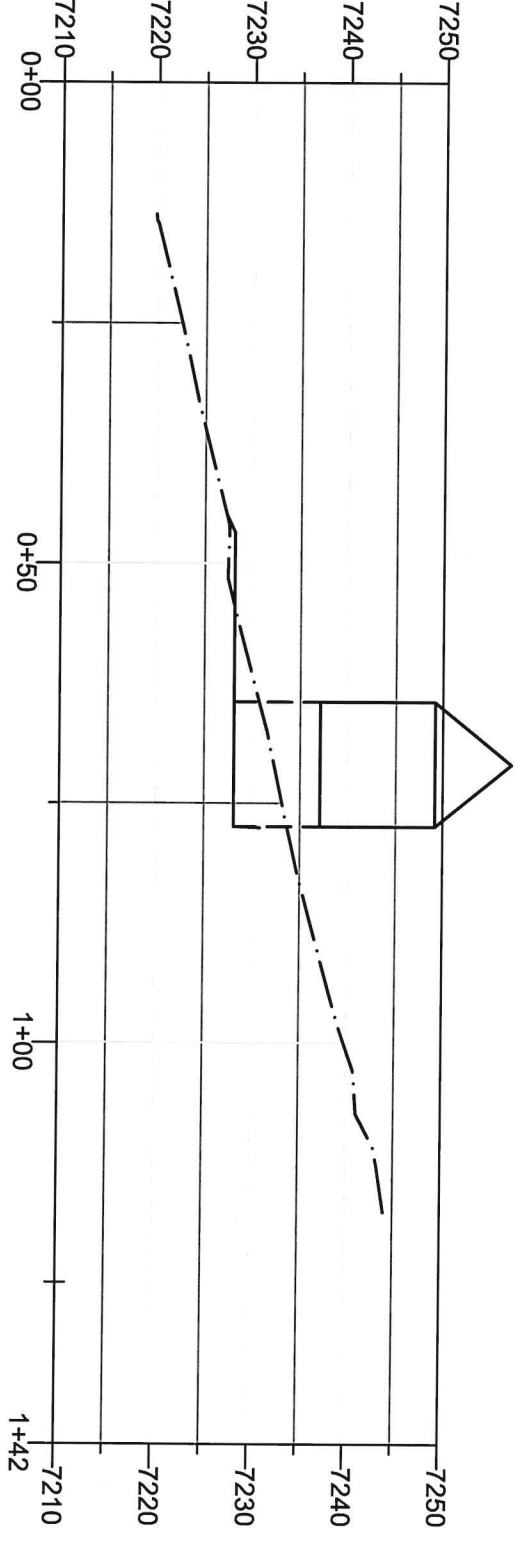
DESIGNED BY: EAS
 DRAWN BY: EAS
 CHECKED BY:
 DATE: 9/23/21
 REV:
 JOB NO: 4773
 PAGE: 1 OF 1

Profile View of HOUSE NORTH SOUTH



SCALE
1" = 20'

Profile View of HOUSE EAST WEST



LOT OVERVIEW
LOT 17, AMENDED BLOCK 5,
TRIANGLE ADDITION
 TO THE TOWN OF PINEDALE,
 SUBLETTE COUNTY, WYOMING

RIO VERDE
ENGINEERING
 PINEDALE, WYOMING
 (307) 367-2826
 FAX# (307)-367-2546

DESIGNED BY: EAS
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DATE: 9/23/21
REV:
JOB NO: 4773



Pine Creek Ditch Association, Inc.
Post Office Box #2023
Pinedale, WY 82941-2023

30 May 2023

Town of Pinedale
PO Box #709
Pinedale, WY 82941-0709

Re: Invitation to Comment on the Triangle Addition, Lot 17 ~ Grand Piano, LLC,
Town of Pinedale

Abram M. Pearce, P.E.
Director of Public Works
Town of Pinedale

Dear Mr. Pearce,

On behalf of the Pine Creek Ditch Association, I would like to thank you for the opportunity to comment on the Triangle Addition, Lot 17, owned by the Grand Piano, LLC.

The Pine Creek Ditch Association (PCDA) is the governing body for the Pine Creek Canal No. 1, Extension of the Lee Ditch [Wyoming State Permit No. 626E from Pine Creek] which holds a 100 foot prescriptive easement (1891) for maintenance and conveyance of water through the Triangle Addition and the property of interest. A review of our records show there are no landowners with water rights attached to any land within the Triangle Addition.

The Association does not have an issue with the development of the property HOWEVER property owners adjacent to the canal should be aware of the rights and privileges of the easement including ingress and egress on their property for the maintenance and repairs of the canal to convey water. There are several utility crossings and easements along, under and over the canal in the Triangle Addition including but are not limited to sewer, water, telephone, natural gas and fiberoptic cables.

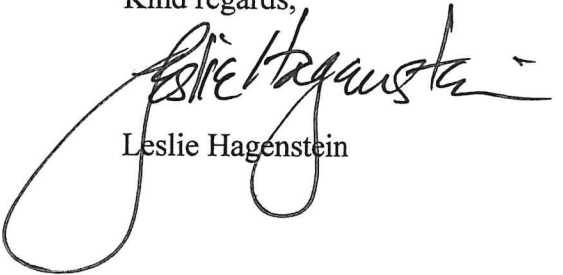
Any landowner considering to build above, along the slope, or on top of the slope that houses the canal should review the numerous field studies that have been completed by the Wyoming State Engineer's Office, Rio Verde Engineering, the United States Department of Agriculture and Soil Conservation Services regarding the geology and instability of the soils along the entire east flank of the Town of Pinedale. The Green River Formation with its glacial till and discontinuous zones is evident in this area.

All landowners should obtain a geotechnical evaluation prior to any building in this area. Damage to the canal has resulted from uncontrolled hillside erosion during construction above and below the canal, hillside seeps are evident throughout the year and a hillside collapse occurred on this property during excavation below the canal in 1980 which resulted in the placement of the 206 foot culvert. The previous landowners (LaBuda / Wilkinson ~ consignees

for the NRCS Grant Application) were aware of the plans for replacement of the pipe on the property. Funds have yet to be procured for its replacement. In addition, last summer (July 5th, 2023) the property south of this site (Delgado Family Partnership) experienced a hillside landslide that has yet to be remediated.

Leslie Hagenstein, Secretary, for the Pine Creek Ditch Association (307.231.9562) is available to field any of your questions regarding these issues. Again, thank you for the opportunity to be involved in commenting on this property in the Triangle Addition.

Kind regards,



Leslie Hagenstein

Prepared: Leslie Hagenstein, Secretary
Pine Creek Ditch Association, Inc.

CC: PCDA Board of Directors

CC: Landowners & Adjacent Landowners (listed)

Jennifer Allen & AJ Angelovic
1204 McKinley Avenue
Rock Springs, WY 82901-7423

Chad Staley
PO Box 1995
Pinedale, WY 82941-1995

King Henry, Inc.
5626 Rafael Rivera Way
Las Vegas, NV 89118

The Nickel Makers, LLC
PO Box 441
Pinedale, WY 82941-0441

Grand Piano, LLC
21655 Whitewood Drive, West
Steamboat Springs, CO 80487-8601

10 Percent, LLC
% Michael Kervitsky
PO Box 687, PMB 256
Pinedale, WY 82941-0687

The Vernon T. Delgado Family Limited Partnership
PO Box 732
Pinedale, WY 82941-0732
