

COMMISSIONERS' PROCEEDINGS

June 27, 2024

Commissioners Scott Miller, Scott Blain, and Bill Bullock, and Administrative Officer Angela Newell were present.

8:30 Pledge of Allegiance.

8:55 Bullock moved to approve Claims for June 2024; Blain seconded; motion carried. Newell discussed a second check run after the 4th of July to get the remaining claims in for the fiscal year-end.

9:00 Commissioners reviewed employee time.

9:30 Forrest Mandeville met for Group 2 Development Permit Variance for Carbon County Radio Towers west of Joliet. Mandeville reviewed the Planning Board's recommendation. Bullock having reviewed and considered the staff report, public comment, and all of the information presented, moved to approve the variance request from setback requirements for the Group 2 Development Permit from Carbon County for the construction of a telecommunication tower subject to the conditions included in this memorandum; Blain seconded; discussion of the history of denying wind turbines because of potential impact to neighboring properties because of fall hazards; Mandeville noted the different processes for the two different structures and the difference in public benefit to communications towers; Mandeville noted the tower height would not result in the tower falling onto an adjacent property. Motion carried.

9:40 Meeting recessed.

10:00 County Attorney Alex Nixon met for his regular meeting. Discussed trespassing at the Vukonich Gravel Pit; Nixon requested that all gravel pits have no-trespassing signs. Discussed Grove Creek easement request; Nixon and Papez recommend the Commission send a letter regarding ownership of the property where the easement is being requested (research indicates State ownership). Discussed the Airport Interlocal Agreement; there has been no response from the City to the May 7th letter. Nixon and the Commissioners discussed whether or not funds should be budgeted without an Agreement or if termination procedures and dissolution of assets should continue. Nixon discussed Subdivision protocols and processes regarding Planning Board's recommendation for denial; in the appeal process, public comment should be limited to what was presented to the Planning Board.

10:30 Contract Planner Forrest Mandeville, Nixon, Travis West of Engineering West, Phil Nygard, Linda Nygard, Crystal Jones, Samuel Smith, Gary Beeler, Jim DesJarlais, Mike Hays, Jeffrey Krook, and David Stanhope met for the Elk Meadows

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Subdivision. Mandeville reviewed the project memorandum and the Planning Board's recommendation for denial. Blain Having reviewed and considered the application materials, project memorandum, public comments, Planning Board recommendation, and all of the information presented, moved to approve the Elk Meadows Subdivision, with the findings and conditions included in the project memorandum; Bullock seconded;

Blain confirmed the lots were 20 acres without road easements; he discussed the land being taken land out of agricultural production noting he would like to see greater lot sizes. Blain also expressed concerns about gravel road impacts with the anticipated 30-40 extra trips per day and additional trips required to haul water for cisterns, there will likely be significant road impacts. Blain noted the road is one of the last to be plowed in his district and would like to see the road's maintenance level mentioned on Plat and a condition added to require buyers to waive the right to protest the creation of a Road Rural Special Improvement District (RSID). Blain also noted his concerns about significant increased expectations for road maintenance on a road that is neither a bus or mail route. Commissioners discussed the fire response time which is expected to be 30-minutes. Bullock expressed concerns about cistern requirements, the history of DEQ providing authorization for individual wells, and the mess it has caused in other subdivisions in the County. Bullock also has concerns with wildfire protection, the limited access to services, and the likely expectation that amenities will be available in the foreseeable future. Miller expressed concerns about the destruction of agricultural heritage, road maintenance, and plowing requirements if there is development in the more rural parts of the County. Miller is concerned that lots are already being advertised without receiving preliminary approval. The meeting was opened to public comment.

Smith expressed concerns that the development does not meet the objectives of the County Growth Policy and believes that personal property rights need to be balanced with public safety risks noting wildland fire potential. Smith also expressed concerns about road impacts.

Stanhope expressed concerns about impacts to groundwater and surface water, including Cherry Springs and Cow Creek, and potential effects on current agricultural operations. Also expressed concerns about subdivision impacts to elk

Beechler expressed concerns regarding elk impacts, the potential for further subdivision, and distance from services.

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Crook expressed concerns about the effects of surface water and agricultural wells and effects on water, and there not being covenants in place for the subdivision. Crook is also concerned about the impacts of domestic pets and garbage.

Travis West Engineering West noted that the developers intend to propose covenants to accompany the final plat and believe some of the concerns can be addressed in those covenants. West noted that although the current grassland hay field will go away, he believes that land could still be in small agricultural production. Condition 10 and well production under 4 gallons and concerns about irrigation wells; propose statement on the final plat restricting all wells potable and non-potable being subject to local Environmental Health and DNRC approval showing not impact.

DesJarlais noted there is a desire from the landowner to have some development restrictions. He wants to address garbage and fire concerns and to require construction to provide for a defensible fire space.

Nygaard, as the listing agent, addressed concerns about properties being listed. The supervising broker told her if there was a preliminary plat she was approved to list the properties; no properties are contingent at this time.

Crook question – clarified that can not consider new information at this meeting.

Commissioners discussed the possibility of future subdivision through family land transfers, complications with reliance on cisterns, the distance to local fire services, and how to best balance the property rights of the owner with the neighboring property rights. Blain voted in favor; Bullock and Miller opposed. Motion failed.

Blain moved to accept the findings of the Carbon County planning board concerning the Elk Meadows subdivision; Bullock seconded; Blain moved to amend the motion to accept all findings of the Planning Board except the finding regarding effects on agricultural water user facilities; Bullock seconded the amendment; amendment carried. The public provided additional comments regarding fire protection and water availability. Motion carried.

11:40 Park County Wyoming Commissioners Lloyd Theil and Tammy Theil met to discuss the business of each County. Topics discussed included subdivisions, economic drivers for both counties, zoning regulations and limitations on lot sizes, infrastructure projects and grant opportunities for bridge projects, mutual aid response across state lines, and the prevalence of Federal land in both counties.

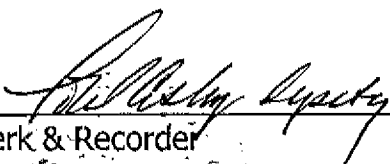
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Commissioners also expressed frustrations with the regulatory philosophy of some Federal agencies and the attempt to have a one-size-fits-all approach. Also discussed were frustrations with the philosophy of some new residents, water rights, water availability, and impacts from subdivisions on both.

12:00 Adjourned.

ATTEST:


Clerk & Recorder


Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer

