

Planning & Zoning Commission Minutes

March 19, 2019

This is a regular 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:

Kimberly Brandon-Wintermote, Vice Chairman
Linda Putney
Duncan Bonine
Debora Smith

Commission Members Absent:

Marion Morrison, Chairman

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Planner II
Jolene Brakke, Office Assistant III

In Chairman Morrison's absence, Vice-Chairman Brandon-Wintermote opened the meeting at 6:00 pm.

APPROVAL OF MINUTES

Vice-Chairman Brandon-Wintermote asked the Board for comments or changes to the February 19, 2019 meeting minutes. A MOTION was made by Commissioner Smith to approve the minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

REGULAR AGENDA

[PUBLIC HEARING – Common Ground Farms Value Added Agricultural Business SUP-175:](#)

Common Ground Farms requests approval of a Special Use Permit Application for a kitchen building to be utilized as a value -added agricultural business. The operation will be located on property northwest of US Highway 14A and south of Lane 13H in Section 2 of T54N, R101W of the 6th P.M., Park County, Wyoming, in a GR-P (General Rural Powell) zoning district.

Vice-Chairman Brandon-Wintermote opened the public hearing at 6:01pm, reviewed the rules of a public meeting and introduced the Board and Staff.

There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff Report.

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

Vice-Chairman Brandon-Wintermote asked if the Applicant had any questions or comments.

- Mr. Ken Markert and Ms. Lynn Horton Morrison approached the commission. Ken introduced himself as a planning professional and former County Planner who is helping Mr. Rod Morrison and Lynn get the development situation on their land sorted. Ken explained the Morrisons' goal of selling freeze-dried meals on the internet. This is to

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53 demonstrate that growing beets is not the only way to survive in agriculture in this area.
54 He feels the use is innocuous and straightforward.

- 55 • Lynn said they have owned the farm since 2000. In 2003 they started the transition to a
56 certified organic farm. They own over 400 acres in all. They have had organic beef
57 production and organic beans. They have decided to go with freeze-dried food 1) due to
58 reduction in shipping costs and 2) there is a juggling act between supply and demand with
59 products (especially in livestock industry) and it is hard to keep up with the demand. To
60 put their certified beef into a freeze-dried meal allows the meat to go farther. They are a
61 farm and a ranch, because they do animal husbandry. It is her understanding that in GR-
62 P they would be permitted by right, but she is confused as to why a Special Use Permit is
63 required. She wanted it known that what they do is agricultural and should be permitted
64 by right, but they are willing to go through this process based upon Planning and Zoning's
65 decision.

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

- 69 • Commissioner Smith said she thinks it is a great service and she wishes them luck.
- 70 • Commissioner Putney asked why they started construction before permits were issued.
71 Ms. Morrison said she would speak for her husband as it was his "baby" and she was out
72 of town for work. She thinks that he felt it was agricultural and went through vigorous
73 review with the USDA and that it would suffice. He thought you should be able to do it by
74 right and scrutiny by the USDA would be enough.
- 75 • Commissioner Putney asked about all the structures involved and what the total square
76 footage is that will be used for the use. Ken replied that the kitchen would be on the first
77 floor and storage on the second floor. Ken said the top floor of the building will be
78 unfinished, open storage. Commissioner Putney asked if none of the other buildings will
79 be used for storage of materials or employee housing. One employee already lives in
80 employee housing on the parcel and the other employee will be Mr. Morrison who also
81 lives on the property. Commissioner Putney asked what the water source is for the
82 employee housing. There is a well in the log house and there is a converted Japanese
83 barracks where the employee lives. The well serves the log house and employee housing.
84 Putney also asked about septic for both. There is a permitted system in use for both
85 structures. Putney asked if they would want to know if the well intended to serve the use
86 (kitchen) is sufficient to serve the needs of the business. Ken said that a very rigorous test
87 of the water will be required by the government as part of inspection of the facility. If it
88 ends up low quality, there are ways to treat the water to make it suitable.
- 89 • Vice-Chairman Brandon-Wintermote asked where slaughtering occurs for their cattle.
90 Lynn said the cattle is transported across state lines and is processed in Columbus, MT
91 at a USDA-inspected facility. The beef is boxed and returned to the farm for use in the
92 meals.
- 93 • Vice-Chairman Brandon-Wintermote asked about wastes generated. Lynn said all
94 materials are certified organic, which means it is cleaner – none of the herbicides and
95 pesticides will be part of the process. Even waste entering the septic system will be cleaner
96 than average. Ken added that any waste from the food preparation process is minimal.
97 They also recycle cardboard boxes. Ken added that no additional traffic is expected to
98 result from the use. Ken said he would really have liked the septic system to be approved
99 before the use. He did speak with DEQ in attempting to determine a quantity of wastewater
100 or concentration of organic matter entering the proposed system.
- 101 • Commissioner Putney asked how they determined the quantity of waste and does DEQ
102 need to review. Kim said DEQ has been asked to review; the Planning Director added that
103 the original permit was unclear as far as the use was concerned; when it was determined

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104 that it was a kitchen and floor drains were involved, that led to the involvement of DEQ.
105 DEQ handles classifying floor drain applications as conventional or Underground Injection
106 Control (UIC) program systems. Therefore, the County will involve DEQ in the process of
107 permitting this system to serve the use. The use must be permitted first; should the use
108 be denied for some reason, the plan for the septic system and the use of the structure
109 could change.

- 110 • Commissioner Putney asked for further explanation on the wastewater volume – Ken
111 provided a bit more detail based upon information provided by DEQ. Commissioner
112 Putney further asked about cleaning products and vinegar being used and how they may
113 impact the septic system. Ken added that DEQ will address those aspects.
- 114 • Commissioner Smith asked if we need to be concerned about the additional floor space
115 on the second floor. Other commission members confirmed it is fine.
- 116 • Commissioner Bonine asked about the storage building mentioned in the staff report. Lynn
117 said the building to the NW is currently used to store the beef in freezers.

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119 There were no members of the public in attendance.

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121 Commissioner Putney made a MOTION to close the hearing at 6:41pm; SECONDED by
122 Commissioner Bonine. The motion was carried unanimously.

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124 Vice-Chairman Brandon-Wintermote asked commission members if they had any discussion.
125 Commissioner Bonine asked to have a condition that the applicant provide copies of USDA
126 permits upon approval. Commissioner Putney said Item 10 should read “at this.”

127 Commissioner Putney made a MOTION to approve Resolution 2019-6 with the following
128 conditions:

129

- 130 1. Park County noise, lighting and other nuisance regulations shall apply;
- 131 2. The proposed structure must conform to building setback requirements and
132 requires a building permit prior to construction;
- 133 3. Evidence that State and/or Federal inspection(s) of the well water has/have been
134 conducted proving the water to be of acceptable quality for human consumption
135 and serving the use must be provided to the Planning & Zoning Department prior
136 to the use commencing;
- 137 4. Construction activities for the commercial kitchen building shall not commence until
138 a building permit and small wastewater system permit have been approved;
- 139 5. The applicant shall otherwise comply with standards in the Park County
140 Development Standards and Regulations.

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142 Motion was SECONDED by Commissioner Smith. The motion carried. See Resolution 2019-6
143 attached hereto and incorporated herein.

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145 Vice-Chairman Brandon-Wintermote provided the Chairman's report.

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147 The Planning and Zoning Director gave a brief report

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149 There being no other business, a MOTION was made by Commissioner Putney to adjourn the
150 meeting at 7:34 pm. The motion was seconded by Commissioner Brandon-Wintermote. All in
151 favor.

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153 Respectfully submitted,
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Jolene Brakke, Secretary

**RESOLUTION 2019 – 6
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF COMMON GROUND FARMS
VALUE-ADDED AGRICULTURAL BUSINESS SUP-175**

WHEREAS Common Ground Farms, LLC. has applied for a Special Use Permit to allow the development and operation of a value-added agricultural business on a 0.3-acre area of land, within an approximately 205-acre parcel, south of County Lane 13H and approximately three miles northwest of the intersection of County Road 19 and State Hwy 14-A;

WHEREAS this project is defined by Park County as a Value-added Agricultural Business: a business or industry converting agricultural products into more finished products;

WHEREAS the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, is consistent with surrounding uses in this area and adequate services and infrastructure are available, or will be made available, to serve the use;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on March 19, 2019 to consider the Special Use Permit Application and found the following:

1. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
2. The application was forwarded to agencies as required;
3. The owner of the parcel is Common Ground Farms, LLC.;
4. The property lies within a GR-P zoning district, which allows value-added agricultural businesses, provided a Special Use Permit is approved;
5. Given the size of development, a Site Plan Review is not required;
6. The applicant states that impacts from noise and light will be minimal;
7. Public Works confirmed that access is from County Lane 13H;
8. No public parking area or room for traffic circulation is planned beyond the accessibility necessary for employees and for a parcel service truck;
9. Domestic water will be supplied by a 40-gpm well near the structure to serve the restroom, sinks and food processing operations;
10. At this time, well water quality cannot be accessed;
11. A septic system will be installed to treat wastewater from the restroom, sinks and floor drains; the combined volume is expected to be under 100 gallons per day;

12. Any solid waste produced at the site will be temporarily stored then removed from the site and transported to an appropriate facility for disposal according to applicable regulations;
13. Any hazardous substances or materials that are produced, stored or handled onsite will be handled according to state and federal regulations;
14. Electricity will be provided to the proposed structure by a set of existing solar panels;
15. Electricity from Garland Light & Power is stubbed to the proposed structure should additional power be needed;
16. Natural gas from MDU is stubbed to the proposed structure;
17. Park County Fire Protection District #1 serves this area;
18. A runoff and erosion control plan is not required;
19. The parcel is in an agricultural overlay district;
20. No nuisances have been observed or reported on the property;
21. Weed and Pest does not require a long term noxious weed management plan; however, they do recommend that the applicant follows Best Management Practices for the Control of Noxious Weeds;
22. No new outdoor lighting has been proposed;
23. No signs have been proposed.

WHEREAS the Planning & Zoning Commission concludes the Special Use Permit application is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the Park County, Wyoming 2015 Development Standards and Regulations;

WHEREAS the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Park County Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Common Ground Farms Value-added Agricultural Business SUP-175, subject to the following conditions:

1. Park County noise, lighting and other nuisance regulations shall apply;
2. The proposed structure must conform to building setback requirements and requires a building permit prior to construction;
3. Evidence that State and/or Federal inspection(s) of the well water has/have been conducted proving the water to be of acceptable quality for human consumption and serving the use must be provided to the Planning & Zoning Department prior to the use commencing;
4. Construction activities for the commercial kitchen building shall not commence until a building permit and SWW permit have been approved;
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of March 2019.

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



Kimberly Brandon-Wintermote,
Vice Chair

ATTEST:



Jolene Brakke, 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, March 19, 2019 in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY.

This is a regular 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.

APPROVAL OF MINUTES

Approve minutes from February 19, 2019 meeting.

REGULAR AGENDA

[PUBLIC HEARING – Common Ground Farms Value Added Ag SUP-175](#)

OTHER BUSINESS

1. Chair's Report
2. Planning Director's Report

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
March 19, 2019

		Common Ground Farms Value Added Ag SUP-175	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Lynn Horton Morrison	CBE Value Added	✓
2	Ken Markin	"	✓
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