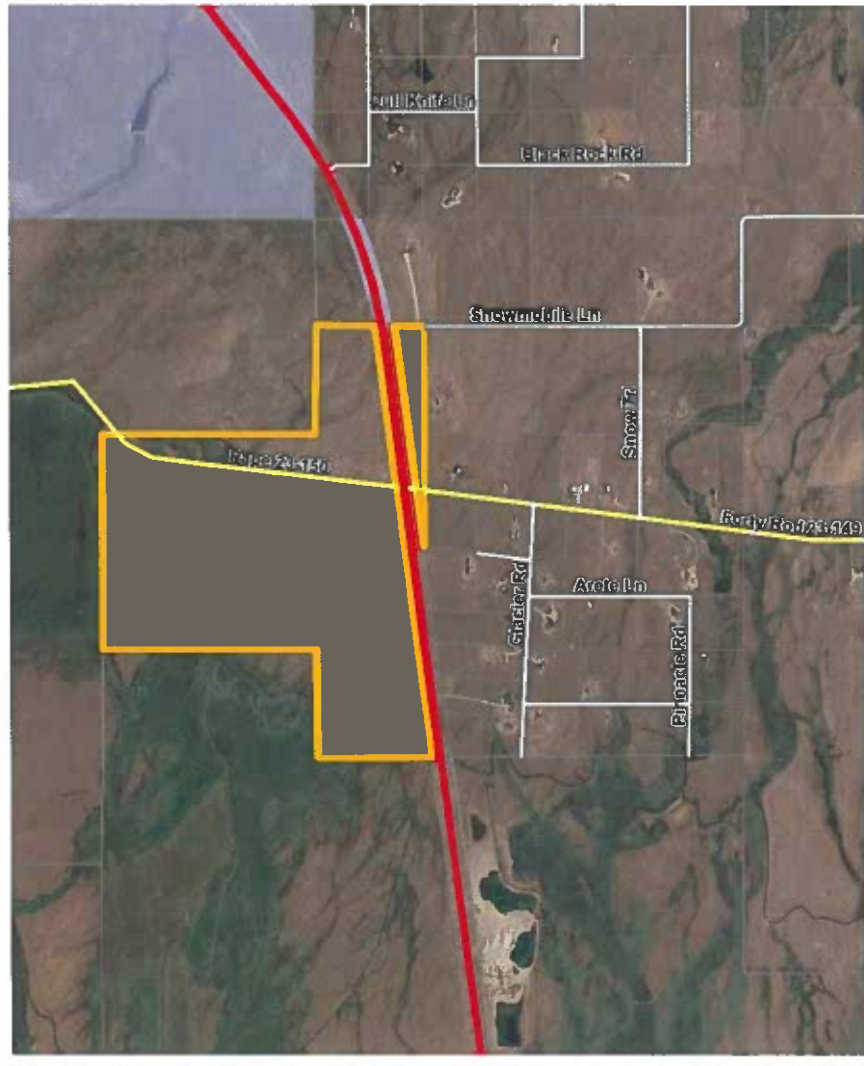


**SUBLETTE COUNTY COMMISSIONERS
AUGUST 2, 2022
NEW BUSINESS - AGENDA ITEM 2**

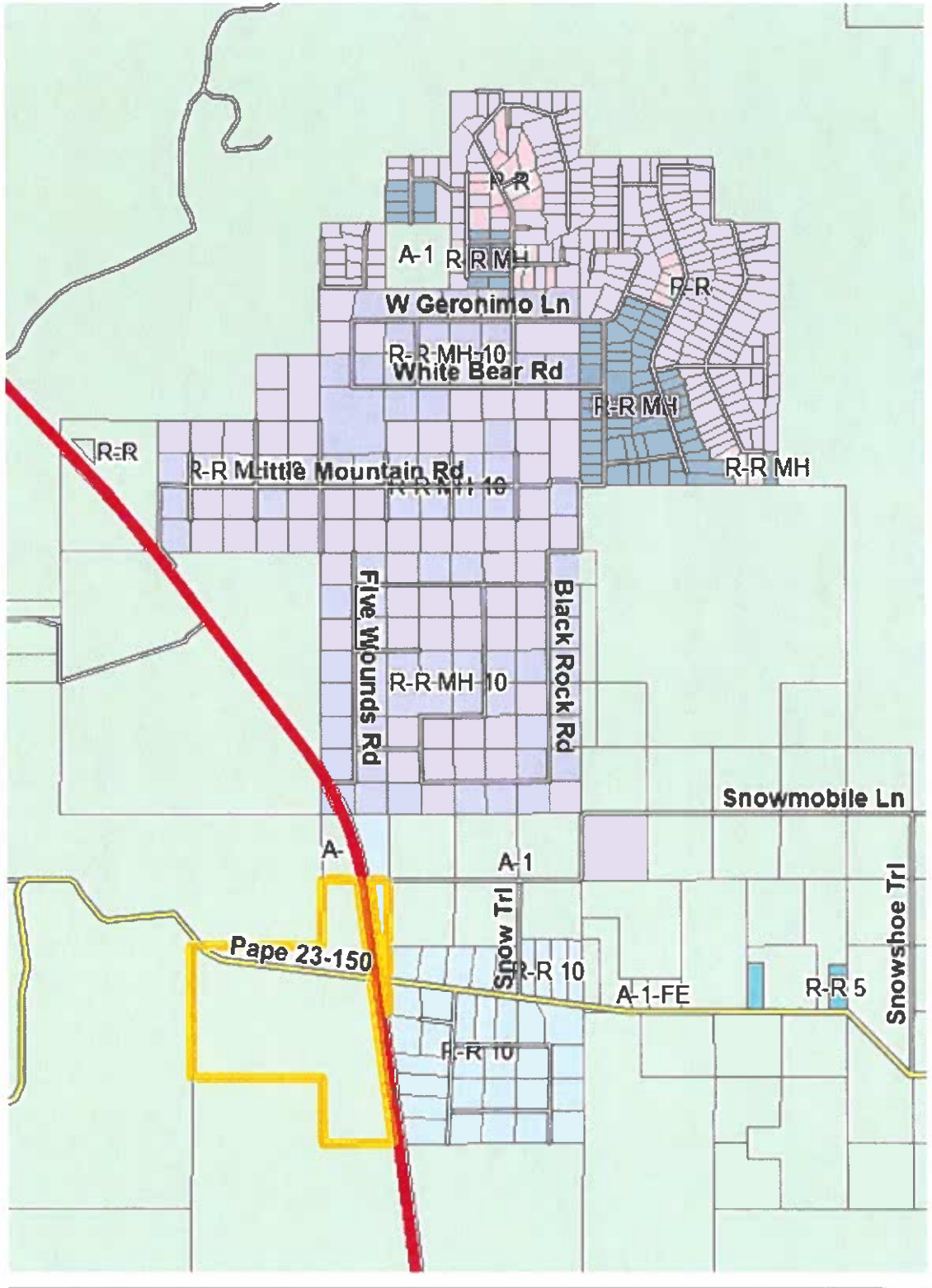
REQUEST FOR CHANGE IN ZONING DISTRICT BOUNDARY

The Sublette County Planning & Zoning Department has received an application from 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. This parcel is located at the northerly intersection of Pape Rd. 23-150 and Hwy 189/191 and being part of T35N, R111W, SEC 21, SE4; SEC 22, SWNW(PT), W2SW(PT); SEC 27, NWNW. of Sublette County, Wyo. (PIDN: 34112620002600)

VICINITY MAP



ZONING MAP



Proposed Change of Zoning District Boundary, and Proposed Development

Jason and Melinda Moyes are 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.

The purpose of this Rezone is to develop this property into a residential subdivision. This proposed subdivision would contain approximately fifty (50) Rural Residential 5 Acre Lot and one Rural Residential 10 Acre lot. If the proposed Change of Zoning District Boundary is approved, an application for the proposed subdivision will follow.

To provide some background on the several subdivisions that are located adjacent to this property and within the surrounding area:

Redstone Warren Bridge, which lies to the north of this property was created in 1973, and contained 24 – 10 acre lots.

Redstone Warren Bridge Subdivision, Second Filing was created in 1974, and contains 54 – 10 acre lots and 1 – 17 acre lot.

The Green River Ranches Subdivisions, Units A, B, and C were also created in 1974 and contain (A) 64 – 10 acre lots, (B) 214 – 2 to 5 acre lots, and (C) which contains 32 – mostly 10 acre lots. Green River Ranches Unit D was created in 1975 and contains 117 – 2 to 5 acre lots.

Located directly east of this proposed Rezone are the Mountain View Ranches and the Mountain View Ranches Cross Amendment which were created in 1975 and amended in 2008 and contain 25 – 10 acre lots.

Also to the east is the Forty Rod Ranches, which was created in 1981, and contain 31 – 40 acre parcels. Phillips Place was created in 1993, and contains 4 roughly 35 acre lots.

There are also several other parcels along the Forty Rod Road corridor that have been created over the years, being split by deed or by Family Divisions.

Contained within all of these subdivisions there is a combined total of 565 residential lots which are mostly 2 to 10 acres in size. The majority of these lots now contain single-family homes or a singular land owner has purchased multiple lots.

The last major residential subdivision that was created in the County is located just to the north of Pinedale. Antelope Ridge Estates Subdivision, created in 2008, some 14 years ago, and contains 64 residential lots ranging in size from 2.3 to 9.8 acres in size.

See Attached information.

SUBLETTE COUNTY ZONING AND DEVELOPMENT RESOLUTION

CHAPTER II, SECTION 1, - ZONING DISTRICT

Current Zoning District:

Agricultural (A-1): This district maintains and continues the existing agricultural land use in the County.

- b. In the Agricultural District (A-1):
- (1) General agricultural uses;
 - (2) One (1) single family dwelling per 35 acres, excluding the use of mobile/nonconforming manufactured homes on eighty (80) acres or less;
 - (3) Outdoor recreation facilities for hunting, fishing, horseback riding, hiking or winter sports uses incidental to the principal agricultural use;
 - (4) One (1) Guest House or Cabin per single family dwelling
 - (5) Agricultural Open Space Subdivisions in accordance with Chapter III, Development Standards, Section 44 of the Zoning and Development Regulations.
 - (6) Conditional Uses:
 - (a) Home Business
 - (b) Workers Camp
 - (c) Temporary Camp
 - (d) Sanitary Landfill
 - (e) Landing Strips
 - (f) Industrial Transportation Parking Facilities
 - (g) Public Facilities
 - (h) Temporary storage of heavy equipment
 - (i) Guest Ranches and Outfitters
 - (j) Kennels/Dog Breeder
 - (k) Bed and Breakfast
 - (l) Fur Farms
 - (m) Gravel pits, with washing and screening
 - (n) Gravel pit, with washing screening and crushing
 - (o) Gravel pits, including a batch plant that mixes gravel with sand, water and cement to produce concrete and associated processing.
 - (p) Special Events
 - (q) Golf Courses

Purposed Zoning District:

Rural Residential Mobile Home Five (R-R MH 5): This district provides areas in the rural portions of the County for residential and/or mobile home development and uses. A five (5) acre minimum parcel is required.

Rural Residential Mobile Home Ten (R-R MH 10): This district provides areas in the rural portions of the County for residential and/or mobile home development and uses. A ten (10) acre minimum parcel is required.

- d. In the Rural Residential Districts (R-R), (R-R 5), (R-R 10), (R-R 20):
- (1) Single family dwelling, excluding mobile/nonconforming manufactured homes.
 - (2) Livestock shall be maintained in accordance with Chapter III, Development Standards, Section 32 of the Zoning and Development Regulations.
 - (3) Guest House or Cabin

- (4) Conditional Uses:
 - (a) Public Facilities
 - (b) Bed and Breakfast
 - (c) Rental of a Guest House or Cabin in RR Districts

CHAPTER III - DEVELOPMENT STANDARDS

Section 18. Minimum Site Area.

The minimum site area in each zoning district shall conform to the following requirements:

- | | |
|-------------------------------------------------|----------|
| f. Rural Residential 5 (R-R 5) | 5 acres |
| and Rural Residential Mobile Home 5 (R-R MH 5) | 5 acres |
| g. Rural Residential 10 (R-R 10) | 10 acres |
| and Rural Residential 10 Mobile Home (R-R MH10) | 10 acres |

**CHAPTER VIII, SECTION 2, - CHANGE OF ZONING DISTRICT BOUNDARY
FINDINGS TO BE CONSIDERED FOR APPROVAL**

- d. The Planning and Zoning Commission in making its recommendation, and the Board of County Commissioners in making its decision shall consider the following findings before making a decision regarding a zoning district boundary change:
 - (1) the use and zoning of nearby property;
 - (2) the effect of the zoning district boundary change on property values;
 - (3) the extent to which the reduced value of affected property promotes the public welfare;
 - (4) the public gain compared to the owner's hardship;
 - (5) the suitability of the affected property for its zoned use;
 - (6) the time the property has been vacant as zoned;
 - (7) the community need for the proposed use;
 - (8) whether the property is zoned in conformity with surrounding uses and if those uses are uniform and established;
 - (9) the availability of water for the proposed use.
 - (10) general conformity of the zoning district boundary change with the goals and policies of the Comprehensive Plan.

The following answers were provided by the applicant :

Criteria for Rezoning

Sublette County, Wyoming

The Planning and Zoning Commission in making its recommendation, and the Board of County Commissioners in making its decision, shall consider the conformity of the proposed zoning district boundary change with the goals, policies and guidelines of the Sublette County Comprehensive Plan. Please address how your application meets the criteria below:

1. Explain the proposed zone change request;

The proposed change of zoning is from A-1 to R-R 5 and R-R 10. The purpose of the change in zoning request is to develop the lands into a residential subdivision. The parcel of land lying east of US Hwy 189/191 will be a 10 acre parcel which is adjacent to Mountain View Ranches zoned R-R 10. This piece is a long triangular shaped and would best be kept as a 10 acre parcel. The land west of US Hwy 189/191 would all be zoned R-R 5. Lots would be a minimum in 5 acres and possibly up to 10-15 acres in size depending on existing terrain contour and irrigation works. The subdivision may create between 45 and 54 total lots. See the attached Preliminary Master Plan dated April 11, 2022.

2. Demonstrate by clear and convincing evidence that the proposed rezoning is in compliance with the Sublette County Comprehensive Plan; (A copy of the Sublette County Comprehensive Plan will be provided to you)

The proposed subdivision is adjacent to Mountain View Ranches zoned R-R 10. North 1/2 mile from the property lies the Green River Ranches Subdivisions with R-R 10 zoning. R-R MH zoning, the highest density zoning in Sublette County, is less than 2 miles north of the proposed subdivision. The applicant does recognize that zoning uses in the area tend to favor larger parcels. Developing the land into R-R 5 & 10 residential zoning is larger than the minimum of 2 acre zoning requirement within the comprehensive plan. It is clear that residential development is an accepted use within the immediate area and that agriculture uses are limited to where irrigation water is abundant and easier to utilize. Only a minority piece of lands within the rezoning application has adjudicated water rights and said lands are at the end of the Canyon Canal delivery system so no downstream users will be effected. The lands are upland in nature and no hay crops or other agriculture crop are grown on said lands. The land has been grazed on short-term basis only, therefore, there will not be a significant disruption to livestock grazing. Furthermore, the proposed rezoning will not impede existing livestock travel corridors as the stock driveway is on the opposite side of US Hwy 189/191 from the proposed R-R 5 zoning. The livestock driveway is incorporated into the highway right-of-way so the proposed R-R 10 acre lot on the east side of the highway will not effect it. Building setbacks can be created on said proposed R-R 10 parcel to minimize disturbance of the livestock driveway when being used. Existing county roadway infrastructure (Pape CR 23-150 & Forty Rod CR 23-149) passes through the lands in the rezone application which are already maintained year-round and will be utilized by the subdivision.

3. The use and zoning of nearby properties;

The proposed subdivision is adjacent to Mountain View Ranches zoned R-R 10. North 1/2 mile from the property lies the Green River Ranches Subdivisions with R-R 10 zoning. R-R MH zoning, the highest density zoning in Sublette County, is less than 2 miles north of the proposed subdivision. The applicant wishes to maintain the open nature of the area and R-R 5 zoning will allow sufficient space between homes.

4. The effect of the zoning district boundary change on property values;

Its the applicants belief that property values in the adjacent area will not decline with the addition of the R-R 5 zoning. It is fact that property values have not declined in the area and have sharply raised in value. There is a demand for subdivision lots of R-R 5 size within Sublette County. The addition of a R-R 5 subdivision will allow those looking for acreage that cannot afford larger parcels to possibly purchase acreage. Subdivided lands have become very expensive near incorporated municipal Towns within Sublette County.

5. The extent to which the reduced value of affected property promotes the public welfare;

The additional lots that will be added with an R-R 5 subdivision zoning will promote competition for sales of vacant lots available on the market in the area. When there are more lots available, the public will benefit by having a stable real estate market, affordable lot prices, and accessed property values will help improve the County's tax base income.

6. The public gain compared to the owner's hardship;

The public will gain the opportunity to own rural land in the county and enjoy those rural opportunities that Sublette County offers if the land is zoned R-R 5 & R-R 10. The owner's hardship if the land was kept A-1 zoning is the majority of the land does not have adjudicated water rights. There is only a minority portion of the lands that have water rights. That small percentage of the lands cannot support a ranching or farming operations. This is said due to the fact that the opportunity to apply and adjudicate water rights on those lands without them was first available approximately 70 years ago.

According to records available from the State of Wyoming Engineer's Office, multiple times prior owners have had the opportunity to develop water rights for the lands and show proof for adjudication. This has never come to fruition. The reasons are unknown why water rights were never adjudicated for all the lands, but one could be is that the lands just were not conducive to flood irrigation. Adjacent lands to the west and southwest were developed into hay ground. Lands to the east were developed into subdivisions as flood irrigation was difficult on the flatter sandy soils. If water rights were developed at this time, they would be new junior rights that would be the first to be regulated in years of short water flows. There would be no guarantees to that an agricultural operation could be viable with the current zoning.

7. The suitability of the affected property for its zoned use;

The property is suitable for the change in zoning as properties are nearby with R-R 10 and R-R MH zoning. To the north of the proposed zoning, R-R 10 zoning is adjacent to R-R MH zoning which is some of the highest zoning within Sublette County. Further to the south along WYO State Hwy 354, there are subdivisions that mix 5 acre and 10 acre lots next to A-1 properties.

8. The time the property has been vacant as zoned;

To the applicant's knowledge, the property has been zoned A-1 as long as zoning classifications have been present within Sublette County. There are no existing structures on the property.

9. The community need for the proposed use;

There is a need for R-R 5 zoning as there are few properties available with that zoning within Sublette County. It provides enough land to raise livestock and provides more open space between buildings. The same amount of roadway has to be constructed whether it's a R-R 5 zoning or a R-R 10 zoning so the developer is able to distribute development costs across more lots, which allows land to be more affordable than a 10 acre lot configuration.

10. Whether the property is zoned in conformity with surrounding uses and if those uses are uniformed and established;

The proposed R-R 5 & R-R 10 zoning uses conforms to the surrounding uses. R-R 10 zoned subdivisions adjacent to and within a mile of the property have been established since the mid 1970's era. The R-R MH zoning less than 2 miles from the property has been available since 1975. There is clear evidence that high density and medium density zoning has been established and accepted in the near vicinity of the property for nearly 50 years.

11. The availability of water for the proposed use;

All subdivision lots within a 5 mile radius of the proposed zoning and agricultural properties have individual water wells for water supply. The area is blessed to have such a excellent groundwater supply. All water well supply wells are permitted through the Wyoming State Engineer's Office. Any proposed R-R 5 subdivision will be required to be reviewed by the Wyoming Department of Environmental Quality (WYDEQ). A groundwater study will need to be furnished to said WYDEQ which will investigate and make recommendations for both groundwater supply and individual septic installation.

I hereby grant authorized County personnel the right of ingress and egress to and from said lands for any and all inspection purposes necessary to the evaluation of this application. I certify, to the best of my own knowledge, that the aforementioned information and material is true and correct.

I, JASON MOYES, say that I am the owner (or agent) of the property involved in this application. The foregoing statements and answers, and those in the attached plans and other exhibits, are true and correct to the best of my knowledge and belief

Signed  Date: 6-2-2022

Thank you for your time and consideration in filling this out. Your cooperation will expedite the preparation and hopefully lead to the approval of the requested proposal you have submitted to the Sublette County Planning and Zoning Department.

Jason and Melinda Moyes, R-R 5 & R-R 10 Rezoning Application

To accompany the rezoning application of the following lands:

NW/4NW/4, Section 27, T.35N., R.111W.

SE/4, Section 21, T.35N., R.111W.

SW/4NW/4, W/2SW/4, Section 22, T.35N., R.111W.

The timeline for Preliminary Plat & Final Plat for a subdivision development will commence immediately upon a successful rezoning application. It is anticipated to submit a Preliminary Plat for a subdivision development within 3-6 months after rezoning approval. Some of the items to be resolved and completed to submit with a Preliminary Plat are the following:

- WYDEQ Groundwater Study
- Water Rights Plan approval from the State of Wyoming Engineer's Office
- Local utility planning
- Irrigation easements to adjacent lands
- Sublette County Road and Bridge approvals
- Sublette County Unified Fire requirements
- Local NRCS Sublette County Office review
- Wyoming Game & Fish Recommendations

Upon Preliminary Plat approval, the applicants intend to file a bond or letter of surety with Sublette County in order to move forward with Final Plat procedures. Depending on timing and weather, construction of roads and utilities for the subdivision may or may not begin by late fall of 2022.

By: Rio Verde Engineering

Dated: June 3, 2022

JO 4784

PUBLIC COMMENTS

This application was published as a legal advertisement in the Pinedale Roundup on June 17, 2022 and has been sent to neighboring property owners of the subject property.

The Planning & Zoning Department has received one comment from a neighboring property owner.

All Comments that are received prior to the Planning & Zoning Board Meeting or County Commissioner Meeting will be added to the review packets or attached in an email prior to said meeting.

SUBLETTE COUNTY PLANNING & ZONING BOARD

The Sublette County Planning & Zoning Office Staff finds that this 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, proposing to reclassify 299 acres from A-1, Agricultural Zoning to (RR-5) Rural Residential 5 Acre, and (RR-10) Rural Residential 10 Acre Zoning. Staff finds that this application contains sufficient information for the Sublette County Planning & Zoning Board to make its recommendation to the Sublette County Board of Commissioners.

The Sublette County Planning & Zoning Board motioned to Approve the application, Motion was APPROVED on a 4 / 1 vote by the Board.

Members Greenhalgh, Marincic, Burroughs, Lacinak, voting in favor of the motion. (4)
Member Tan, voting against the motion. (1)