

Planning & Zoning Commission Minutes

April 23, 2019

This is a special meeting of the Park County Planning & Zoning Commission held at 3:00pm 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
Linda Putney
Duncan Bonine
Debora Smith

Staff Present:

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

Chairman Morrison opened the meeting at 3:05 pm.

SPECIAL AGENDA

PUBLIC HEARING – Inductance Energy Major Industrial SUP-179: Inductance Energy Corporation (IEC) requests approval of a Special Use Permit and Site Plan Review to allow a Major Industrial Use in a General Rural 35 Acre (GR-35) Zoning District. This property is located at 225 Highway 295, Powell, WY 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.

Chairman Morrison opened the public hearing at 3:05pm, reviewed the rules of a public meeting and introduced the Board and Staff.

Chairman Morrison shared that, last year in August, she was contacted by one of the partners of Rocky Mountain Custom Cuts (RMCC), Inc. The individual, with business interest in this facility, mentioned the issues Mr. Hawley was having moving to the Powell area. Later Marion had a lengthy discussion with Mr. Hawley of IEC regarding his family history in the area, his interest in the property and the IEC organization. Marion asked commission members and the applicant if they had any concerns with her participating. Commission members had none.

Mr. Phil Bott, representing IEC and participating by phone, indicated that the applicant had no concerns. There being no further comments from the Commission, Kim Dillivan, Planner II, presented the Staff Report. Kim added that the variance request of IEC to have a major industrial use in a GR-35 zoning district was approved at a hearing held today by the Board of County Commissioners. Kim added that Nick Hudson, State Fire Marshal representative was not listed in the original Staff Report, however he was also notified. Kim mentioned that Mr. Hawley provided additional information prior to the meeting which included a statement about Mr. Hawley being in the process of seeking evidence of an access easement from the Bureau of Reclamation. Kim mentioned that the handout provided by Mr. Hawley includes a statement about drinking water and clarification about available parking spaces: there are twenty spaces, two for handicap parking. Kim mentioned that the handout also includes a statement about wastewater (DEQ) and how DEQ visited the site. The statement includes mention of known deficiencies related to water/wastewater on the site. Kim added that Mr. Hawley provided a statement about air quality in his handout.

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55 Chairman Morrison asked if the Commission had questions for Staff.

- 56 • Commissioner Smith asked for clarification on the fire marshal. Kim said that the state fire
57 marshal determined that electricity was inspected and found to be adequate, however we
58 did not see evidence of the facility being inspected for fire safety. Staff also did not hear
59 from the fire marshal/fire district.

60

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

- 62 • Mr. Bott said the staff did a good job of summarizing the information.

63

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

- 65 • Commissioner Brandon-Wintermote said there are questions about the water. Mr. Hawley
66 said the wells are 50gpm. He said Air Force used 3gpm. He said their use does not require
67 much potable water; 13,000 gallons is enough and they can truck in water as needed.

- 68 • Commissioner Putney mentioned the geological survey said 31,000 gallons. Mr. Hawley
69 said the meter shows 13,000 gallons. Mr. Hawley was inside the cistern when it was
70 sanitized by Keele Sanitation. Commissioner Putney asked about the the output of the
71 drinking water well and whether or not it has been tested. Mr. Hawley said they have not
72 turned anything on because they do not have a building permit. He said the only thing they
73 may use water for is fire suppression. That well is permitted for 25gpm.

- 74 • Commissioner Putney asked about the building plan drawing and if it is the current layout.
75 Mr. Hawley said the plan is as the structure exists. Mr. Hawley said the site plan includes
76 drywall walls that they plan to remove. Otherwise, they have no plans to modify the
77 structure.

- 78 • Commissioner Putney asked about the map note "NTS." Mr. Hawley said it is not to scale.

- 79 • Commissioner Brandon-Wintermote asked about the deficiencies cited in the handout
80 provided by Mr. Hawley. Mr. Hawley said Wyoming Association of Rural Water Systems
81 did the inspection. The written report is available from Mr. Hawley; it was done last August.
82 Until allowed to do the remediation, IEC does not plan to do anything, however they want
83 to have another sanitary survey done.

- 84 • Commissioner Smith asked if there is evidence of compliance with state and federal air
85 quality compliance. Staff added that they are not experts on air quality, so they defer to
86 the commission to determine what may be needed. Mr. Hawley added that he would be
87 happy to get a statement from DEQ; they are not producing particulate matter or smoke.

- 88 • Commissioner Putney asked staff about the water permits. Mr. Hawley said both wells
89 have high total dissolved solids (TDS). He said you could drink the water, but it could give
90 you kidney stones. Therefore, they will not use the water for drinking. When he called the
91 State Engineer's Office about the permits, he confirmed that the permits transfer with the
92 land. Kim added that we have not received a water analysis on either of the wells, recently
93 done. Commissioner Putney added that one of the reports had shown poor quality in the
94 past. She asked if the geologic report was satisfactory for today's standards. The Planning
95 Director said that in terms of water quality, it is not. In terms of septic, would make
96 recommendation that DEQ be contacted to review the system to verify whether system is
97 still operational.

- 98 • Chairman Morrison asked about the antenna on the building. Mr. Hawley said there is an
99 existing antenna but they have no intentions of using it.

- 100 • Chairman Morrison asked about cooling processes. Mr. Hawley stated that they want the
101 high temperatures, but when the bar stock comes out hot they use air cooling before they
102 cut the magnets. She asked if water will be needed as a coolant. He said it will not.
103 Chairman Morrison asked if some of the cistern water would be potable water for industrial
104 use. Mr. Hawley said yes.

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- 105 • Chairman Morrison asked about transportation and any increased traffic. The Planning
106 Director added that the County Engineer provided a statement prior to the hearing and
107 indicated that he had no concerns.
- 108 • Chairman Morrison asked if they had pumped either of the wells. Mr. Hawley said they
109 have not pumped the wells previously. As soon as they have an opportunity they will pump
110 water and send it for lab testing.
- 111 • Chairman Morrison asked about the easement for access with BOR. Mr. Hawley spoke
112 with a representative who said that piece of land has been driven across for the past 40
113 years. Usually they transfer the easements with the land.
- 114 • Chairman Morrison asked about getting a statement from DEQ about the sewage lagoon
115 and its efficacy. She thought it was odd that the system was done in 1983 and the
116 geotechnical report didn't acknowledge the lagoons. Mr. Hawley said the report was
117 prepared for RMCC., Inc., not IEC.
- 118 • Commissioner Putney asked about notes on the handout from today and the list of permits,
119 noting that the State of Wyoming Electrical Permit from August of 2018 is not signed. Mr.
120 Hawley said they don't have to pull a permit.
- 121 • Chairman Morrison asked about fire suppression. Mr. Hawley said there is no fire
122 suppression, there are expired extinguishers. There is no sprinkler system. There are
123 cinder block walls, cement floors – there is really nothing to burn. Chairman Morrison
124 asked about the high processing temperature. Mr. Hawley said they will get OSHA
125 approval when they are ready.

126
127 Commissioner Bonine made a MOTION to close the hearing at 3:50pm; SECONDED by
128 Commissioner Smith. The motion was carried unanimously.

129
130 Chairman Morrison asked commission members if they had any discussion. Commissioner Smith
131 asked if there should be any additions to the draft resolution. Commissioner Bonine mentioned in
132 terms of #4, he would like to see it conditioned upon DEQ review. Commissioner Bonine said that
133 Mr. Hawley had an assessment from Wyoming Association of Rural Water indicating some of the
134 deficiencies that will be corrected. He would like to see a condition that those will be satisfied.
135 Chairman Morrison sought clarification and Commissioner Bonine added mention of the Wyoming
136 Association of Rural Water Systems. Commissioner Bonine also asked if they need a condition
137 about the BOR easement. Commission Members said it was contained in condition #2.

138 Commissioner Putney had a question about #7 on page 1, suggesting that it should be stricken
139 because the assessment was not done for this use. Commissioner Putney said on #10, add "the
140 proposed use is not entitled to receive any irrigation water" based upon their response.
141 Commissioner Bonine questions putting it in #10. Commissioner Putney said she thought
142 clarification would be nice since it was mentioned. She said #13 conflicts with the staff report. She
143 would like to strike "Keele" and say it will be contracted with a commercial provider.

144 Commissioner Brandon-Wintermote asked if they should include language showing that potable
145 water will be coming from the cistern. Commissioner Putney pointed out #3. They decided to add
146 that potable water will be commercially provided. Commissioner Putney asked if they are adding
147 conditions, should they require these items prior to the hearing with the county commissioners.
148 The Planning Director added that the applicant seems to believe a permit is needed to take any
149 action on the property (i.e., water testing, pumping the wells and similar). In fact, the county does
150 not require a permit for such actions. Mr. Hawley can seek the permission of the landowner to
151 conduct those activities.

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152 Chairman Morrison asked if the first part of condition #3 should be moved to findings. It will be
153 moved to finding #29.

154 Chairman Morrison asked for clarification on condition #3. The balance of the condition will remain
155 the same and assessment by Wyoming Association of Rural Water Systems prior to review by
156 County Commissioners will be added to condition #4.

157 Chairman Morrison asked about the fire alarm panel. It is covered under condition #5,
158 requirements of State Fire Marshal.

159 Commissioner Putney asked about finding #20 regarding federal air quality standards and
160 whether it needs to be stated. Chairman Morrison asked to strike finding #20 and add condition
161 #6 (moving #6 to #7) regarding the need for a statement from DEQ regarding air quality.

162 Commissioner Putney asked if they can add a new condition #7 (moving #7 to #8) of a site plan
163 that meets all the requirements in Appendix 18 of the regulations.

164 Chairman Morrison read the findings aloud (refer to Resolution 19-10 included herein). Chairman
165 Morrison addressed original finding #10 (now #11) and changed it from 17 parking spaces to 20
166 proposed parking spaces are adequate to serve the use.

167 Chairman Morrison reviewed the conditions:

- 168 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 169 2. Applicant must provide evidence of a BOR easement prior to SUP review by
170 County Commissioners;
- 171 3. Applicant will provide potable water from a commercial provider which will be
172 stored and used from the 13,000-gallon cistern, unless the applicant provides
173 evidence of an adequate water supply, in terms of quantity, quality, and
174 dependability to the Planning and Zoning Department prior to use;
- 175 4. Applicant must provide evidence from DEQ of the adequacy and functionality of
176 the sewage disposal system and satisfactory assessment by the Wyoming
177 Association of Rural Water Systems prior to SUP review by County
178 Commissioners;
- 179 5. Applicant must comply with the requirements of the State Fire Marshal's office for
180 a change in use;
- 181 6. Applicant will provide a statement from DEQ that no air quality permit is required
182 prior to SUP review by County Commissioners;
- 183 7. Applicant will supply a site plan consistent with all requirements of Appendix 18 of
184 regulations prior to SUP review by County Commissioners;
- 185 8. The applicant shall otherwise comply with standards in the Park County
186 Development Standards and Regulations.

187 Commissioner Bonine asked about a finding (#3) being in conflict with one of the conditions.
188 Commissioner Putney said they should take language from item #28 and add to condition #3 that
189 the applicant will provide water from a commercial provider which will be served and stored in the
190 13,000-gallon cistern, unless the applicant proves evidence of a potable water source onsite.

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191 Commissioner Putney asked if they should mention that the cistern has been sanitized. They
192 added a finding. Mr. Hawley said they do not know at this time if the pumps inside the building
193 are working. However, the cistern was pumped, sanitized, bleached, power flushed and drained.
194 Commissioner Putney said she wondered if the functionality of the cistern should be addressed.
195 Commission members felt not.

196 Commissioner Putney made a MOTION to approve Resolution 2019-10 with the conditions
197 discussed. The motion was SECONDED by Commissioner Brandon-Wintermote. The motion
198 carried. See Resolution 2019-10 attached hereto and incorporated herein.

199
200 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to
201 adjourn the meeting at 4:25pm. The motion was seconded by Commissioner Putney. All in favor.

202
203 Respectfully submitted,



Jolene Brakke, Secretary

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205
206

**RESOLUTION 2019 – 10
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF INDUCTANCE ENERGY CORPORATION
MAJOR INDUSTRIAL USE SPECIAL USE PERMIT-179 WITH SITE PLAN REVIEW**

WHEREAS, Inductance Energy Corporation has applied for a Special Use Permit for a Major Industrial Use consisting of an approximately 6,827 square foot structure that will house an information-sensitive magnet propulsion manufacturing facility on property owned by RMCC, Inc. The use will be located on a 160-acre parcel, located in Sec 36, T55N, R98W, Park County, WY;

WHEREAS, this project is defined by Park County as a Major Industrial Use: manufacturing, processing, fabrication and assembly operations with more than 10 employees, buildings larger than 5,000 square feet, or more than one acre of developed land area associated with the industry and incinerators regardless of size;

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 23, 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 owned by RMCC, Inc.;
4. A Site Plan Review is required;
5. Applicant states that the proposed development will have negligible impacts on the neighborhood and general area;
6. Outdoor lighting complies with County regulations;
7. A runoff and erosion control plan is not required for the proposed use;
8. Legal access exists from U.S. Hwy 295; however, no evidence of a BOR easement has been provided;
9. Willwood Irrigation District confirmed there are no irrigated acres on the property; the proposed use is not entitled to receive any irrigation water;
10. Parking standards do apply and structure size indicates 17 parking spaces are required; however, the 20 proposed parking spaces exceed this standard;

11. Evidence that an adequate water supply, in terms of quantity, quality, and dependability has not been provided by the applicant;
12. The applicant has stated that the only solid waste will be a small amount of scrap metal, and some office waste, and disposal will be contracted with a commercial provider;
13. Evidence that the existing sewage and wastewater disposal system is adequate and functioning has not been provided by the applicant;
14. Rocky Mountain Power will provide electricity to this development;
15. No natural gas service is available; propane tanks are located onsite;
16. The applicant has stated that no hazardous substances will be produced, stored, or handled onsite;
17. The parcel is not located in an overlay district;
18. The applicant has not provided any evidence of a fire protection system;
19. The proposed development is not expected to impact any irrigation systems;
20. The proposed development is not expected to impact any lakes, reservoirs, or streams;
21. The proposed development is not expected to impact any federally protected wetlands;
22. Nuisance regulations including noise and light trespass standards will apply;
23. Nonconforming structures do not exist on the parcel;
24. Standards for specific uses do not apply;
25. Special site plan standards do not apply;
26. No nuisances have been reported on property;
27. Historically the property was known to be used for military operations and commercial/manufacturing type activities;
28. The 13,000-gallon cistern has been pumped, sanitized, power flushed, bleached, and emptied.

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 Inductance Energy Corporation Major Industrial Use SUP-179, with site plan review, subject to the following conditions:


1. Park County noise, lighting, and other nuisance regulations shall apply;
2. Applicant must provide evidence of a BOR easement prior to SUP review by County Commissioners;
3. Applicant will provide potable water from a commercial provider which will be stored and used from the 13,000-gallon cistern, unless the applicant provides evidence of an adequate water supply, in terms of quantity, quality, and dependability to the Planning and Zoning Department prior to use;
4. Applicant must provide evidence from DEQ of the adequacy and functionality of the sewage disposal system and satisfactory assessment by the Wyoming Association of Rural Water Systems prior to SUP review by County Commissioners;
5. Applicant must comply with the requirements of the State Fire Marshal's office for a change in use;
6. Applicant will provide a statement from DEQ that no air quality permit is required prior to SUP review by County Commissioners;
7. Applicant will supply a site plan consistent with all requirements of Appendix 18 of regulations prior to SUP review by County Commissioners;
8. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 23rd day of April, 2019.

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


Marion Morrison, 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 **3:00 P.M.**, Tuesday, April 23, 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 – Inductance Energy Major Industrial SUP-179](#)

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
April 16, 2019

Inductance Energy Major Industrial SUP-179

	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	<i>Richard Hawley</i>	<i>IEC</i>	<i>maybe</i>
2	<i>Phil Bott</i>	<i>IEC</i>	<i>X</i>
3	<i>Alan Lohman</i>	<i>RMCC Inc.</i>	
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