

The Town of

Star Valley Ranch, Wyoming

PLANNING AND ZONING MEETING MINUTES

FINAL

May 7, 2008

Present: **Steve Ashworth, Chairman**
Gary Braun-Member
Robert Palmquist – Member
Al Redlin- Councilman
Ron Thacker-new Member
Elmer Beck-New Member
Jody Tibbitts-Inspector
Yolanda Navarrete – Recorder

Absent: **Ron Schupp – Medical Leave**

1. Call to Order, Roll Call of Members, and Statement of Quorum: The regular meeting of the **Planning & Zoning Board** was held May 7, 2008 at **Town Hall. Chairman Steve Ashworth** called the meeting to order at 6:00 p.m., and declared the existence of a quorum.

Additions or deletions to the Agenda: Gary Braun – Suggested discussion on Commercial building permits (Added as Item d. of Matters of the Board). The Board received two employment applications for people interested in becoming a board member. (Added as Item e. of Matters of the Board)

One addition to the agenda: **Scott White** from **Lloyd Baker Associates** to present two new developments just outside town limits.

2. Approve Prior Minutes

Bob Palmquist moved to approve the 5 sets of minutes as amended with the corrections and revisions per **Ron Thacker's** notes. **Gary Braun** seconded the motion. The motion carried with **Elmer Beck/Ron Thacker** abstaining.

Action Item: Ron Thacker to get corrections to recorder by May 21st.

3. Citizen Input to Board for items for items not on the agenda

Scott White/Lloyd Baker

Henry's Mt #2, simple Sub-Division 2-lots, 1-10, and 1-30 acre, 40 acres total, Residential, there are CCR's, the development is located 1 mile north of The

Wolf Den Restaurant, **Fred Pierce** is the developer, and no annexation is planned. The Board requested to see the covenants and restrictions, and the specifications for the septic system, the well, and the power connection.

Gary Braun would like to see large plot map w/all information including separate documentation for the items stated on map before the P&Z Board forwards it the the Town Council with a recommendation. **Mr. White** will come back with this documentation to the P&Z Board. Henry's Mt #2 will be put on P&Z Agenda for 5/21/08.

A discussion followed on what **Scott** feels we ought to know and what information he will be able to supply. **Scott White** explained that County Statutes require that a town must be notified of any development within one mile of its boundaries. Question/discussion ensued on roads and their intended use; **Scott** stated the road use will be strictly residential.

Al Redlin led a Discussion on documentation that is required by The Board and what is the responsibility of the homeowner or developer.

Bob Palmquist led a discussion of what The Board is would like to know, and what the Board will be requesting.

Action Item: Yolanda to get lists from County their requirements, and any information on statutes that would apply to planning and zoning.

Ramblin Hills #2, located in the Prater Canyon Rd N/E area. The development is a residential, simple, low density sub-division. It provides for a well, septic system, roads, and has no negative impact.

Steve Ashworth requested a motion to approve, Gary Braun moved to approve, Bob Palmquist seconded motion. The motion was unanimously approved, and it was recommended that the plans be forwarded to the Town Council for their approval.

A discussion followed as to why the Town needs to know certain information on developments near the Town. It was explained that if or when the Town may want to annex a development, it is important to know how compatible the project would be to the Town's infrastructure

4. Action items for the Board:

a. DeMeester Building Permit:

Jody approved his portion of the plans, Plat 12 Lot 7; the drawings are good. Discussion ensued on where property lines are. There are several rebar markers on the property, but specific corner posts are not identified. **Gary Braun/Steve Ashworth** referred to the ordinance that specifies the property's 4 corners must be staked. **Bob Palmquist** stated bottom line is the property owner is not meeting the ordinance. **Ron Thacker** mentioned the ordinance paragraph referencing roof overhang. We need to be careful when examining the building footprint when measuring the setbacks. **Elmer Beck** feels that if we do any measuring, we would be taking up more liability instead of leaving it to property owner. Discussion by **Steve Ashworth** about how the owner states that the structure would be built to plan. All we can do is verify what he has specified and that the set-backs will comply with the ordinance. **Gary Braun** started discussion about how the property's corner posts must be marked. **Al Redlin** reads from Ordinance, "It is the owner's responsibility to establish all property boundaries." The corners of the property must be clearly marked in the manner specified in the ordinance. It was suggested to approve w/condition of the four corner posts being there before digging starts. **Steve Ashworth** brought up possible mistakes made during winter by approving with conditions. We don't want to make the mistake of doing that every time. **Bob Palmquist** agreed. **Yolanda Navarrete** came to defense of Owner/Builder due to problems of snow on the property and the difficulty of explaining the problem to the owner when he is out of state. Her opinion was noted. **Bob Palmquist moved to deny permit.**, **Steve Ashworth seconded the motion Gary Braun** asked to have **Yolanda** call **Mr. DeMeester** to get markers, then we will recheck them and then approve. **Steve Ashworth** and **Bob Palmquist** pointed out that if we do that it would be a conditional approval. **Gary Braun** also defended the owner stating that this owner did the permitting application very well. **Ron Thacker** as an observer to the permitting process supports the efforts to get the process going, but pointed out that we get into trouble by making exceptions. You create many long range problems by not insisting on obeying rules. If the Board doesn't want to enforce its ordinances uniformly from the beginning then we shouldn't have them. **Bob Palmquist** brought up the subject of winter months and what we will do about requiring the property corners be staked in the snow. We have to follow rules in the ordinance stated **Ron**. We cannot make exceptions in order to deal with short term issues because that creates chronic long term problems that eat up the Board's time and resources. If we don't like the rules we should change them, but we shouldn't make exceptions. **Steve Ashworth reiterated the importance of adhering to the Ordinance and voted to deny the permit.**

Motion is Denial of permit due to lack of corners posts, all ayes and none opposed.

Gary Braun noted his aye is with reluctance.

Steve Ashworth requested **Yolanda** express the reasons for denial to **Mr. DeMeester** when she contacts him tomorrow. During the next two week period the Board will again review the application and approve it at next P/Z meeting provided the corners of the subject property are staked.

b. Allred Building Permit: Plat 17 Lot 129

Best job of permit application seen so far; lot corners, string, and orange markers present. No mention of snow load in plans, prints are very good but did not list snow load. **Jody Tibbitts** mentions all trusses made locally are to those specifications. **Elmer Beck** mentioned the snow load was on paperwork he had (the list of materials), when he checked the permit application for the Association.

Discussion: **Steve Ashworth** asked what code are we talking about, ICC, IBC, IRC. The ordinance needs to be specific and changed to refer to IRC and IBC codes. We need to adopt those specific codes. He also explained the IRC and IBC are specific codes under umbrella of ICC.

We are not requiring structural engineering plans and shouldn't ask for things we cannot verify. We only have the specifics in the ordinance to determine whether we approve or deny a permit. If this is not meeting the Town's needs then we need to recommend changing the Ordinance.

A discussion explaining the differences between the ICC and IBC/IRC followed. **Jody Tibbitts** also mentioned that he does not do electrical inspections. He can only verify electrical is there. **Steve Ashworth** questioned what **Jody** inspects in these areas when he goes out on these properties. **Jody** only makes sure the electrical, plumbing, etc. is there, but cannot verify that it's to Code.

Yolanda Navarrete read the specifications on check list that shows the 100 lb snow load requirement as an item that is checked and signed off. It is the owner's responsibility to sign off on the checklist and so it does not have to be on the plan if the information is shown elsewhere. **Bob Palmquist** asked **Ron Thacker** if, as an observer, he would agree. **Ron Thacker** asked what the duties of the Board were if not to verify a structure is built to specifications. Per **Steve Ashworth** all we can ask for is the 100 lb snow load be in the plans,

unless we require a structural engineer stamp on the plans. As it is we are not structural engineers, and cannot verify but can emphasize that it is the owner's responsibility to insure that the structure is according to plan. **Al Redlin** again stated that the Board's responsibility is to be sure the application meets town requirements and to protect the subsequent owners of the property. **Yolanda Navarrete** read the statement on the check list. **Gary Braun** requested we make a note on the permit to reference the possibility of flooding on the property, due to the creek. Building has a basement below the creek's water line, the owner (**Allred**) is aware of it. "If rain will hit your property, it is possible to flood", quoted **Steve Ashworth**, and recommended the owner evaluate flooding potential. **Gary Braun** made a recommendation to approve the application as submitted but with some words on flooding. "Assess and evaluate potential for surface and ground water flooding," was the wording **Bob Palmquist** suggested.

Gary Braun recommended approval as submitted, Plat 12 Lot 7, seconded by Bob Palmquist, all in favor ayes; vote was unanimous. Motion was approved

c. Lujan Building Permit: Detached Garage. Plat 10 lot 68

Gary Braun spoke with **Bob Lujan**. Board members could not find the property boundary markers and **Bob** knows we have to see all four corners.

We do not understand the garage doors and entries on the drawings.

There are problems with trees and the amount of room the garage has in front of the house. **Gary** sent **Bob Lujan** an e-mail to correct the problems and the Board will review the application again.

Motion to disapprove, Gary Braun, seconded by Bob Palmquist, unanimous aye, disapproved.

d. Heaton Building permit: Balcony attached to house Plat 9 Lot 4

Vote to approve as submitted, **Gary Braun**, seconded by **Bob Palmquist**.

Gary Braun explained the balcony using a picture and submitted drawing. If a permit is granted and posted, it will make the construction of the balcony ok. The Board was asked not to charge for the permit. **Bob Palmquist** explains health and safety is still a point the Board must consider and inspections would be

necessary. **Al Redlin** stated the Town Council encourages the Board to recommend ordinance modifications and the Council recognizes that the P&Z Board needs a bit of latitude to make decisions. **Jody Tibbitts** explained what is needed for inspections, and what the fees are for. **Steve Ashworth** posed a question asking if this project falls under the Ordinance as written. **Al** felt that it is up to the Board to make the decision on what fees should be paid or waived. **Bob Palmquist** stated that all agree the balcony should be made safe and inspected. If it's necessary to inspect, then there should be a fee.

Steve Ashworth suggested that this balcony should require only one inspection. **Gary Braun** suggested charging a lower fee for an inspection to insure the balcony's safety. **Bob Palmquist** felt the charge for one inspection fee was appropriate and suggested approving the project as submitted. **Gary Braun** also wanted to approve the project as submitted and charge one inspection fee.

Motion: Steve Ashworth moved to amend the motion to approve this Balcony permit as submitted but requiring one inspection and waiving the \$500 deposit. All in favor said aye, vote unanimous, there were no comments from the audience. Permit approved.

Action: Board need to read the P&Z ordinances and recommend needed changes so we can accommodate other upcoming issues. The Board has the authority to do this. **Steve Ashworth** recommended two simple changes to Ordinance 2007-06 Appendix 11-1 that would help. In Item 5 in Appendix 11-1, change the reference to the 2003 edition of the ICC to the 2006 edition of the IRC and IBC. (IBC refers to business structures and those intended for 3 or more families; IRC refers to residential structures for 2 or less families.) The other thing he would like is to add a #24 to Appendix 11-1 that states plans need be stamped by a State of Wyoming Structural Engineer.

Gary Braun asked about where that would apply.

Action: Steve will write it up, and present it as an item for next meeting. **Al Redlin** suggested we communicate by about this by e-mail before next meeting.

5. Information/discussion Items

a. Meikle, not yet present; will move to end of the agenda and hear him if he arrives. He had to come from Boise tonight. The development may not be within one mile of the Town.

b. Gary Braun stated Warren Webb had asked about culverts in driveways for water drainage and is suggesting the town require them. There is a question of liability for diverting water. Yolanda indicated the Town Attorney's finding had indicated no liability in a previous court case. **Ron Thacker** commented that water will run down natural water drainages to low spots. In some places the Town may not be able to crown its roads and contain the drainage within the Town's right of way. Water overflowing out of the right of way onto private property creates a huge problem. **Steve Ashworth** explained the Town's responsibility within the right-of-way and associated liabilities. If someone puts in a driveway that blocks drainage water, a culvert would not interfere with the existing drainage. There is also a hundred year run-off problem, added **Bob Palmquist**. Gary suggested we do some research and have another meeting or workshop on this subject.

c. Jody Tibbitts' Design Code Request: 14 page check list, reference sheets. **Steve Ashworth** asked if there is more in the checklist than is needed although he favors the concept. The question is do we have what we need as far as details that need to be shown and are all of the items on the checklist really necessary? **Steve Ashworth suggested** we consider contracting an independent consultant, who could talk to us as a neutral outsider on creating and enforcing planning and zoning requirements. Steve questioned **Al Redlin** as to whether we can request hiring an independent consultant. **Al** said he would get it approved. **Gary Braun** also questioned whether the checklist is too detailed for our information. **Jody Tibbitts** explained the checklist's purpose is to alleviate the confusion with the public. He feels these requirements are important and are very specific. The checklist provides the public a better understanding of what is expected. The Board agreed to get a consultant to come in and give us help with this subject. The consultant **Steve Ashworth** recommended is **Steve Hawket**. He has 30 years experience, is a retired builder, and a licensed architect.

ACTION: Al Redlin will check the budget and get approval from the Town Council. Steve will continue to work on that issue.

It was suggested to **Elmer Beck** that the Star Valley Ranch Association take out building requirements the **SVRA Architectural Committee** administers and only handle building cosmetic requirements. Should the P&Z Board suggest the Association limit its Architectural committee functions to administering its CCR's?

d. Radon Education on June 4th. **Gary Braun** stated the State Radon officer wants to have a meeting talk to whoever wants to hear about it. How do we want to advertise, or get info out to the public? When do we want to do this? Do we want to still do this? **Ron Thacker** wondered why this is an issue with the P&Z Board. He feels the Board needs to prioritize its issues. **Gary Braun** stated this was a subject three months ago. **Ron Thacker** questioned whether this should this be a P&Z Board or a Town Council issue. **Steve Ashworth** thinks having a radon meeting is good idea, but it needs to be decided when/where the meeting will be held. The matter was given to **Al Redlin** for resolution. The simple approach is to set a date for an informational meeting for the public, but it's recognized that it's hard to get people involved. We could try to schedule a half hour of time before a P&Z Board or Town Council meeting to disseminate the information. **Al Redlin** will work it out.

e. Town Master Plan Update , Next meeting Item.

Comments/Matters from the Board

a. Wyoming Land Use Meeting in Casper. **Bob Palmquist** reported this was good refreshing information. The meeting covered two types of law and some rules for how you do zoning and land use in this state. There was information on how to hold public meetings and on how to insure due process. Town Councils cannot do anything with Planning/Zoning without P&Z Board recommendations. It was also noted that:

- 1. A developer has no vested rights until he starts to develop.** Until dirt is turned, a P&Z Board can change its mind.
- 2. Regulations that deprive a landowner of value are** regulatory takings. Any burden put on one landowner must be shared by all others.
- 3. Religious institutions cannot be discriminated against in zoning and planning decisions.**

Bob Palmquist thought this was a very interesting and worthwhile meeting.

b. P/Z Board Book: Each Board Member will have a book with all needed information for the Board members including all Town Ordinances, Zoning Ordinances, State statutes, etc.

c. P/Z Goals 2008/2009: Members should think about what they want to accomplish in the coming year now that we are approaching the end of our first year in existence. We need to identify and prioritize all the tasks that need to get done.

Steve ask that we all think about goals and agenda items for the next meeting on May 21st. **Gary Braun:** While thinking about future, we should reflect on the past. If you don't look back at what you have done, you cannot go forward. We need to think about where we want to go. **Bob Palmquist** stated that an annual report will be going to The Town,

d. Commercial Building Permits for the Post Office building coming to the Town. **Al Redlin** requested a variance as the post office does not fall into a regular commercial buildings classification because it's a temporary building. He asked **Steve Ashworth** if the Town needed to request a building permit? **Steve** answered yes, felt it was important, and the rest of the Board agreed. Post office will need state fire permits. They can be obtained from the State Fire Marshal's office.

The Board needs to focus on commercial situations and the idea of factoring a Commercial aspect into the Town's Planning and Zoning Ordinances.

ACTION: Jody Was asked if he would get a copy of Alpine's commercial code. He stated that we could get it off Alpine's website.

e. Discussion on alternate Building Inspector. An application was submitted. The discussion centered on whether we should we use other building inspectors as a back-up? **Gary Braun** brought up questions on the

Town's liability; do alternate inspectors need to be insured and bonded? **Ron Thacker** brought up questions about possible conflicts of interest. Applications for building inspectors had been solicited before. This applicant had been approached before, but never applied. The applicant now claims the Town did not let him know, or didn't want him as an inspector due to his problems with the Association. The Board agreed that when a vacancy becomes available, the Board will consider all applications for all positions. At this time our Board is full. It was agreed that for future vacancies, the opening will be advertised and all applicants be interviewed by a committee of P/Z Board members and Town Council members. The committee is not obligated to appoint any applicant for an advertised position even if they're the only applicant. The Board will examine the possibilities of employing an on-call back-up inspector, but do not regard it a necessity at this time.

f. Elmer stated he will be gone June 4th.

g. Two Workshops will be coming available; a hydraulic workshop and an application workshop. Steve feels the application workshop is more important at this time.

Steve asked if there was motion to adjourn? Bob Palmquist moved to adjourn the meeting. Gary stated he was not available to attend the May 21st meeting and then seconded the motion, all in favor all ayes; the meeting was adjourned.