

1 **Planning & Zoning Commission Minutes**

2 April 16, 2019

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 6:00pm in
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

6
7 **Commission Members Present:**

8 Marion Morrison, Chairman
9 Kimberly Brandon-Wintermote, Vice Chairman
10 Linda Putney
11 Duncan Bonine
12 Debora Smith

13
14 **Staff Present:**

15 Joy Hill, Planning Director
16 Kim Dillivan, Planner II
17 Patti Umphlett, Planner I
18 Jolene Brakke, Office Assistant III
19 Brian Edwards, County Engineer
20 Ben McDonald, Public Works Project Manager

21
22 Chairman Morrison opened the meeting at 6:00pm.

23
24 **APPROVAL OF MINUTES**

25
26 Chairman Morrison asked the Board for comments or changes to the March 19, 2019 meeting
27 minutes. A MOTION was made by Commissioner Smith to approve the minutes; the motion was
28 SECONDED by Commissioner Putney to approve the minutes as corrected. Motion was carried
29 unanimously.

30
31 **REGULAR AGENDA**

32
33 **PUBLIC HEARING – Will's Hope SUP-176:** Mark and Sarah Squire request approval of a
34 Special Use Permit to allow a Dude Ranch and Resort use for a small non-profit organization
35 (Will's Hope) to operate an outdoor educational and self-development program for young adults
36 with disabilities. This proposed facility is located at 19 Davis Draw, Cody, WY, on 19.29 acres
37 described as: W1/2 of Lot 99-B, Sec 18, T51N, R103W of the 6th P.M., Park County, Wyoming,
38 in a GR-20 (General Rural 20-Acre) zoning district.

39
40 Chairman Morrison opened the public hearing at 6:02pm, reviewed the rules of a public meeting
41 and introduced the Board and Staff.

42
43 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff
44 Report. Kim added that, for 2020, the Squires hope to spread out their retreats between late spring
45 and early fall. There will be 12 people – half staff/volunteers, half participants. They do not intend
46 for the property to be continuously rented due to infrastructure limitations.

47
48 Chairman Morrison asked if the Commission had questions for Staff.

- 49
- 50 Chairman Morrison asked County Engineer, Brian Edwards, to summarize his report.
51 Brian stated that his office primarily focuses on access and erosion control. Brian
52 explained that he feels the private road, Davis Draw, is approximately 10% grade, steeper
53 in some places. Brian addressed comments sent in regarding slope instability; he stated
that slope issues are common along the Southfork Road. He said the materials are porous,

Planning & Zoning Commission Minutes

April 16, 2019

54 cobble materials that are susceptible to localized sloughs. Irrigation water causes
55 problems in this area. Brian addressed concerns about water trucks making it up the road.
56 He spoke with a water delivery service that said they currently serve residents and are
57 able to get up the road. Bad weather can make it challenging, but they make it up there.
58 Brian said a lot of what is happening along the slopes, in his opinion, is due to irrigation
59 water. He doesn't feel the development proposed will have a substantial impact on the
60 road or slope stability.

- 61 • Chairman Morrison asked Kim if any water quality reports were received. Staff indicated
62 that they did not recall receiving water quality reports.
- 63 • Chairman Morrison asked what made us believe the cistern was intended to be
64 abandoned. The Planning Director said it was written on a septic system permit
65 application.
- 66 • Chairman Morrison asked about soils east of the driveway and slope. Kim mentioned that
67 he had visited the site and didn't recall a severe change in slope.
- 68 • Chairman Morrison asked about the small wastewater system permit from 1999 and
69 whether area for a replacement leach field was identified. Kim indicated that the
70 application did not show that element.

71

72 Chairman Morrison asked if the Applicant had any questions or comments.

- 73 • Mark Squire approached the Commission. He acknowledged the presence of neighbors
74 and said he looks forward to meeting them. He summarized his program for young adults.
75 He said they respect citizens, the environment and minimizing impact on the land and
76 wildlife. He understands the public process. He said there is some inaccurate information
77 going around. He summarized the business regarding young adults (18-30+ yrs) with
78 developmental disabilities. He introduced a young man who has been having great
79 success and progress. The business is not medical, therapeutic or crisis. They use nature,
80 tribes and professional instructors to do the work. Classes will not be held at the facility
81 for the most part. Instruction occurs in the field. The facility is for housing. Mentors are
82 screened and background checks are conducted. They also conduct training in Colorado
83 Springs to prepare their mentors, licensed nurses, etc. Upon returning from day activities,
84 the participants must stay inside or within a fenced area under mentor supervision. They
85 may take a short hike to observe bedding planes/geology near the residence. They are
86 very aware of the septic and water systems. There are issues that they are aware of with
87 the house also. He is learning the well. He got 300 gallons yesterday and another 225 or
88 325 gallons today. The tentative plan is to possibly have 4-5 groups throughout 2020- they
89 will still be operating under limited activity. They have plans to do an advanced septic
90 system. This property was the only viable property of three they evaluated. They do not
91 go into the area recklessly without consideration of the neighbors. There will be usage
92 periods with gaps in between.
- 93 • Mr. Squire addressed water. Cistern will serve one group – 35 gallons per person per day.
94 He confirmed that they have to truck water. The cost of water does not compare to saving
95 a human life. They do not advertise as an anti-suicide program, but they do bring
96 individuals in who have considered suicide. They have considered putting in a new
97 access, but it doesn't seem viable. They also don't feel that pumping water from the road
98 level is viable. As far as the road, they would be happy to take on maintenance of their
99 section of Davis Draw. Traffic is limited to a few cars, two vans and the occasional water
100 truck. They can suspend truck deliveries in bad weather. They hope to correct issues with
101 the residence. They evaluated fixing it, but they simply plan to stabilize the existing
102 structure.
- 103 • Mr. Squire said the perc tests from 1999 were viable. They are currently doing a site
104 investigation. They want to eliminate the pressure tank building and bring the pressure

Planning & Zoning Commission Minutes

April 16, 2019

105 tank into the building to keep the mechanical items together. As they make improvements
106 and clean up the site, they feel it should increase property values. They are in the concept
107 stage for a new facility and a new septic system. He would like to address any concerns
108 of the neighbors. They just put these kids into the natural environment to overcome
109 challenges and believe in themselves.
110

111 Chairman Morrison asked if any commission members had questions for the applicant.

- 112 • Commissioner Brandon-Wintermote asked about maximum capacity. Mr. Squire said they
113 will have 12 people total, including staff. Five to six participants. They also have a nurse.
114 There will be some mentors, including him and his wife in a tent in the metal building, while
115 the rest stay in the residence. Commissioner Brandon-Wintermote asked about how much
116 time will be spent there. Mr. Squire said they will be out of the area most of the day and
117 come back in the evening.
- 118 • Commissioner Smith asked if the program was licensed or does it require licensing. Mr.
119 Squire said no. Commissioner Smith referenced the letter from the fire marshal regarding
120 group home requirements. Mr. Squire said they do not operate as a group home. They
121 offer meals. They do have counselors and nurses along if needed.
- 122 • Commissioner Brandon-Wintermote asked if the facility is accessible to those with
123 physical disabilities. Mr. Squire said not at this time. He added that they try to
124 accommodate where they can.
- 125 • County Engineer asked about the time in between programs. Mr. Squire said at this time
126 he and his wife do not reside there. His wife would stay behind to cook, but he would stay
127 with the group. Staff won't be there unless the group is there.
- 128 • Chairman Morrison asked why licensed nurses are needed if it is not a medical facility.
129 Mr. Squire said for medication dispensing.
- 130 • Chairman Morrison asked if an engineering study would be done to evaluate the soils. Mr.
131 Squire said yes. Chairman Morrison asked if they have considered tearing down the
132 existing structure and rebuilding. Mr. Squire said there are many problems with the
133 building; they believe the building may go away in the future.
- 134 • Chairman Morrison asked if the staff to participant ratio is ever more than 2:1. The answer
135 was no.
- 136 • Chairman Morrison asked if there is a road maintenance agreement. Mr. Squire does not
137 believe they have written responsibility for the road at this time, though they intend to be
138 a part of maintaining the road.
- 139 • Chairman Morrison asked about the slope of the land to the east of the driveway going
140 into the property. Mr. Squire explained that it is fairly level.
141

142 Chairman Morrison asked for public comment.

- 143 • Sarah Squire, applicant, said that they instituted Will's Hope as an outdoor education
144 program for young adults with developmental problems. She lost her son to suicide (he
145 was on the Asperger spectrum) and they want to help prevent other young adults from
146 losing their voice.
- 147 • Jo Carroll, out of Colorado Springs, on the Board of Directors of Will's Hope and a mentor.
148 He talked about a case of a young man with problems who has participated in Will's Hope
149 twice and now works as a productive member of society. There will be little or no
150 environmental impact to the area.
- 151 • Don Frame, neighbor, maintains the road. He said it is very unstable and steep. In the
152 winter he gets lots of calls from people asking if they can make it up the hill. He talks about
153 brush growing along the slope and it is there because septic is leaching out of the hill. He
154 said the well does not produce; everyone who has lived there had problems with it.

Planning & Zoning Commission Minutes

April 16, 2019

- 155 • Jim Richelderfer, neighbor, presented photos of Davis Draw Road. He said Planning and
156 Zoning needs to come up with a better classification than dude ranch for this use. If it gets
157 approved, and these people leave, anyone can come up with anything for a dude ranch.
158 He continued to address the steep slopes along the road and his concern about two
159 vehicles using the road at the same time. He added that the Squires had more than two
160 minutes to say what they wanted to say.
- 161 • Ben McDonald said that his observations on Davis Draw Road were that the steepest part
162 of the road were on the applicant's property.
- 163 • Alan Rosenbaum said he submitted written comments prior to the hearing. He wanted to
164 follow up on the hillside along the access road. During the irrigation season they develop
165 a bulge; at times they get a hint of sewage. He believes there must be seam that delivers
166 water along the hillside. He feels that any additional inputs to the underground water
167 system may cause the entire hillside to be compromised. He addressed the hauling of
168 water. He said a neighboring property drilled a deep well and found no water. He said the
169 Squires did not do much due diligence to study the land before purchasing. He wants to
170 know the limits of development allowed if permitted. He wants the inadequacies of the
171 property taken into consideration.
- 172 • Dana Harrington, Davis Draw resident, is a newcomer to the community. She has real
173 estate experience and has planning and zoning experience. She has been there for three
174 years and enjoys the views and wildlife. The quiet community and wonderful neighbors
175 attracted her to her property. She was aware of the steep road and water issues. She
176 does use a cistern (1,000 gallons) and a water truck comes about 4-5 times per year.
177 When the subject property came up for sale, she was interested in purchasing it.
- 178 • Alyce Hanson, she agrees with the comments so far and would like to keep the
179 neighborhood as it is.
- 180 • Sheldon Hanson, a resident since 1983. They had a hard time getting a well. He has a
181 4,200-gallon cistern. They would like to keep the property residential.
- 182 • Shirley Tidwell asked what is in place to ensure that the participants will not roam the
183 properties, for their safety and the safety of others.
- 184 • Chris Koehn, would like to keep the privacy of the area as it is.
- 185 • Boone Tidwell, lives about 3 miles from Davis Draw. He is a friend of a neighbor. He is
186 familiar with the difficulty of access. He is also concerned about the maintenance of the
187 security of the site. He is also adamantly against any commercial activity in the area.
- 188 • Bob Till, he and his wife own the Flying T Ranch. They used to own the property that
189 borders the Squires. He feels their site selection is not very good. Previous owners left the
190 irrigation system running overnight and the hill came down and within about 30 yards of
191 the Southfork Highway. He says the hill is not safe due to the type of soil. The road is
192 probably closer to 14% grade in some places. There is no guard rail so it is a hazard. Well
193 water – goes to septic system. He said they don't want this type of business in the middle
194 of Southfork. If approved, it would be setting a bad precedent for the area.
- 195 • Helen Rosenbaum, echoes the thoughts of others. The road is not safe. She has lived
196 there 11 years and has always been concerned about it. She fears it could slough.
- 197 • Dana Harrington continued. She was interested in purchasing the parcel because she
198 wanted family closer. The main reasons she decided to not buy the property were related
199 to the infrastructure, landslides and questionable sewer leakage included. She is confused
200 as to why this site was chosen for the use proposed. She does feel the use will impact the
201 neighbors.

202
203 Commissioner Morrison gave the applicant an opportunity to address the public comments. Mr.
204 Squire said a staff member is in close proximity to the rooms. There is a vetting process for

Planning & Zoning Commission Minutes

April 16, 2019

205 participants. Ms. Tidwell asked about physical alarms. Mr. Squire said it is against the law to do
206 that. He added that he and his wife will be there at all times. He addressed the landscape concerns
207 and added that he worked as an engineer for years. He had a professional geologist walk the
208 property and she didn't see concerns. He also took a look at the "bulge" mentioned earlier. There
209 are no tension cracks, scarps or similar, so he felt it was likely a localized failure. He said water
210 enters the hillside through the septic system and they want to replace the system with something
211 better.

212
213 County Engineer, Brian Edwards, wanted to readdress the road and slope stability issues. He
214 agreed with Mr. Squire; looking at the geology and knowing the area, the issues are large-scale.
215 From his perspective what is proposed will not have a significant impact on the road. The vans,
216 as proposed, and water truck do not seem to be a substantial change to the existing traffic. He
217 doesn't see how the proposed use will impact slope stability or road concerns. He added that we
218 have entire subdivisions built on landslides that are moving.

219
220 Mr. Richelderfer said he disagrees with the engineer's thoughts. He said the road is hazardous in
221 the winter. He said they are a residential community and they don't need this.

222
223 Mr. Koehn added that the road does get bad and is only one lane wide.

224
225 Don Frame said he spent an entire day working on that road. He said if more trucks and heavy
226 trucks are added to the use, the road will be destroyed, and no one will be there to pay to fix it.
227 He said the road is moving.

228
229 Brian Edwards added that he understands that people are responsible for their roads, but he also
230 manages steep roads around the county.

231
232 Boone Tidwell added that he doesn't like to tell property owners what to do with their land. He is
233 concerned about the mental and emotional stability of the participants. He is concerned about
234 containment of the individuals for everyone's safety.

235
236 Lynn Koehn does not know anything about the road. She admires what Will's Hope is doing. She
237 feels that the zoning should be changed. To use the Dude Ranch classification opens up a can
238 of worms in the future.

239
240 Commissioner Putney made a MOTION to close the hearing at 7:24pm; SECONDED by
241 Commissioner Smith. The motion was carried unanimously.

242
243 Chairman Morrison asked commission members if they had any discussion. Commissioner
244 Brandon-Wintermote said several people have addressed the use classification and concern as
245 to whether the best category was chosen. Chairman Morrison added that we do not have
246 classifications for every type of use that comes up and staff does the best it can to classify it.

247 Commissioner Putney added that she feels the classification should be heavily conditioned if
248 approved to prevent future changes. She said the infrastructure is not there, the community does
249 not want it and our job is to safeguard the public, including the kids who will be staying there.

250 Commissioner Brandon-Wintermote added her concerns about the condition of the house and
251 the number of bedrooms to accommodate staff. Commissioner Bonine said occupancy was
252 addressed in past conversations and they would not permit 12 people in a 3-bedroom house. He
253 said if other provisions are being made it hasn't been made clear. Commissioner Smith added

Planning & Zoning Commission Minutes

April 16, 2019

254 that she echoes Duncan's concerns. Commissioner Putney added that she feels the owner did
255 not do their due diligence in planning accordingly for the land and they also questioned the
256 classification. Commissioner Brandon-Wintermote said she agreed. Chairman Morrison said the
257 comment of "putting the cart before the horse" was on target in her opinion. She has a child with
258 disabilities and appreciates the work proposed. She added that if the applicant wants to work on
259 some things and come back to try again, that would be an option.

260 Commissioner Putney made a MOTION to deny SUP-176.

261 Motion was SECONDED by Commissioner Brandon-Wintermote. The motion carried. See
262 Resolution 2019-7 attached hereto and incorporated herein.

263
264 **PUBLIC HEARING – Merit Energy Large Impact Structure SUP-177:** Merit Energy Corporation
265 requests approval of a Special Use Permit for a Large Impact Structure The proposed project is
266 to allow a 10,582 sq. ft. structure. The plan is to develop, construct and operate a 24-megawatt
267 (MW) natural gas fired electrical generating facility to support a mineral mining, oil and gas
268 extraction use. This proposed facility will be located on a 2.55-acre site approximately ten (10)
269 miles east-southeast of Cody, Wyoming, on BLM land (Oregon Basin Field), described as a parcel
270 of land located in Sec. 7, T51N, R100W, Park County, Wyoming. There is no designated county
271 zoning district as it is located on BLM land.

272
273 Chairman Morrison opened the public hearing at 7:38pm.

274
275 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff
276 Report. The Planning and Zoning Department received comments from the Public Works
277 Department this afternoon before the hearing. Their comments have been provided to
278 Commission members.

279
280 Chairman Morrison asked Public Works to summarize their comments. Ben McDonald addressed
281 access, average daily traffic (substantial increase expected during construction only, otherwise
282 no substantial increase anticipated), stormwater drainage and the geotechnical study that was
283 submitted. Commissioner Putney asked if based upon the stormwater drainage plan submitted
284 would he approve it. Ben said he would likely approve it and few additions would be needed.

285
286 Chairman Morrison asked Staff if they indicated water was coming from Beck Lake. Staff indicated
287 that they believe they indicated Beck Lake.

288
289 Chairman Morrison asked if the Applicant had any questions or comments.

- 290
- 291 • Brock Sherman, Merit Energy project lead, said he would be happy to field any questions.
292 Chairman Morrison commended his thorough application. She sought clarification on the
293 source of the water and if the Rocky Mountain Power source was onsite. Brock said Beck
294 Lake is the source of the water and it is pumped to the Oregon Basin site for firewater and
295 other minimal usage. There are two substations south of the proposed site. One is RMP,
296 the other is Merit's.
 - 297 • Commissioner Brandon-Wintermote asked about containment/secondary containment for
298 the tanks in and out of the building. Brock confirmed that it will have two containments,
299 including a berm.
 - 300 • Chairman Morrison asked if right now all the power is coming from Rocky Mountain Power.
301 Brock said there will not be an interface. The north half of the field will be self-contained,
302 nothing going back to RMP.

Planning & Zoning Commission Minutes

April 16, 2019

- 303 Chairman Morrison asked if any commission members had questions for the applicant.
304 • County Engineer asked about the storage tank and secondary containment – do they fall
305 under spill prevention control measures? Brock said they do fall under those requirements.
306 Brian asked Brock to provide a copy of the spill prevention plan to staff.
307 • Commissioner Putney asked about a bathroom in the facility. Brock confirmed that there
308 will be no bathroom.
309 • Commissioner Morrison asked if any comments were received from Monster Lake. Staff
310 confirmed that none were received.
311 • Commissioner Morrison asked if the fire inspector referenced in staff report was the state
312 fire inspector. Staff confirmed yes.
313

314 Chairman Morrison asked for public comment. There were no comments from those in
315 attendance.
316

317 Commissioner Bonine asked if Staff received a copy of the consent letter from the BLM. Brock
318 said he did provide a copy of a letter from BLM.
319

320 Commissioner Bonine made a MOTION to close the hearing at 8:09pm; SECONDED by
321 Commissioner Brandon-Wintermote. The motion was carried unanimously.
322

323 Chairman Morrison asked commission members if they had any discussion.

324 Hearing none, Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2019-
325 8 with the following conditions:

- 326 1. Park County noise, lighting, and other nuisance regulations shall apply;
327 2. A runoff and erosion control plan must be approved by Public Works prior to SUP
328 review of County Commissioners;
329 3. A copy of an approved Wyoming DEQ air permit must be provided to the Planning
330 and Zoning Department prior to review of the SUP application by County
331 Commissioners;
332 4. The applicant shall otherwise comply with standards in the Park County
333 Development Standards and Regulations.
334

335 Motion was SECONDED by Commissioner Putney. The motion carried. See Resolution 2019-8
336 attached hereto and incorporated herein.
337

338 **PUBLIC HEARING – Cody Cowboy Church SUP-178:** Pat Alphin requests approval of a Special
339 Use Permit to allow construction of a 1,200 sq. ft. addition to the Cody Cowboy Church. The
340 proposed addition to the church will connect it to an existing bunkhouse and serve both uses,
341 creating more than 5,000 sq. ft. of contiguous floor area, thus resulting in a new classification –
342 Major Institutional Use. The property is located at 6 Agua Via Lane and is 3.25 ac described as a
343 parcel in the NE corner of Lot 64, T52N, R102W, Park County WY, in a Residential 1/2-Acre (R-
344 H) zoning district.
345

346 Chairman Morrison opened the public hearing at 8:10pm, reviewed the rules of a public meeting
347 and introduced the Board and Staff.
348

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

Planning & Zoning Commission Minutes

April 16, 2019

351
352 Chairman Morrison asked Public Works if they had any comments. Brian Edwards said they don't
353 have any substantial concerns.

354
355 Chairman Morrison asked if the Commission had questions for Staff.

356
357 There being none, Chairman Morrison asked if the Applicant had any questions or comments.

- 358 • Mr. Pat Alphin addressed the Commission. He stated that they have been blessed with
359 success in their first few years at the church. He said members of the congregation who
360 are baptized currently have to walk by everyone to get to the changing rooms. They would
361 like to add a facility with more privacy closer to the baptismal. He added that fire
362 inspections occur annually.

363
364 Chairman Morrison asked if any commission members had questions for the applicant.

365
366 There being none, Chairman Morrison asked staff about the conditions in SUP-152 needing to be
367 folded into the conditions of this SUP. She asked the applicant about the regularity of fire
368 inspections. He said annually, though the staff report said the last known inspection was in 2016.
369 The Planning Director added that she spoke with the fire inspector and he is aware of the
370 development and has already been in touch with the applicant.

371
372 Chairman Morrison asked for public comment. Renee Alphin said that when they started the
373 church in 2016 they had four attendees. They have grown to between 40-50 people. When they
374 started the bunkhouse, they had no children in the membership. Now they have 13-14 children
375 and they use the bunkhouse when the cowboys are not there. She added that following baptism
376 it is uncomfortable for people to walk through the church to get changed and it also causes floors
377 to get wet and could be a safety issue. Having changing rooms closer will be nice. She realizes
378 that parking could become an issue with growth in the membership and they will address it as
379 needed.

380
381 Phil Campbell said that what the applicants are doing is a good thing for people. It is not going to
382 increase any problems. Scott Gray said he has been a member of the church for four months. He
383 will continue to go to this church.

384
385 Chairman Morrison said in reviewing the conditions of the previous SUP, she wondered where
386 the comments about septic review, parking, etc. came from. The Planning Director mentioned
387 that comments from Public Works caused mention of that. Also, the Planning Director added that
388 the septic system is a two-phase system with the first phase complete and able to serve up to
389 150 users.

390
391 Commissioner Bonine asked about the existing capacity rating for the church. Staff is unaware.
392 Mr. Alphin said there is a plaque in the church that says "193."

393
394 Commissioner Smith made a MOTION to close the hearing at 8:35pm; SECONDED by
395 Commissioner Bonine. The motion was carried unanimously.

396
397 Chairman Morrison asked commission members if they had any discussion. Commissioner
398 Brandon-Wintermote reviewed the conditions of SUP-152.

- 399 1. Park County noise, lighting, and other nuisance regulations shall apply;
400 2. Housing will only be available from May 20 through September 10 of each year;

Planning & Zoning Commission Minutes

April 16, 2019

- 401 3. Number of residents will not exceed 10 (ten) at one time;
402 4. Applicant must follow Fire Marshall's recommendations;
403 5. Applicant is requested to work with Weed & Pest to control noxious weeds;
404 6. Applicant shall have a prepared emergency plan that is provided to, and
405 reviewed by, each resident;
406 7. This SUP will apply only to Cody Cowboy Church Bunkhouse Ministry on this
407 particular parcel of land;
408 8. The applicant shall otherwise comply with standards in the Park County
409 Development Standards and Regulations.

410 Chairman Morrison asked if Commissioner Brandon-Wintermote would recommend that the
411 conditions be wrapped into the current resolution. Commissioner Brandon-Wintermote said yes.
412 Commissioner Smith asked about a trigger on the review of septic if use exceeds 150 people.
413 Chairman Morrison said a condition should be added as such.

414 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2019-9 with the
415 following conditions:

- 416 1. Park County noise, lighting, and other nuisance regulations shall apply;
417 2. State Fire Marshall's office must approve use regarding fire suppression and exits
418 prior to SUP review by County Commissioners;
419 3. When occupancy reaches 150, the applicant will contact Planning and Zoning to
420 review expansion plans.
421 4. Housing will only be available from May 20 through September 10 of each year;
422 5. Number of residents will not exceed 10 (ten) at one time;
423 6. Applicant is requested to work with Weed & Pest to control noxious weeds;
424 7. Applicant shall have a prepared emergency plan that is provided to, and reviewed
425 by, each resident;
426 8. This SUP will apply only to Cody Cowboy Church Bunkhouse Ministry on this
427 particular parcel of land;
428 9. The applicant shall otherwise comply with standards in the Park County
429 Development Standards and Regulations.

430 Motion was SECONDED by Commissioner Smith. The motion carried. See Resolution 2019-9
431 attached hereto and incorporated herein.

432
433 Chairman Morrison delivered her report.
434 • On the Merit application, we neglected to place a condition about the Spill Prevention
435 Contingency Plan. Patti will ask the applicant to provide.
436 • Question about the State's response about access. Standard response.
437 • Discussion about classifications and the difficulty to fit all uses into perfectly fitting
438 categories.
439 • Duncan asked about the minutes of the last meeting and Marion's recusal.

440
441 The Planning Director delivered her report on Planning and Zoning Department activities.

- 442 • Update regarding upcoming projects.

Planning & Zoning Commission Minutes

April 16, 2019

- 443
- 444
- 445
- 446
- 447
- 448
- 449
- Addition of Part-time SWW Administrator.
 - Additional duties assigned to Planning Director: ie: Request for Proposals for an updated Land Use Plan and new Natural Resource Management Plan, amendments to the existing regulations, short and long-term lodging policy drafts, etc.
 - Discussion regarding setting approximate times for P&Z Public Hearings. Determined to add verbiage to public notices regarding time issues.

450 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to
451 adjourn the meeting at 9:24pm. The motion was seconded by Commissioner Bonine. All in favor.


452

453 Respectfully submitted,

454

455

456



Jolene Brakke, Secretary

**RESOLUTION 2019 – 7
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND DENIAL OF WILL'S HOPE SPECIAL USE PERMIT-176 WITH
SITE PLAN REVIEW**

WHEREAS, Mark and Sarah Squire applied for a Special Use Permit for a small non-profit organization (Will's Hope) to operate an outdoor educational and self-development program for young adults with disabilities. This proposed facility is located at 19 Davis Draw, Cody, WY, on 19.29 acres described as: W1/2 of Lot 99-B, Sec 18, T51N, R103W of the 6th P.M., Park County, Wyoming, in a GR-20 (General Rural 20-Acre) zoning district;

WHEREAS, this project is defined by Park County Standards and Regulations as a Dude Ranch and Resort: A centrally managed facility which provides full service lodging, dining or cooking facilities, and recreational or educational activities. A dude ranch or resort typically includes an organized program of activities such as hunting, fishing, nature study, arts and crafts, skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A dude ranch or resort does not solicit one-night accommodations and provides bar or food service only to guests. Motels and hotels are not considered resorts or dude ranches. Guest lodging within a resort or dude ranch shall not be used for long-term (greater than 6 months) residency;

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, and 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 April 16, 2019 to consider the Special Use Permit and Site Plan Review 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 this property is BRS Services, a Colorado Limited Liability Company;
4. The property lies within a GR-20 zoning district, which allows a Dude Ranch and Resort Use, provided a Special Use Permit is approved;
5. A Site Plan Review is required;
6. Applicant states that negative impacts from this use, to the neighborhood/general area, will be negligible;
7. No outdoor lighting is proposed;
8. Soils on a portion of the property were reviewed by Planning and Zoning staff. According to a soils survey, one of the soils is not limited for dwellings with basements but is very limited for septic tank drain fields. The other soil is very limited for both;

9. A runoff and erosion control plan is not currently required;
10. Legal access exists from Davis Draw Road (private);
11. Proposed development is not located within the boundaries of an irrigation district and development will not impact any irrigation systems;
12. Domestic water is stored and served by a 4,000-gallon cistern. The cistern is supplied by an existing well (quality of the water is unknown) when well water is available, otherwise potable water is hauled;
13. The existing residence has a permitted sewage disposal system that is adequate for the three existing bedrooms;
14. The applicant states that the programs intended to utilize the property include a maximum group size of 12 persons (6 participants and 6 employees/volunteers proposed), some of whom will reside in the 3-bedroom residence, while others will sleep in tents or another structure on the property;
15. Rocky Mountain Power provides electricity to this property;
16. Hazardous substances will not be produced or used for this use;
17. Signs are not proposed; therefore, sign standards are not applicable;
18. Solid waste generated by this use will comply with County regulations;
19. Hazardous substances will not be produced, stored, or handled on-site;
20. The parcel is not located in an overlay district;
21. Proposed use is subject to review by Wyoming State Fire Inspector;
22. Proposed development will not impact any lakes, reservoirs, or streams;
23. Proposed development will not impact any federally protected wetlands;
24. Nuisance regulations including noise and light trespass standards will apply;
25. Nonconforming structures do not exist on parcel;
26. The development is not located in an overlay district;
27. Standards for specific uses do not apply;
28. Special site plan standards do not apply;
29. No nuisances have been reported on property.

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; however, the Special Use Permit Application is not 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. Whether the use is in harmony and compatible with surrounding land uses and with the neighborhood and whether it will or will not create a substantial adverse impact on adjacent properties has not been determined;

2. Based upon the following, adequate services and infrastructure are not available to serve the use, and it is unknown whether adequate services and infrastructure will be provided in sufficient time to serve the use;
 - i. Well water analysis and substantiation of production rates have not been provided.
 - ii. As presented, the small waste water system for the existing building is likely not adequately sized to support accommodating the lodging needs of 12 people as the applicant has stated that they would use the three bedrooms in addition to space outside of the residence to house participants and/or staff.
 - iii. Infrastructure challenges on this property, including soils that are either "very limited for septic tank absorption fields" or "very limited for septic tank absorption fields AND very limited for basements," will challenge the basic use proposed, not considering intended capacity development "to handle more programs."
3. No specific criteria apply.
4. The use is not located in an overlay district, therefore no overlay district requirements apply.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends denial of the Special Use Permit, with site plan review, for Will's Hope Special Use Permit-176.

ADOPTED by the Planning & Zoning Commission this 16th day of April, 2019.

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

ATTEST:



Marion Morrison, Vice Chair



Jolene Brakke, Secretary

RESOLUTION 2019 – 8
PARK COUNTY PLANNING & ZONING COMMISSION

**TITLE: RECOMMEND APPROVAL OF MERIT ENERGY LARGE IMPACT
STRUCTURE SPECIAL USE PERMIT-177 WITH SITE PLAN REVIEW**

WHEREAS, Merit Energy applied for a Special Use Permit for a Large Impact Structure consisting of a 10,582 square foot structure housing a 24 megawatt (MW) natural-gas fired electrical generating facility on property managed by Bureau of Land Management. The structure will be constructed on an un-zoned BLM parcel commonly known as Oregon Basin Oil and Gas Field, located in Sec 7, T51N, R100W, Park County, WY;

WHEREAS, this project is defined by Park County as a Large Impact Structure; a building larger than 10,000 square feet accessory to any use;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

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, and 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 April 16, 2019 to consider the Special Use Permit and Site Plan Review application and made findings as follows:

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 proposed development is on a parcel managed by BLM;
4. As a private development activity on federal land, this proposed development is subject to County regulations. The proposed development shall be reviewed according to the zoning district of the majority of adjoining properties. The majority of adjoining properties are located in GR-35 zoning districts;
5. A Site Plan Review is required;
6. Applicant states that the proposed development will have negligible impacts on the neighborhood and general area;
7. Outdoor lighting complies with County regulations;
8. A professional environmental engineering firm has completed a soils and geotechnical evaluation study;
9. A runoff and erosion control plan is required for the proposed use;
10. Legal access exists from U.S. Hwy 120, and County Road 3EM and 3FK;

11. Proposed development is not located within the boundaries of an irrigation district;
12. Parking standards do not apply;
13. Domestic water use will be small (< 0.1 ac feet annually) and supplied from a 2-inch pipeline from Beck Lake;
14. Domestic water will not be potable;
15. A sewage disposal system is not required for the proposed development;
16. Rocky Mountain Power will provide electricity to this structure during construction;
17. Merit Energy will provide electricity and natural-gas to this structure after construction;
18. Proposed signs will comply with County regulations;
19. Solid waste will comply with County regulations;
20. Hazardous substances, if any, will be disposed of in accordance with federal, state, and local regulations;
21. The parcel is not located in an overlay district;
22. Applicant will implement a fire protection system;
23. Proposed development will not impact any irrigation systems;
24. Proposed development will not impact any lakes, reservoirs, or streams;
25. Proposed development will not impact any federally protected wetlands;
26. Nuisance regulations including noise and light trespass standards will apply;
27. Nonconforming structures do not exist on parcel;
28. The development is not located in an overlay district;
29. Standards for specific uses do not apply;
30. Special site plan standards do not apply;
31. No nuisances have been reported on property.

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 Planning & Zoning Commission hereby recommends approval of the special use permit for Merit Energy Large Impact Structure SUP-177, with site plan review, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. A runoff and erosion control plan must be approved by Public Works prior to SUP review of County Commissioners;
3. A copy of an approved Wyoming DEQ air permit must be provided to the Planning and Zoning Department prior to review of the SUP application by County Commissioners;
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 16th day of April, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

**RESOLUTION 2019 - 9
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF CODY COWBOY CHURCH
SPECIAL USE PERMIT-178 WITH SITE PLAN REVIEW**

WHEREAS, Pat Alphin, pastor of Cody Cowboy Church applied for a Special Use Permit for a Major Institutional Use at 6 Agua Via Lane, Cody, T51N, R102W, 6th PM, Park County, Wyoming;

WHEREAS, The Cody Cowboy Church received Bunkhouse Ministry Special Use Permit-152, on April 28, 2017 by Resolution 2017-15, and the conditions of that Resolution will continue uninterrupted;

WHEREAS, The Board of County Commissioners approved Resolution 2019-09 on March 5, 2019, a variance allowing for consideration of a Special Use Permit application for a Major Institutional Uses in a Residential ½ Acre (R-H) zoning district;

WHEREAS, this development is defined by Park County as a Major Institutional Use: Any general institutional, residential religious use or residential school with more than 5,000 square feet of associated building space or more than one acre of land developed in association with the use.;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

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, and 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 April 16, 2019 to consider the Special Use Permit and Site Plan Review application and made findings as follows:

1. Legal notice requirements were met, including a notice to property owners within 660 ft. of property boundary;
2. The application was forwarded to agencies as required;
3. According to Quitclaim Deed 2017-5944, ownership of this parcel is Cody Cowboy Church;
4. Address of church and bunkhouse is 6 Agua Via Lane, Cody;
5. Property lies within an R-H zoning district, which does not allow Major Institutional Use;

6. Resolution 2017-15 approved by the Board of County Commissioners allows consideration of this special use permit for a Major Institutional Use in an R-H zoning district;
7. Site plan review is required for Major Institutional Use;
8. Applicant states that the proposed development will have negligible impacts on the neighborhood and general area;
9. No outdoor lighting is proposed;
10. A soils review is not required because new structure will have no basement or drainfield;
11. A runoff and erosion control plan is not required because new structure will create less than 10,000 square feet of contiguous impervious surfaces;
12. Legal access exists from Agua Via Lane via U.S. Hwy 291;
13. The development is located within the Cody Canal Irrigation District, but proposed development will not impact any irrigation systems;
14. Parking area is sufficient;
15. Domestic water is provided by the City of Cody;
16. The existing sewage system is adequate because no new development is proposed;
17. Utilities (gas and electricity) are currently provided;
18. Solid waste storage and disposal will comply with County regulations;
19. Hazardous substances, if any, will be disposed of in accordance with federal, state, and local regulations;
20. The parcel is not located in an overlay district;
21. Proposed development will not impact any lakes, reservoirs, or streams;
22. Proposed development will not impact any federally protected wetlands;
23. Nuisance regulations including noise and light trespass standards will apply;
24. Nonconforming structures do not exist on parcel;
25. Standards for specific uses do not apply;
26. Special site plan standards do not apply;
27. No nuisances have been reported on property.

WHEREAS, the Planning & Zoning Commission concludes the special use permit 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 2015 Park County Wyoming 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 Planning & Zoning Commission hereby recommends approval of the special use permit for Cody Cowboy Church Major Institutional Use SUP-178, with site plan review, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. State Fire Marshal's office must approve the use, regarding fire suppression and exits, prior to SUP review by County Commissioners;
3. When occupancy of the church reaches 150, the applicant will contact the Planning and Zoning Department to review small wastewater system expansion plans;
4. Bunkhouse housing will only be available from May 20 through September 10 of each year;
5. The number of bunkhouse residents will not exceed 10 (ten) at one time;
6. Applicant is requested to work with Weed & Pest to control noxious weeds;
7. Applicant shall have a prepared emergency plan for the bunkhouse that is provided to and reviewed by each resident;
8. This SUP only applies to Cody Cowboy Church Major Institutional Use (which includes the church, the bunkhouse, and the building addition, on this particular parcel of land);
9. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 16th day of April, 2019.

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

ATTEST:

Marion Morrison, Chair

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, April 16, 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 March 19, 2019 meeting.

REGULAR AGENDA

~~[PUBLIC HEARING — Kromrey Major Subdivision Preliminary Plat](#)~~ — **CANCELLED BY APPLICANT**

[PUBLIC HEARING – Will's Hope Dude Ranch and Resort SUP-176](#)

[PUBLIC HEARING – Merit Energy Large Impact Structure SUP-177](#)

[PUBLIC HEARING – Cody Cowboy Church Major Institutional Use SUP-178](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING April 16, 2019

		Kromrey Major Subdivision - Preliminary Plat -	
		CANCELLED BY APPLICANT	
		Will's Hope Dude Ranch and Resort SUP-176	
		Merit Energy Large Impact Structure SUP-177	
		Cody Cowboy Church Major Institutional Use SUP-178	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	MARK SQUIRE ✓	SUP 176	✓
2	SARAH SQUIRE ✓	" "	✓
3	JACOB MCKINNEY - ✓	" "	
4	TO CARROLL ✓	" "	✓
5	Don Frame ✓	" "	✓
6	Jim Richelderfer ✓	" "	✓
8	BRIAN EDWARDS -	" "	✓
9	Ben McDonald - Park County ✓	SUP 176, 177, 178	IF NEEDED
10	Houla McNabb - ✓	SUP - 178	
11	Tom McNabb - ✓	SUP - 178	
12	Alan Rosenbaum ✓	SUP - 176	✓
13	Dana Harrington ✓	SUP - 176	✓
14	Helen Rosenbaum ✓	SUP 176	✓
15	Alyce Hanson ✓	SUP 176	
16	Shelley Hanson ✓	SUP 176	
17	Michelle Koch - ✓	SUP 177	if needed
18	Brock Sherman - ✓	SUP 177	
19	Kurt Jagoda - ✓	SUP 177	
20	Randy Sanders - ✓	SUP 177	
21	Renee Alphin		
22	Pat Alphin		
23	Shirley Tidwell ✓	SUP 176	
24	Scott M. Gray ✓		
25	DEANE GRAVES ✓		
26	Kim Graves ✓		
27	Phint Hostetter ✓	Sup 176	
28	Chipp Kohler ✓ <i>Chris</i>		
29	Ann Alkoeh ✓		
30	BOONE DOWAN BOONE TIDWELL ✓	Sup 176	



→ Bob Till