

Planning & Zoning Commission Minutes
May 21, 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:

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
 Jolene Brakke, Office Assistant III
 Brian Edwards, County Engineer
 Ben McDonald, Public Works
 Mary McKinney, Weed and Pest

Chairman Morrison opened the meeting at 6:01pm.

APPROVAL OF MINUTES

Chairman Morrison asked the Board for comments or changes to the April 16, 2019 meeting minutes and the April 23, 2019 special meeting minutes as presented and corrected. A MOTION was made by Commissioner Brandon-Wintermote to approve the minutes; the motion was SECONDED by Commissioner Smith to approve the minutes as corrected. Motion was carried unanimously.

REGULAR AGENDA

PUBLIC HEARING – Bald Peak Ranch Large Impact Structure SUP-180: Lauren Vogt requests approval of a Special Use Permit with site plan review for a 14,256-square foot indoor riding arena intended for personal use. The structure will be an open area arena with no stalls. This parcel is located on an approximately 17-acre portion of land located on a parcel described as follows: 1070 AC. DES. AS: TRS. 51, 52 & 60 SEC. 23 568 AC. TRS. 6, 7 & 8 SEC. 23, LOT 9 SEC. 24, LOTS 2 & 3 SEC. 25, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, N/2NE/4, SE/4NW/4 SEC. 26, LOT 12 SEC. 27 T56 R103. The parcel address is 692 Road 7RP, Powell, WY, in a General Rural 35-Acre (GR-35) zoning district within the Clark Planning Area.

Chairman Morrison opened the public hearing at 6:02pm, 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. Kim added that we received a late response from County Weed and Pest. Noxious weeds were found and the applicant has been battling them for years. Weed and Pest has assisted and said that because the construction of the arena is the only disturbance planned, a long-term noxious weed plan is not required at this time.

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53 The Planning Director addressed an assumed error in the 2015 Development standards and
54 Regulations regarding areas where Special Site Plan Review applies. The regulations state
55 special site plan standards apply for "Clark's Fork" or "Upper Clark's Fork". We don't have a
56 "Clark's Fork" planning area according to our regulations so we didn't include special site plan
57 standards in our review. However, upon further investigation in the Land Use Plan, there is a plan
58 for "Clark's Fork" which is identical to the "Clark" Planning Area in the regulations. Therefore, staff
59 determined that the "Clark's Fork" and the "Clark" areas referred to are one in the same and that
60 there was an error in the translation to the Regulations. Based upon the error, the staff report
61 indicates that no special site plan standards apply, however, in light of this determination, the
62 Commission may wish to address those standards on this project and another project within the
63 Clark Planning Area.

64
65 Chairman Morrison asked if the Commission had questions for Staff.
66 • Chairman Morrison said the proposal shows a restroom, however staff is not aware that a
67 restroom is to be installed.
68 • Public Works said there is an established access and they have no further concerns about
69 the proposed development.

70
71 Chairman Morrison asked if the applicant had any questions or comments.
72 • Lauren Vogt said the winters are long and windy and they are looking for something to fill
73 in the empty days during the winter to work their horses. No bathrooms are proposed.
74 Engineering review has been sought specifically to address wind.

75
76 Chairman Morrison asked if any commission members had questions for the applicant. There
77 being none, Chairman Morrison asked for public comment. There were no comments from those
78 in attendance.

79
80 Commissioner Smith asked that the mention of a bathroom in the staff report be changed. She
81 also asked about the special conditions mentioned earlier. Commissioner Putney asked if special
82 site plan standards should apply for this area. Chairman Morrison referred to each of the special
83 site plan standards in the regulations. Mr. Vogt indicated that there are 10-12 acres of pasture.
84 The Commission agreed that less than two acres will be disturbed. Commissioner Putney
85 suggested that the use is in an area where Special Site Plan Standards apply, however, none of
86 the standards apply to this use.

87
88 Commissioner Smith made a MOTION to close the hearing at 6:21pm; SECONDED by
89 Commissioner Bonine. The motion was carried unanimously.

90
91 Commissioner Putney made a MOTION to approve Resolution 2019-11, changing #29 of the
92 listed findings to reflect that the proposed use is in a planning area where Special Site Plan
93 Standards apply, however none of the standards apply to this use, with the following conditions:

- 94 1. Park County noise, lighting, and other nuisance regulations shall apply;
95 2. The applicant shall otherwise comply with standards in the Park County
96 Development Standards and Regulations.

97 Motion was SECONDED by Commissioner Brandon-Wintermote. The motion carried. See
98 Resolution 2019-11 attached hereto and incorporated herein.

99
100 **PUBLIC HEARING – AmSum Enterprises Major Industrial Use SUP-181:** AmSum
101 Enterprises, LLC requests approval of a special use permit with site plan review for the

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102 development of a Major Industrial Use in a general Rural 35-Acre (GR-35) zoning district to re-
103 establish a water bottling facility that has been operated intermittently during the past 15 years.
104 The property is located approximately 10.7 miles west of US Highway 120 along County Road
105 8VC near Clark, WY on a portion of a 160-acre parcel described as: Lots 10, 11, 13 & 14 Sec. 5
106 T56N R103W, 6th P.M., Park County, Wyoming.

107
108 Chairman Morrison opened the public hearing at 6:28pm.

109
110 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff
111 Report. Kim added that Mr. Northrop had provided information indicating that there are 3
112 bedrooms in the residence and there will be 12 employees. Kim added that the proposed use is
113 in the Clark Planning Area (presumed to equate to "Clark's Fork" in the regulations) where Special
114 Site Plan Review applies. The Planning Director added that Mr. Northrop was unable to attend
115 the hearing due to a family emergency. Mr. James Klessens is in attendance on his behalf.

116
117 Chairman Morrison asked if any members of the commission had questions or comments for staff.

- 118 • Commissioner Putney asked if any permits were issued for the use in the past. Kim Dillivan
119 indicated that staff is unaware of any.
- 120 • The County Engineer indicated his knowledge of the location from past involvement at the
121 location. He addressed the adequacy of the road and said he has no concerns about the
122 County road condition.
- 123 • Chairman Morrison mentioned the intermittent operation and wondered what caused it to
124 cease.
- 125 • Chairman Morrison asked about the addition of an 1,800 square foot addition to the
126 structure. Staff confirmed the applicant is interested in the addition in the future.
- 127 • Chairman Morrison asked if traffic accounted for trash removal. Staff added that they do
128 not believe the numbers reflect that traffic. The Chairman also asked if the traffic numbers
129 included multiple shifts. Staff indicated that they were uncertain.
- 130 • Chairman Morrison asked about the number of staff living on site, adding that the numbers
131 don't seem to add up if most employees are to live onsite.
- 132 • Chairman Morrison asked if we have a record of a septic system. Staff indicated that there
133 is not a permit on file.
- 134 • Chairman Morrison asked if propane will be used to heat the building. Staff was unsure.
- 135 • Chairman Morrison asked about the culvert shown on the site plan and what it drains. Staff
136 was unsure.
- 137 • Chairman Morrison asked if the USDA questions had been addressed. Staff indicated that
138 they were not.
- 139 • Chairman Morrison asked if more information was known on the existing well(s).

140
141 Chairman Morrison asked the applicant's representative if he had information to add. Mr. James
142 Klessens talked a bit about the applicant and his business partner, Mr. Williams. Mr. Klessens
143 said there was an SUP in place at the time approved in February 2008 for Mountain Springs. The
144 activity was discontinued, and the SUP expired. Mr. Klessens addressed the plans of the current
145 proposal and how it is not to construct a large facility. There will likely only be 10 employees when
146 they have two shifts. They do wish to include the addition of an 1,800 square foot area to store
147 bottles behind the existing structure, which will not be visible from the roadway, however that
148 would not be done at this time. Regarding the culvert, it drains the water that comes off the roof
149 and directs it away from the structure. They wish to reinstitute the activity and the use permitted
150 previously. This facility will use glass bottles due to the unique character of the water. There is no
151 intent to change the panorama of the site. The expansion to include plastic PET bottles is planned

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152 to occur in Cody, not at this site, due to the difficulty of getting plastic bottles to the site profitably.
153 They wish to build a PET bottling plant near a rail facility in Cody to bring empty bottles in and
154 ship full bottles out. Mr. Klessens said the applicant only wishes to reestablish the existing use at
155 this time and any additions to the facility proposed will lead to a request to amend the SUP and
156 seek permission to construct.

157
158 Mr. Klessens wanted to address the quality of the water resource. He said Mr. Landis Webber of
159 the State Board of Control has confirmed that there are appropriate water rights available to serve
160 the use. Mr. Klessens addressed the letter from the USFS regarding siphoning of wells. Mr.
161 Klessens said there will be no siphoning; the well is artesian. There are no pumps. The water is
162 free-flowing. Mr. Klessens said rock layers tipped over time; each rock formation has unique
163 characteristics. The water serving the use comes from water introduced to the earth long ago, not
164 recently. The quality of the water is ranked second in the world in quality. Mr. Klessens said any
165 water on the surface has coliform by nature.

166
167 Mr. Klessens said they are also unsure about the septic system. What the applicant understands
168 is that the system served 10 employees in the past.

169
170 Mr. Klessens addressed traffic and that traffic numbers have been supplied in support of the use.
171 He said they anticipate traffic will be the least of concerns to the Clark area.

172
173 Chairman Morrison asked if any commission members had questions for the applicant's
174 representative.

175 • Commissioner Bonine asked Mr. Klessens if there is a sterilization process for the bottles
176 and if any chemicals are part of the process. Mr. Klessens said the boxes containing the
177 bottles are shrink-wrapped. The bottles are sterilized and rinsed. There will be some
178 nitrogen addition to the water. Commissioner Bonine asked if any hazardous materials or
179 chemicals would be used or produced. Mr. Klessens added that there would be nothing
180 unusual outside of regular cleaning products. Brian Edwards added that everything that
181 has to go in and out of their cleaning rooms has to be food-grade and cannot introduce
182 anything per very strict standards. There is no opportunity for contaminants to enter the
183 system.

184 • Chairman Morrison asked if anyone has been living in the house. Mr. Klessens said not
185 since 2015.

186 • Chairman Morrison asked about the proposed storage to be added behind the house. Mr.
187 Klessens said it would be good to have some storage to add security for continued
188 operations during the winter when the site may not be easily accessible.

189 • Chairman Morrison asked how access to the storage area was achieved. Klessens stated
190 that there are two docks that provide access to the storage area.

191 • Chairman Morrison asked how the production of the well related to the planned bottling
192 volume. Mr. Klessens said the planned bottling volume is a fraction of the permitted water
193 volume.

194 • Chairman Morrison asked about the traffic as presented in the application vs. the overall
195 traffic to include waste management and the shifts that are proposed down the line. Mr.
196 Klessens was unsure if waste disposal was included. Mr. Klessens said the numbers
197 provided reflect the growth potential because it is expected the employees will be shuttled
198 in. Mr. Klessens said the Mr. Northrop and Mr. Williams will live on-site initially.

199 • Chairman Morrison asked about pallets being a source of unwanted pests. Mr. Klessens
200 was unable to answer other than that the bottles will be coming from Texas by rail. He has
201 never heard of that problem from past operation.

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- 202 • Chairman Morrison asked for clarification about the operation being in existence since
203 1996. Mr. Klessens confirmed that that is his understanding. Chairman Morrison asked
204 about public outcry in the past. Mr. Klessens said there was outcry when the large facility
205 was proposed in 2015.
- 206 • Chairman Morrison asked if the proposed bottling plant in Cody will be under the
207 ownership of Mr. Northrop. Mr. Klessens said yes.
- 208 • Brian Edwards mentioned that from the county road up to the facility during winter weather
209 events it can be difficult to get trucks in. Mr. Klessens said the road needs to be fixed and
210 they plan to make improvements. They want to put pit run down with a top of finer material
211 to repair the road.
- 212 • Mary McKinney submitted a letter from her site visit. One of her concerns relates to the
213 limited topsoil and an absence of water which gives way to the growth of weeds. It is
214 difficult to get native vegetation to reestablish. She recommends limiting disturbance.
- 215 • Kim Dillivan added that in April the Board of Commissioners approved a variance for the
216 use since it is not allowed in this zoning district.
- 217 • Commissioner Brandon-Wintermote asked about the water quality results. The Planning
218 Director added that she spoke with the project manager at the lab and that person
219 indicated that the water was safe.
- 220 • Brian Edwards added that lengthy water quality reports exist from past testing that prove
221 the water to be of exceptional quality.
- 222 • Commissioner Putney addressed the coliform levels. Kim mentioned that the water may
223 be treated with ultraviolet light. Mr. Klessens said the UV light does treat the coliform and
224 the presence of coliform is expected with water running across the surface.
- 225 • Commissioner Brandon-Wintermote asked how the water flows to the facility. Mr.
226 Klessens said the water travels through a steel pipe to the facility. Brian Edwards
227 mentioned that water at the source had led to wildlife presence in the area previously.
- 228 • Commissioner Putney asked who tests the water – is it at the bottle. Mr. Klessens said
229 they check water quality daily. Mr. Klessens said back in the day the spring was open to
230 access by animals, but it is now protected within a spring house.

231

232 Chairman Morrison asked for public comment.

- 233 • Pete Krpan is against the proposed use.
- 234 • Robert Savala said he had heard on Billings TV that the water was second best quality in
235 the world. He added that he spoke to someone at the State Engineer's Office and they
236 had no record of water rights. He said the bottling plant was there and wives of Clark
237 residents had worked there. As far as previous permitting, there should be records. He
238 would like to know, since there is cleaning involved, if the water will enter the septic system
239 will the system be adequate. He believes the previous permit was abandoned years ago.
- 240 • Lynn Richardson said he was misinformed about the size of the facility. That was his
241 primary concern. He is glad to know that it is not going to be an eyesore.
- 242 • Len Fortunato had questions about the capability of the septic system to handle
243 employees and the rinsing operation. He also wondering what would be used to sterilize
244 the bottles, in case chemicals were to be introduced. He believes the question should be
245 answered before the use would be approved. He saw no evidence of a dye study being
246 done by DEQ to determine where water goes when it runs off the property. He addressed
247 the quality of the pallets from Texas and the potential threat of invasive species not being
248 addressed.
- 249 • George Simonton said the owner is not the applicant and wonders how the permit can be
250 granted. He said everyone with an interest is going to comply with conditions that are

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- 251 imposed, as well as with state and federal law. Kim Dillivan added that the property owner
252 is who is responsible for nuisances or concerns on a property.
- 253 • Tim Wade said he was on the Board of Commissioners in 1996 when Darren Singer
254 proposed Buffalo Bill Water to be sold around the world. Tim said he is not against the
255 economic development. He is concerned about the volume of water, coliform presence,
256 chemicals used for extraction and why these people are being trucked from Cody when
257 people in Clark could be employed by the use. He feels it is a grandiose scheme.
 - 258 • Jennifer Desarro with Greater Yellowstone Coalition mentioned that the land is private and
259 surrounded by public land. She is pretty sure that the water reservoir is not only under the
260 private land but is also under the public land. She is concerned about the volume of water
261 and doesn't believe that one owner can have independent access to underground water
262 resources. She would like to see an underground profile and would like to see evidence
263 of the rechargeability of the water. She was born and raised in Wyoming.
 - 264 • Brian Edwards mentioned that his history goes way back on this property. There are
265 geologic studies from the past regarding the source of the water and the incredible geology
266 associated with the spring.
 - 267 • George Simonton said he is still concerned about the LLCs and people disappearing. He
268 feels the present owner should be making the application. He also feels that Mr. Northrop
269 should guarantee the use. He added concerns about septic and weeds. He doesn't know
270 who the present owner of AmSum Enterprises LLC is.
 - 271 • Tim Wade said he fought against past corporate structures similar to this proposal.
 - 272 • Len Fortunato mentioned the tourism industry in the state and how the natural beauty of
273 Wyoming brings people here.

274
275 Commissioner Putney asked staff if there is clarification on the applicant LLC names. Mr.
276 Klessens said Grand ES Ventures is Mr. Northrop's LLC based in Jackson, WY. They initiated
277 the application. At the time he was bringing together an investment team which created AmSum
278 LLC, wholly owned by Phil Williams and Northrop. He said Mr. Lajaunie is the owner and he has
279 provided permission. AmSum Enterprises, LLC will proceed with purchase upon approval of the
280 SUP.

281
282 Mr. Klessens said they are taking water from a spring and putting it in a bottle and selling it. Mr.
283 Klessens said the concern about the pallets is warranted, but he added that, if conditions are
284 imposed for pallets on this use, then the numerous other commercial products entering the Cody
285 area on pallets should be held to the same standard.

286
287 Mr. Klessens said he does not feel this is a "grandiose scheme." The investors have adequate
288 resources to support the use. Mr. Klessens said waters of the state are under the control of the
289 state. The permits declare rights to use the water; said right has been declared. He said the
290 people who will be most impacted by the depletion of the water resource would be the owners of
291 the business.

292
293 Chairman Morrison addressed the applicability of the Special Site Plan Standards. Scenic byways
294 do not apply. Stream corridor requirements do not apply. Brian Edwards added that the spring is
295 up high. The water travels downward over 100 feet to a "playa." Mr. Klessens referred to a USGS
296 topographic map that shows a waterbody that represents that location of the water collection.

297
298 Commissioner Putney made a MOTION to continue the hearing to June 18, 2019 at 6:00pm.
299 SECONDED by Commissioner Smith. The motion was carried unanimously.
300

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301 PUBLIC HEARING – Homestead RV Park SUP-182: Tamara Young requests approval of a
302 special use permit with site plan review for an RV Park Comprised of 15 sites in a General Rural
303 5-acre (GR-5) zoning district. The proposed facility is located on a parcel described as: 25.81
304 acres; S1/2SE1/4NW1/4 & that part of the N1/2SE1/4NW1/4 lying south of the centerline of the
305 Northfork Valley Ditch (parc. A of R.O.S. w/Doc. 2011-4904) (ex 2,466 sq. ft. to highway R.O.W.
306 Doc 2013-7545) Sec. 22 T52N R105W, Park County, Wyoming.
307

308 Chairman Morrison opened the public hearing at 8:10pm, reviewed the rules of a public meeting
309 and introduced the Board and Staff. Commissioner Putney shared that she is the Treasurer of
310 the North Fork Valley Ditch Company. She drafted the letter that was later signed by the
311 organization president. She was approached by numerous people regarding the use and she
312 referred them to the county website and staff. She also lives in the area.
313

314 There being no further comments, Kim Dillivan, Planner II, presented the Staff Report. Kim added
315 that comments were received from County Weed and Pest indicating that a long-term noxious
316 weed plan is required. Kim also mentioned email comments from WYDOT clarifying that the field
317 access west of Bradford drive is not to be used for commercial access. Several comments came
318 in from the public since the time of writing of the staff report and were provided to the Commission.
319

320 The Planning Director added the following:

- 321 - The applicant was present and has since left the meeting.
- 322 - An email was received on May 15, 2019 from the application stating the following:
 - 323 a. The sign will be in the southeast corner of the field, as close as possible to
 - 324 Bradford Drive and the highway.
 - 325 b. Each RV pad will be 15 feet wide.
 - 326 c. The extra parking area is approximately 50x100 feet. I don't know how many
 - 327 vehicles that will accommodate. I don't really think it will be used much because
 - 328 each of the pads are so long.
 - 329 d. I do intend to use the existing road for ingress. I put arrows for traffic flow on my
 - 330 site plan.
 - 331 e. The office will be used only for checking people in and will not be used for
 - 332 employee housing. My ranch, which includes the proposed RV site, is 80 acres in
 - 333 total with 40 acres on each side of the highway. My Mom and I both live on the
 - 334 ranch on the south side of the highway and will be available 24/7. No one will be
 - 335 on the actual RV site which is on the north side of the highway, except when
 - 336 checking people in and performing maintenance and cleaning.
- 337 - Reviewed campground definition vs. RV Park definition and how there appears to be
- 338 a definite difference as far as the requirement to offer water and sewer for an RV Park,
- 339 which is what the applicant is calling the use.
- 340 - Discussed the original application including the use of three portable toilets to serve
- 341 the use. Further, the applicant showed that the existing well on the property was
- 342 intended to extend to and serve each of the RV sites. The DEQ district engineer
- 343 indicated that there are two options: 1) dry camping – no water or sewer disposal
- 344 provided or 2) water and sewer must be provided, each requiring engineering and
- 345 DEQ review. Currently the applicant proposes dry camping; the P&Z Commission may
- 346 want to consider the RV Park vs. campground definitions.
347

348 Brian Edwards addressed access and road conditions/recommended improvements. He was not
349 aware that WYDOT limited commercial access to Bradford Drive. He said there needs to be a
350 certain standard applied to the ingress/egress at the entrance of the use at least to a residential
351 standard, without pavement (width and all-weather gravel with wide enough shoulders). For the

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352 interior loop, it should be a gravel road to allow for emergency vehicle access. Because the west
353 access cannot be used by the proposed business as a commercial access, it reinforced the need
354 for the Bradford road access to be improved.
355

356 Ben McDonald addressed runoff and erosion control. The applicant spoke with Ben and they
357 discussed the impervious vs. pervious status of a gravel road. He provided her some calculations
358 to consider. He did not have a scaled or dimensioned drawing of the actual disturbance, though
359 he did talk to the applicant about additional requirements before they would sign off (contours,
360 culverts, direction of flow, storage of stormwater). She had asked about the ditch and stormwater
361 runoff; he was unable to answer for them. As of today, more information would be needed to
362 approve a runoff and erosion control plan.
363

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

- 365 • Chairman Morrison asked about WYDOT's comment on the field access west of Bradford
366 Drive. The way it was worded suggested that within the highway right-of-way the road
367 could not be used commercially. Brian Edwards said he interpreted that to mean that RVs
368 coming off of the highway would not be allowed to use the field access. Ben added that to
369 make that entrance commercial, it would likely require a traffic study and would be costly.
- 370 • Chairman Morrison asked if staff found the site plan complete. The Planning Director
371 indicated that there were numerous concerns regarding the application and submitted
372 materials and would not disagree if the Commission found the site plan to be inadequate.
- 373 • Chairman Morrison asked if a neighbor on Bradford Drive submitted comments. Staff was
374 not aware of any.
- 375 • Chairman Morrison asked about the RV being used as an office and concerns regarding
376 availability of waste disposal. The Director outlined DEQ's statements regarding RV parks
377 and that they should ideally be provided with an on-site or nearby waste disposal option.
- 378 • Commissioner Putney asked for clarification of dry camping and whether some type of
379 restroom facilities are required in general. If tent spots or shelters are offered, the Director
380 felt confident that DEQ would require access to an outhouse or pit toilet. However, in this
381 case only RV spots are being offered and they are considered to have their own self-
382 contained septic systems and DEQ was all right with no provided septic.
- 383 • Commissioner Brandon-Wintermote asked about the well on the site and whether the
384 applicant planned to hook the well up to her office. The Director indicated that she does
385 not intend to utilize the well in any capacity to serve the use as she was advised to do so
386 would require a public water supply review and she would then be required to offer
387 wastewater facilities on the site.
- 388 • Commissioner Putney asked about the hill to the west and RVs pulling out of Bradford
389 Drive, would there be concern about speed and stopping distance. Brian Edwards added
390 that he felt that is probably why WYDOT approved Bradford Drive as a commercial access.
391 WYDOT does not require a traffic study for the already approved access.
- 392 • Commissioner Putney was curious as to why the access was designated commercial.
393 Staff is unaware.
- 394 • Mary McKinney did not find noxious weeds, however, they may not yet have emerged.
395 She does know of some noxious weeds in the Green Creek area which is heavily utilized
396 for grazing. There is not a lot of vegetation. She said the proposed use is a large
397 disturbance and would require a long-term noxious weed control plan.
- 398 • Commissioner Smith asked about the RV description provided by the applicant which
399 showed connection to the well. The Planning Director explained that the water connection
400 information was provided prior to the applicant becoming aware that any water provided

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401 would become a public water system and would require DEQ approval and that the plans
402 have been updated to the "dry camping" option of no water or septic available.

- 403 • Commissioner Smith asked if the sign proposed complies with the regulations. Staff
404 indicated it does.

405

406 Chairman Morrison asked if anyone present could speak on behalf of the applicant.

407 No one came forward to speak on behalf of the applicant.

408

409 Chairman Morrison asked for public comment.

- 410 • Bill Landwer, the only neighbor on Bradford Drive, provided some information about the
411 road. At the time of Copperleaf Development, complications emerged (water tanks in the
412 right-of-way and power box). There is difficulty entering the highway when hauling a trailer
413 due to traffic volumes. He is concerned about the road supporting the RV traffic. The road
414 is narrow (approx. 12ft crown).

- 415 • Glen Schultz shared several concerns. He is disturbed by increased lights related to the
416 traffic. There are increased incidents of traffic accidents at the top of the hill. He is
417 concerned about the danger of grass and sage fires from campers. He is concerned about
418 decreased property values for nearby residents due to another commercial endeavor in
419 the area. He feels there are enough campgrounds on the North Fork and they don't need
420 more. He mentioned the North Fork Valley Ditch and how it goes under Green Creek. It
421 gets plugged up and causes flooding on the south side of the ditch.

- 422 • Maryanne Schultz said she has witnessed bison on the ditch. She has also witnessed
423 grizzly prints near the ditch. She is concerned about danger to visitors.

- 424 • Brian Edwards asked Mr. Landwer (neighbor) if the road were to be improved, there isn't
425 room. The neighbor confirmed there is not room as it is now, the applicants would have
426 room to make improvements. He maintains the road year around.

- 427 • Commissioner Smith has a concern about the change in definition of the use from RV park
428 to campground in regard to addressing septic.

- 429 • Commissioner Bonine is concerned about the change from RV park to campground and
430 no change on the application. He doesn't feel it is the commission's role to interpret what
431 they are applying for.

- 432 • Commissioner Brandon-Wintermote felt the application was incomplete and the site plan
433 was incomplete.

434

435 Commissioner Putney made a MOTION to close the hearing at 9:10pm; **SECONDED** by
436 Commissioner Bonine. The motion was carried unanimously.

437

438 Chairman Morrison asked commission members if they had any discussion. Commissioner
439 Putney recommended denial due to inconsistencies, lack of compliance with special site plan
440 standards, concerns about the road and an insufficient application in general. Chairman Morrison
441 mentioned they will have to substantiate their decision. The Planning Director shared the
442 conditions for approval or denial of an SUP. Brian Edwards added that the site plan should be
443 rejected and redone.

444 Commissioner Putney made a MOTION to deny Homestead RV Park SUP-182 (Resolution 2019-
445 13 as it does not meet with requirements for a site plan, they do not meet the requirements for
446 special criteria and it is difficult to tell if they can provide adequate services to support the use.

447 Motion was **SECONDED** by Commissioner Brandon-Wintermote. The motion carried. See
448 Resolution 2019-13 attached hereto and incorporated herein.

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449 The Chairman gave a report. Marion is concerned about input being provided from Public Works.
450 Are they going beyond their jurisdiction and the responsibility of the county? There was a general
451 concern from the Commission that, to the public, comments made may appear to be advocating
452 in one direction or another.

453 The Planning Director thanked her staff for the outstanding efforts they have put in to prepare for
454 the many hearings happening recently. She also discussed concerns about how findings and
455 conditions are being presented for resolutions.

456
457 There being no other business, a MOTION was made by Commissioner Putney to adjourn the
458 meeting at 9:50pm. The motion was seconded by Commissioner Bonine. All in favor.

459
460 Respectfully submitted,

461
462
463



Jolene Brakke, Secretary

**RESOLUTION 2019 – 11
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF BALD PEAK RANCH LARGE IMPACT
STRUCTURE SPECIAL USE PERMIT-180 WITH SITE PLAN REVIEW**

WHEREAS Lauren R. Vogt of Bald Peak Ranch, LLC. applied for a Special Use Permit for a 14,256 square foot indoor riding arena for personal use in a General Rural 35-Acre (GR-35) zoning district. The structure will be constructed on an approximately 17-acre portion of a 1,070-acre parcel located in Tract 60 (a portion of original Section 25) T56N, R103W, 6th P.M., Park County, Wyoming. Addressed as 692 Road 7RP, Powell, 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 large impact structures are allowed in GR-35 zoning districts provided a Special Use Permit is approved;

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, 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 May 21, 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 owner of the property is Bald Peak Ranch, LLC;
4. The proposed development is located in a General Rural 35-acre (GR-35) zoning district;
5. The applicant states that the proposed development is for personal recreational purposes only and there are no expected impacts (to her knowledge) on the neighborhood and general area;
6. Building setback requirements have been met for the proposed structure;
7. No covenants are existing or proposed;
8. No outdoor lighting is proposed;
9. Nonconforming structures are not known to exist on the parcel;

10. No nuisances have been reported on property, however nuisance regulations including noise and light trespass standards apply;
11. The Powell-Clarks Fork Conservation District provided soil information and a report;
12. Legal access exists from County Road 7RP;
13. Domestic water is not proposed;
14. The proposed development is not located within the boundaries of an irrigation district and no irrigation systems will be impacted;
15. This is not a multifamily housing or commercial use; therefore, parking standards do not apply;
16. A sewage disposal system is not proposed;
17. Rocky Mountain Power provides electricity to serve the use;
18. No signs are proposed;
19. Solid waste will comply with County regulations;
20. No specific criteria apply to this use;
21. The development is not located in an overlay district;
22. Site Plan Review is required for Large Impact Structures;
23. Hazardous substances will not be produced, stored, or handled on-site;
24. The Clark Volunteer Fire Department is approximately 10 miles to the north of the proposed use;
25. The proposed development is not expected to impact any lakes, reservoirs, or streams;
26. The proposed development is not expected to impact any federally protected wetlands;
27. A runoff and erosion control plan is required and has been submitted to and approved by Park County Public Works;
28. The proposed use is not expected to impact air quality;
29. The proposed use is located in a planning area where special site plan standards apply, however none of the standards apply to this use;

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. No specific criteria apply to this use;
4. The use is not in an overlay district.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for Bald Peak Ranch, LLC Large Impact Structure SUP-180, with site plan review, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 21st day of May, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

RESOLUTION 2019 – 13
PARK COUNTY PLANNING & ZONING COMMISSION

TITLE: RECOMMEND DENIAL OF HOMESTEAD RV PARK
SPECIAL USE PERMIT - 182 WITH SITE PLAN REVIEW

WHEREAS Tamara Young applied for a Special Use Permit for a 15-site RV Park in a General Rural 5-Acre (GR-5) zoning district to be located on an unaddressed 25.81-acre parcel along the north side of Highway 14-16-20 in Sec. 22 T52N R105W, Park County, Wyoming and further described in a Warranty Deed recorded as Document #2011-4903 in the Office of the Park County Clerk and Recorder;

WHEREAS this project is classified by Park County Development Standards and Regulations as a Recreational Use – Campground defined as an outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers, or recreational vehicles which is open to the general public and operated to provide financial gain to the proprietor. A campground may also include rental cabins and the sale of goods and services to patrons, but its primary function is to accommodate visitors providing their own shelter;

WHEREAS campgrounds are allowed in GR-5 zoning districts provided a Special Use Permit is approved;

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, 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 May 21, 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 owner of the property is Tamara A. Young;
4. The proposed development is located in a General Rural 5-acre (GR-5) zoning district;
5. The applicant states that the proposed development is for public recreational purposes only, visual impacts will be minimized by planting additional trees to the east of the proposed project site and efforts will be made to prevent nuisances;
6. No buildings are proposed for this use;

7. No covenants are existing or proposed;
8. Outdoor lighting is proposed and consists of one small overhead light located above the bear-proof dumpster;
9. The applicant states that campers will be checked-in between the hours of 8am and 10pm, with quiet time enforced at all other times;
10. Nonconformities are not known to exist on the parcel;
11. No nuisances have been reported on the property;
12. The Cody Conservation District provided an evaluation of soils and a report;
13. WYDOT confirmed that Bradford Drive has permitted commercial access from State Highway 14-16-20;
14. WYDOT stated that the field access to the property west of Bradford Drive may not be used for commercial access;
15. Domestic water is not proposed;
16. DEQ indicated that a change to the use to offer any domestic water will require 1) review and approval of a public water supply and 2) an approved sewage disposal system;
17. The proposed development is not located within the boundaries of an irrigation district and no irrigation systems will be adversely impacted;
18. The use is proposed directly south of the North Fork Valley Ditch;
19. Each RV site will be at least 100 feet long and 15 feet wide;
20. Additional 50'x100' area for parking has been identified;
21. A sewage disposal system is not proposed;
22. Rocky Mountain Power provides electricity to the property, however it is unclear whether there is the potential to serve 15 RV sites with 30amp power;
23. A 4 ft. by 8 ft western style sign made of painted wood with a log frame will be placed near the southeast corner of the parcel;
24. Solid waste disposal will comply with County regulations and recommendations made by Wyoming Game and Fish;
25. The applicant states that an RV will serve as an office similar to a camp host, however it is unclear if sewer disposal will be needed to serve the RV;
26. The development is not located in an overlay district;
27. Site Plan Review is required for Recreational Uses;
28. The site plan presented does not provide sufficient detail;
29. Hazardous substances will not be produced, stored or handled on-site;
30. Park County Fire District #2 can provide fire protection;
31. The proposed development is not expected to impact any lakes, reservoirs, or streams;
32. The proposed development is not expected to impact any federally protected wetlands;

33. An insufficiently detailed runoff and erosion control plan was submitted;
34. A complete runoff and erosion control plan, including dimensions, is required and must be approved by Public Works;
35. The proposed use is not expected to impact air quality;
36. The proposed use is located in a planning area where special site plan standards apply for stream corridors, steep slopes, wildlife habitats and designated scenic byways;
37. There is a stream corridor within 100 feet of the proposed development and some disturbance within the 100-foot buffer zone of the stream is proposed;
38. Maximum ground slope is 3.7%;
39. Wildlife habitat has been identified on the property and the applicant has provided a plan for the protection of such habitat.

WHEREAS the Planning & Zoning Commission concludes the Special Use Permit Application is generally not consistent with the goals and policies of the Park County Land Use Plan, and 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. Sufficient evidence has not been provided to determine if 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. Sufficient evidence has not been provided to determine if adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. Special criteria do not apply to this use;
4. The use is not located in an overlay district.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends denial of the Special Use Permit for Homestead RV Park SUP-182, with Site Plan Review.

ADOPTED by the Planning & Zoning Commission this 21st day of May, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

PLEASE SIGN IN

PLANNING and ZONING COMMISSION SPECIAL MEETING May 21, 2019

		Bald Peak Ranch Large Impact Structure SUP-180	
		AmSum Enterprises Major Industrial Use SUP-181	
		Homestead RV Park SUP-182	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	✓ Stephen + Lauren Vogt	Arena hearing	
2	✓ Pete Krpan		
3	→ ✓ Robert Savala	Bottling Plant	
4	✓ KAYN RICHARDSON	" "	?
5	✓ James Clemens	FORWARD CASEY - AM SUM	YES
6	✓ GLEN FORTUNATO	Beartooth Ranch	?
7	→ ✓ George Simonson	BOTTLING	yes
8	✓ GLEN SCHULTZ	RV PARK ON N. FORK	?
9	✓ MARYANNE SCHULTZ	RV PARK ON NORTH FORK	NO ?
10	✓ BEN McDONALD	all	
11	✓ Steve Brock	RV Park North Fork	No
12	✓ Ron Ogletree	" "	No
13	✓ Troy Broussard	RV Park N. Fork	NO
14	✓ Tim Wade	Bottling Plant Clark	?
15	✓ William Young	RV park	
16	✓ Tamara Young	" "	
17	✓ Mary McKinley	all	yes if needed!!
18	✓ Leo Wolfen	Am Sum	
19	✓ Bill Janderwer	RV Park N. fork	yes
20	→ ✓ Jennifer		
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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, May 21, 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 April 16, 2019 regular meeting and April 23, 2019 special meeting.

REGULAR AGENDA

[PUBLIC HEARING – Bald Peak Ranch Large Impact Structure SUP-180](#)

[PUBLIC HEARING – AmSum Enterprises Major Industrial Use SUP-181](#)

[PUBLIC HEARING – Homestead RV Park SUP-182](#)

OTHER BUSINESS

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

ADJOURN