

Park County Planning & Zoning Commission
Meeting Minutes
 January 29, 2019

This is a Special Meeting of the Park County Planning & Zoning Commission held at 6:00pm in the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

Commission Members Present:

Marion Morrison, Chairman
 Kimberly Brandon-Wintermote, Vice Chairman
 Duncan Bonine
 Debora Smith

Staff Present:

Joy Hill, Director of Planning and Zoning
 Kim Dillivan, Planner II
 Patti Umphlett, Planner I

AGENDA

PUBLIC HEARING – Zoning of Unzoned Parcel - Zoning Map Amendment: The Board of County Commissioners and Director of Planning and Zoning request consideration of the zoning district to be assigned to an un-zoned 160-acre parcel with a site address of 225 Highway 295, Powell, WY. The property is owned by RMCC, Inc. and is described as all that portion of the SW ¼ (K, L, M, N) of Resurvey Lot 37, T55N R98W, 6th P.M., Park County, Wyoming. The land was previously owned by the State of Wyoming and therefore was un-zoned; the Board of County Commissioners and Director of Planning and Zoning have requested that a zoning district designation be considered by way of a zoning map amendment.

Chairman Morrison opened the public hearing at 6:00 pm, reviewed the rules of a public meeting and introduced the Board and Staff.

Chairman Morrison recused herself from participation in the hearing citing a personal conflict of interest. Vice-Chairman Brandon-Wintermote assumed the role of public hearing officer accordingly.

There being no other comments from the Commission, Joy Hill, Director of Planning and Zoning, presented the Staff Report.

Vice-Chairman Brandon-Wintermote asked if the Commission had questions for Staff.

- Vice-Chairman Brandon-Wintermote asked the Planning Director for clarification as to where the nearest GR-35 district is located or areas where GR-35 is near GR-P. The Planning Director referred to a figure in the Staff Report that identified the distribution of such zoning districts around the immediate areas of the county.
- Commissioner Bonine asked if it is appropriate to consider historical use of the land in making the zoning district consideration. The Planning Director said it is important to weigh the past and intended uses into the equation, however, it is not completely clear how the existing zoning districts were delineated. It appears that oftentimes planning area boundaries determined the cut-offs between zoning district types, rather than actual uses or even topography.

Vice-Chairman Brandon-Wintermote asked if members of the public had any questions or comments.

- 55 • Thom Nave, Meeteetse resident, said he works at the Inductance Energy Corporation
56 (IEC) facility in Scottsdale, AZ. He feels that he would never come before the county to
57 propose a building in the middle of nowhere. The building, however, exists, but is not
58 performing. They would like to improve the building. They would be making magnets. IEC
59 is working on magnetic propulsion engines with power generated by magnets. There is
60 nothing they would do that would be a nuisance (sound, visual, etc.). They will have a high
61 level of security. They would like to see it zoned industrial. They would like to be at this
62 location due to its remoteness and the existing infrastructure. There would be about 5
63 employees with good pay and benefits to start. The facility could be improved and become
64 a performing site. Being that it is isolated and fenced, it suits the business. They would
65 like to move forward as quickly as possible, but they understand the process. He spoke
66 with Commissioner Fulkerson whose concern was if the site is zoned industrial and more
67 development is proposed [potential for industrial park]. Mr. Nave said the business is very
68 simple and they would intend to be good neighbors. He added that the chances are low
69 for some other entity to come in that could use the facility and make something of the site.
70 The remoteness of the site with an existing large facility is very favorable for their business.
71 • Vice-Chairman Brandon-Wintermote asked what the magnets are put into. Mr. Nave said
72 the magnets are the fuel that cause the engine to rotate. There is no electricity or other
73 fuel. It is strictly the magnetic forces driving it. It is a very clean operation. Vice-Chairman
74 Brandon-Wintermote clarified that she wondered if the use of the magnets could be used
75 for agriculture. Mr. Nave said they are working on some potential ag uses for the magnets.
76 They prefer to be in Wyoming since they are a Wyoming operation.
77

78 Vice-Chairman Brandon-Wintermote asked if any commission members had questions for the
79 applicant.

- 80 • Commissioner Bonine asked if the use would just be for manufacturing the magnets. Mr.
81 Nave said yes and the engines will be produced elsewhere. Commissioner Bonine asked
82 that if anything other than industrial would be assigned, would the applicant pursue a
83 variance. Mr. Nave said yes because he believes it would be a good match. Mr. Hawley
84 added that they are more than happy to enter the variance process; they had already
85 started the process then pulled out. Mr. Nave added that there is no pollution of any kind
86 related to their proposed business.
87 • Mr. Alan Lohman from RMCC, Inc., said the fact that the structure, having been used for
88 industrial activity in the past, was permitted at some point. The Planning Director added
89 that the county did not approve or permit the building or any industrial use since it came
90 to be when the parcel was in State ownership. Mr. Nave said he is not certain when we
91 would find an occupant who would be such a good neighbor. The Planning Director added
92 that the Board of Commissioners, when approached about the subject of zoning the
93 parcel, were concerned about industrial zoning leading to subdivision and the potential for
94 growth of an industrial park in an area that is surrounded by agriculture.
95 • The Planning Director added that we should consider the future of the public lands
96 surrounding the parcel. What would we do if those lands transferred to private ownership
97 down the line. As a collective, the public lands fit the topographic description of other lands
98 in the county zoned as GR-35 and sometimes GR-20. She recalled the average parcel
99 densities surrounding the parcel in question, noting that those averages are 100 acres or
100 more, despite the sprinkling of a few smaller parcels in the area.
101 • Vice-Chairman Brandon-Wintermote asked if there are other pockets of industrial zoning
102 in the county outside of urban areas. The Planning Director confirmed that there are none.
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104 Commissioner Bush made a MOTION to close the hearing at 6:48pm; SECONDED by
105 Commissioner Bonine. The motion was carried unanimously.

106
107 Vice-Chairman Brandon-Wintermote asked commission members if they had any discussion.
108 Vice-Chairman Brandon-Wintermote mentioned the approval standard for map amendments not
109 singling out the parcel. She feels to single this out as industrial might not match that requirements.
110 She offered that selecting the closest zoning would be safest. Commissioner Bonine asked, given
111 the location, is GR-P the most appropriate or would GR-35 be. Commissioner Bush added that
112 she feels GR-35 would be best.

113 Commissioner Bonine made a MOTION to recommend the amendment of the County zoning map
114 to create a GR-35 zoning district for this parcel. SECONDED by Commissioner Bush. See
115 Resolution 2019-3 attached hereto and incorporated herein.

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117 Commissioner Bush made a MOTION to adjourn the meeting at 6:59pm. SECONDED by
118 Commissioner Bonine. All in favor. Motion passed.

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120 Respectfully submitted,

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Jolene Brakke, Secretary

**RESOLUTION 2019 - 3
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO DESIGNATE A GENERAL RURAL 35-ACRE
ZONING DISTRICT TO THE RMCC, INC. PARCEL, THUS AMENDING THE COUNTY
ZONING MAP**

WHEREAS, un-zoned land with the following legal description transferred from State of Wyoming ownership to private ownership in the name of RMCC, Inc. on November 1, 2018 (Document #2018-5828): 163.89 AC. DES. AS: TRS. K (40.99 AC.), L (41.01 AC.), M (40.96 AC.) & N (40.93 AC.) LOT 37 RESURVEY SEC. 36 T55 R98 (PATENT NUMBER 3204);

WHEREAS, the Park County Planning and Zoning Department was notified by the parcel owner that they have an interest in the land being utilized for industrial purposes;

WHEREAS, the Park County Planning and Zoning Director and Board of County Commissioners requested that the Planning and Zoning Commission consider and recommend a zoning district designation to be assigned to the RMCC, Inc. parcel ("the parcel") to determine the uses to be permitted on the land;

WHEREAS, the Park County Planning and Zoning Commission held a duly noticed special meeting and public hearing on January 29, 2019 to consider a zoning district designation for the parcel and found the following;

- a. Public lands surround the parcel on all sides causing this newly privatized parcel to appear as an island in this midst of un-zoned lands in the Cody/Powell Rural Planning Area;
- b. Past activities on the land while it was State-owned included military operations and a private business involving the assembly of parts manufactured in other locations;
- c. The approximately 7,400sq. ft. building on the property was purchased by the City of Powell over a decade ago, though the land remained in State ownership;
- d. Park County approved a Special Use Permit for a value-added agricultural business in 2007 assuming a General Rural Powell (GR-P) zoning district for the un-zoned, State-owned land with a privately-owned facility on it (the approved use was never developed);
- e. The Park County Assessor's Office currently has the parcel classified as "industrial" for taxation purposes;
- f. All private lands surrounding the public lands around the parcel are classified as "agricultural" by the County Assessor's Office for taxation purposes;
- g. The Cody/Powell Rural Planning Area encourages industrial growth that

- supports agriculture;
- h. Consideration of the Park County Land Use Plan and the land suitability analysis that was conducted to create the original zoning designations in the County revealed that the RMCC, Inc. parcel is within an area classified as "conservation" where lot sizes between 35-50 acres and agricultural production are generally suitable, agricultural service/value-added agricultural businesses and large-impact structures are conditionally suitable and manufacturing is not suitable;
- i. Agricultural activities have not occurred on the land for at least the past decade;
- j. The Land Use Plan discourages extending growth-inducing facilities (water lines, sewer lines, etc.) into agricultural districts and similar;
- k. The nearest zoning district in all directions is GR-P;
- l. Existing industrial zones in the County are immediately adjacent to urban centers;
- m. It is common to find GR-35 zoning to be adjacent to GR-P zoning around Park County;
- n. The average parcel size within ½ to 2 miles of the parcel ranges from just over 500 acres down to ~130 acres, decreasing in size as you move further away from the site;
- o. Significant un-zoned, public open space/undeveloped acreage exists in the Cody/Powell Rural Planning Area, the future zoning of which is important to consider;
- p. GR-35 zoning promotes the retention of open space and rural areas;

WHEREAS the Planning & Zoning Commission concludes that the land in question, when considered within its surroundings, lends itself best to a low-density zoning designation, such as General Rural 35-Acre (GR-35), which supports large-acre parcels and the protection of open spaces that have been preserved by State ownership, and allows applicants to seek a variance for unallowable uses within any zoning district;

WHEREAS, amending the County Zoning Map to assign a GR-35 zoning district to the RMCC, Inc. parcel meets the following criteria:

- i. The map amendment does not single out a parcel of land for a zoning classification that would promote a land use that is incompatible and inconsistent with the existing or planned uses of the surrounding areas;
- ii. The map amendment is in accordance with the County's Land Use Plan; and
- iii. The map amendment substantially addresses a public purpose or need that outweighs any detriment to the rights of neighboring property owners;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends an amendment to the County Zoning Map to assign a GR-35 zoning designation to the RMCC, Inc. parcel described herein.

ADOPTED by the Park County Planning & Zoning Commission this 29th day of January, 2019.

**PLANNING AND ZONING COMMISSION
PARK COUNTY, WYOMING**

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chairman



Patti Umphlett, Secretary



Park County Planning & Zoning Department
1002 Sheridan Avenue, Suite #109
Cody, Wyoming
(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **6:00 P.M.**, Tuesday, January 29, 2019 in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY.

This is a special meeting of the Park County Planning & Zoning Commission open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

AGENDA

[PUBLIC HEARING – Zoning of Unzoned Parcel – Zoning Map Amendment](#)

ADJOURN



PLEASE SIGN IN
PLANNING and ZONING COMMISSION MEETING
January 29, 2019

		Zoning of Unzoned Parcel - Zoning Map Amendment	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	THOM NAVE	ZONING of UNZONED PARCEL	YES
2	Richard Hawley	Z + P	
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