

Planning & Zoning Commission Minutes
May 23, 2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

This is a special meeting of the Park County Planning & Zoning Commission held at 1:00 pm in the Old Law Library, second floor of the Original Park 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
 - Brian Edwards, County Engineer
 - Ben McDonald, Public Works
 - Mary McKinney, County Weed and Pest

Chairman Morrison opened the meeting at 1:00pm.

AGENDA

PUBLIC HEARING – Dry Creek MS-28 Sketch Plan Review: Joe Tilden requests approval of a sketch plan to create a three-lot minor subdivision: proposed Lot 1 is 21.71 acres; proposed Lot 2 is 20.33 acres; and proposed Lot 3 is 8.79 acres. The use intended for Lots 2 and 3 is residential and possibly agricultural. Lot 1 is intended for sale. The subdivision will divide Lots 14 and 30 of Section 30, T53N, R101W and SE1/4NE1/4 and the NE1/4SE1/4 of Section 25, T53N, R102W, 6th P.M., Park County, Wyoming.

Chairman Morrison opened the public hearing at 1:00 pm, 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 a new sketch plan provided prior to the meeting shows that the easement along the proposed access to the property has been expanded to 60 feet. Kim added that a letter was received from Mr. Steve Follweiler the day before the meeting, which was provided to the Planning and Zoning Commission prior to the meeting. Immediately before the meeting, comments from Public Works were received and those were provided to the Commission at the time the meeting began.

Brian Edwards presented an update regarding access to the subdivision. A subdivision that will result in four lots using the same access requires conformance to County Road and Bridge Standards. They requested a change from a 40-foot easement from the highway to a 60-foot easement. That change was made on the sketch plan. Brian received a letter from Steve Follweiler, the surveyor working on the project, requesting administrative relief from the local access standard. They are willing to build an access road accordingly. They would like to construct a 24-foot wide road per the standard but request a 20-foot wide gravel surface with 2-foot shoulders on either side, which would accommodate emergency vehicles, to serve the four lots. The second request in the letter asked for relief from the timing requirement for road construction. Brian said based upon past subdivisions, and what has been allowed in the past, he is comfortable

Planning & Zoning Commission Minutes

May 23, 2019

55 with the 24-foot proposed base and 60-foot easement. It would be easy enough to add width in
56 the future, easement exists to accommodate expansion. As for the timing of road improvements,
57 he is okay with the request as it has been approved for other subdivisions in the past. The primary
58 concern is generally who is responsible for paying for the improvement. He defers to Planning
59 and Zoning Staff as to how to handle any guarantees.

60
61 Chairman Morrison asked if the Commission had questions for Staff.

- 62 • Commissioner Putney referenced item #3 in Brian's letter, regarding addresses along the
63 new road. Brian added that the process to name the road and readdress existing
64 structures is per County policy.

65
66 Chairman Morrison asked if the applicant had any questions or comments.

- 67 • Joe Tilden, the applicant, said he appreciated consideration.

68
69 Chairman Morrison asked if any commission members had questions for the applicant. There
70 being none, Chairman Morrison asked for public comment.

- 71 • Mary McKinney added that she has received and approved a long-term noxious weed plan
72 for this subdivision.
- 73 • Jay Lanchbury said that there are better housing lands available at the foothills for this
74 type of development rather than this good agricultural land.
- 75 • Melody Lanchbury Deyle wanted to know what this will do to their taxes and she
76 understands that they may need to give up some of their water rights to support the people
77 in the subdivision. The Planning Director indicated that the water rights in the subdivision
78 are not meant to change (increase or decrease).
- 79 • It was determined that the comments of the Lanchburys are meant for the Live Iron
80 Subdivision.

81
82 Commissioner Bonine made a MOTION to close the hearing at 1:34pm; SECONDED by
83 Commissioner Brandon-Wintermote. The motion was carried unanimously.

84
85 Chairman Morrison asked commission members if they had any discussion.

- 86 • The Planning Director recommended that the Planning and Zoning Commission consider
87 the requirement of a Subdivision Improvements Agreement to be submitted by the
88 applicant or his agent and then approved by the County Attorney and Board of
89 Commissioners.
- 90 • Commissioner Putney asked that no condition regarding the requirement for a noxious
91 weed control plan be imposed since Mary McKinney provided notice that this requirement
92 has been met. The findings are to be updated accordingly.
- 93 • Commissioner Putney asked that the Administrative Relief granted by Public Works on
94 the requested width of the road be added to the findings as follows: Finding k - the new
95 proposed subdivision road was provided administrative relief and shall meet the conditions
96 cited in the May 23, 2019 letter from Public Works.
- 97 • Commissioner Putney asked if ambient water testing should be required. Commission
98 members agreed it should.

Planning & Zoning Commission Minutes

May 23, 2019

- 99 • Commissioner Smith asked if the irrigation district's response should be required.
100 Chairman Morrison added that it is a general requirement of the regulations which must
101 be met.
- 102 • Commission members felt that a condition should be included requiring the applicant to
103 provide a subdivision improvement agreement.
- 104 • Joe Tilden asked what a subdivision improvement agreement consists of. The Planning
105 Director stated that specifics are available in two appendices in the regulations.

106 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2019-14 with the
107 following conditions:

- 108 1. The applicant shall provide all easements as requested by applicable utilities and
109 special districts, irrigation districts or public agencies providing services. The width
110 of any utility easement shall be sufficient to allow adequate maintenance of the
111 system, but in no case shall such utility easement be less than 20 feet in width.
112 Easements must be identified on the final plat;
- 113 2. Ambient water quality must be established by the analysis of water from a
114 neighboring well prior to sketch plan review by Park County Commissioners;
- 115 3. As part of the road construction, the applicant shall provide a Subdivision
116 Improvements Agreement;
- 117 4. The applicant shall otherwise comply with standards in the Park County
118 Development Regulations and the minimum subdivision requirements as set forth
119 in Wyoming Statute 18-5-306.

120 Commissioner Brandon-Wintermote wanted findings to show that administrative relief was
121 granted for the road width and clarify that a long-term noxious weed control plan has been
122 approved.

123 Motion was SECONDED by Commissioner Smith. The motion carried. See Resolution 2019-14
124 attached hereto and incorporated herein.

125
126 **PUBLIC HEARING – Live Iron MS-27 Sketch Plan Review:** Brian K. Shumard requests
127 consideration of the Sketch Plan to create a four-lot minor subdivision: proposed Lot 1A is
128 approximately 10.46 acres; proposed Lot 1B is approximately 10.40 acres, proposed Lot 2A is
129 approximately 10.45 acres; and proposed Lot 2B is approximately 10.19 acres. The use
130 intended for all lots is residential and possibly agricultural. The minor subdivision will vacate
131 Lots 1 and 2 of the Stage Station Simple Subdivision and create four newly designed minor
132 subdivision lots. The parcel is described as Lots 1 and 2 of Stage Station Simple Subdivision
133 (SS-249). Lots 48 and 53, (RS) T54N, R100W, 6th PM, Park County, Wyoming.

134
135 Chairman Morrison opened the public hearing at 1:51pm.

136
137 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff
138 Report.

139
140 Chairman Morrison asked if other staff present had any comments.

141
142 Ben McDonald from Public Works mentioned access coming from the highway and private drives
143 proposed. Ben had spoken with the surveyor about driveway standards; the proposed accesses

Planning & Zoning Commission Minutes

May 23, 2019

144 do not require the driveways to meet County Road and Bridge standards. However, he indicated
145 that there could be concern down the road if further development occurs; he wonders if once the
146 owners of each lot start using the access to the remainder road, there would be the requirement
147 for the road to meet County standards. Is there a mechanism to limit use of that drive?
148

149 Chairman Morrison said it is hard to ascertain how the access is coming in. She sought
150 clarification on the 3 accesses noted by WYDOT and asked if the subdivision proposed to use all
151 of them. Ben said yes. Chairman Morrison wanted to know if the proximity of the accesses would
152 be considered too close to accommodate sight distances. Ben added that a letter was received
153 from WYDOT regarding their thoughts. Ben was mostly concerned about the access to be used
154 along the south, as far as how many people are granted use of that driveway. Brian Edwards said
155 that we run into this problem where access is shown one way on plats and later further division
156 occurs and it is difficult to secure easements to support road improvements that may be required
157 at that time.
158

159 Chairman Morrison addressed the permitting for small wastewater and Kim Dillivan confirmed
160 that there are no existing systems within the subdivision lots.
161

162 Chairman Morrison asked if the southern boundary is adjacent to Lane 14. Ben said no. It is all
163 private road.
164

165 Mary McKinney said she completed the initial survey of the property, met with the
166 applicant/representative and did discuss the weeds. She has not yet received the noxious weed
167 plan.
168

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

- 170 • Rob Overfield, Engineering Associates, represents the developer. He stated that they did
171 send Shoshone Irrigation a letter. It is hectic times for them, however they did look at the
172 exact same parcels when the simple subdivision was done previously. He doesn't expect
173 any new issues/concerns. The irrigation plan will be forthcoming.
 - 174 ○ He said they do have a noxious weed plan in place from previous subdivision work.
 - 175 ○ Black Hills Energy did provide a response. He provided a copy to staff.
 - 176 ○ He confirmed that no groundwater was found in the test holes.
 - 177 ○ He said WYDOT approved 3 accesses: one for the south access along the
178 subdivision; another for Lots 1A and 1B; and one to serve 2A and 2B. The intent
179 is that none of the lots will have use along the private road to the south and a plat
180 restriction note could be added, which could help restrict someone from getting a
181 county address utilizing that road for access. From the previous subdivision plat,
182 there is a 60-foot easement in place.
183

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

- 185 • Commissioner Putney asked who owns the private road. Rob said it is platted on the
186 simple subdivision plat and Mr. Shumard owns it. Mr. Francis does have easement.
- 187 • Commissioner Putney asked if Black Hills Energy will be provided to Lot 2B. Rob said yes.
188 The easement will be for access and utilities.
- 189 • Commissioner Putney asked if there is telephone access to each lot. Rob said the same
190 easement would apply to telephone.
- 191 • Commissioner Brandon-Wintermote asked if the Garland-Light and Power easement was
192 noted on the plat. Rob said it will be addressed on the next plat.
193

194 Chairman Morrison asked for public comment.

Planning & Zoning Commission Minutes

May 23, 2019

- 195
- 196
- 197
- 198
- 199
- 200
- 201
- 202
- 203
- 204
- 205
- 206
- 207
- 208
- 209
- 210
- 211
- 212
- 213
- 214
- 215
- 216
- 217
- 218
- 219
- 220
- 221
- 222
- 223
- 224
- 225
- 226
- 227
- 228
- 229
- 230
- 231
- 232
- 233
- 234
- 235
- 236
- 237
- 238
- 239
- 240
- 241
- 242
- 243
- 244
- Melody Lanchbury Deyle asked where this development will put their taxes and she is also not satisfied as to what has been said about the water rights. She said it was stated, roundabout, that they wanted them to give up some of their water rights.
 - Jay Lanchbury said he is concerned about the loss of agricultural land.
 - Brian Shumard, one of the property owners, addressed the Lanchburys' concerns about depleted ag land. He said he does his best to reserve ag land, but some people need smaller pieces of land to farm.
 - Newt Pawley said he has lived out there for almost 45 years. They [Mr. Francis] have spent thousands and thousands of dollars to clear snow for access and maintain the road for access. Who is going to maintain the road? He also said someone came around who got pretty nasty about signing a deal to give up some of their water rights so the subdivision could have more water rights (a copy of a letter was provided for review). It was Rob Overfield's office who delivered the request. Can they subdivide it again? There are fences on either side of the south road and who will maintain all that. He lives across the highway so it doesn't impact him, but it does the neighbors (wastewater, etc.).
 - Russ Francis thanked everyone for their comments. The road to his place along the south of the subdivision is 0.7 miles. He noted that after a few winters of moving a lot of dirt and snow, Mr. Shumard came in and improved the road, spending a fair amount of money to do so. His concern is that the road is narrow and he understands there is an easement for width, but he wants to make sure there will not be a lot of traffic coming down their easement.
 - Melody Lanchbury Deyle asked what kind of guarantee they have that he will not subdivide even further. He does talk about crops they can do, but if you subdivide much further, what kind of crops would one be able to sustain to justify ag land.
 - Russ Francis said it appears it will all be well water and results were discussed. He is concerned about smaller lots and how that could impact the aquifer and quality of water.
 - Rob Overfield addressed the concern about water rights changes. This goes back to the efforts that were put in on the earlier simple subdivision with an irrigation plan that was approved locally and by the State Board of Control – they asked for additional information. The west half of the simple subdivision and the two parcels across the highway to the west (Pawley and Lanchbury) belong to Lot 53. The early documentation created a water right in Lot 53 for a total of 66 acres of water right. Unfortunately, when they did that, the water right, "blanket" that covers Lot 53 includes no additional detail. In other locations, and much more the norm (such as in Lot 48), the water right recorded for that was easily divided up between parcels. Because the early water right in Lot 53 was called a "blanket" right, the State rules and regs would not allow them to show the seven acres in the simple subdivision apart from the 66 acres. They showed the State the exact acreages that the irrigation district allots to the three parties. Lanchbury is approximately 28 acres, Pawley maybe 30 acres. Shoshone has created a split per what they deem appropriate. That is what they proposed on the irrigation plan. The State said they required consent from the other two parties. There was no effort to change the water right acres on any of the water rights on the lots; the effort was simply to clarify the rights on each. He added that they have irrigation waste water leaving the parcel and heading to the river. There is also pipe from the head gate across the subdivision and remainder parcel so the Francis' get their irrigation water as needed. He doesn't feel like anything they are doing will adversely impact anyone's water rights.
 - Chairman Morrison asked Rob to address concerns about the road along the south part of the subdivision.
 - Brian Shumard said that they have an easement through there. During the simple subdivision, the road was made 20 feet wide; they removed the fence to allow room for

Planning & Zoning Commission Minutes

May 23, 2019

- 245 snow removal and added gravel. As for fences, he cannot remember what is in place. Mr.
246 Shumard clarified that he wants to keep his parcel sizes around 10 acres to fit market
247 needs for shop houses. He has no intent to go smaller than 10 acres on the front. The
248 back 35 acres they may develop down the road.
- 249 • Chairman Morrison said the road serves two parcels, including Mr. Francis'.
 - 250 • Chairman Morrison asked if there is a road maintenance agreement along the private
251 road. Brian owns it, Mr. Francis uses it, Brian does most of the maintenance.
 - 252 • Brian Edwards addressed not having two addresses along a private road. He clarified that
253 once three or more addresses are present, county address standards apply. When 4 or
254 more lots are accessed, County road standards apply. He said when we know there are
255 future plans for further subdivision known, it is ideal to have the wider easements in place.
256 The county does not have any intent to maintain the road.
 - 257 • Russ Francis said when he purchased the land in 2015, there was a 40-foot easement in
258 place for many years. It was a question on the title; they settled the argument by clearing
259 up that they can use 40 feet. They have partnered in the maintenance of the road as a
260 responsible party. They agreed to a 5-year delay so that they wouldn't subdivide, but they
261 don't plan to subdivide anyway. A lot of cars coming up and down the road would be a
262 problem. They have addressed it by providing access off of the highway.
 - 263 • Mr. Lanchbury asked why his neighbor, Bob Langdon, did not receive a letter of notice.
264 Staff confirmed he was on the list of neighbors to be notified.
 - 265 • Ms. Lanchbury had further comment about water rights.
 - 266 • The Planning Director confirmed that the Langdon's were on the list of neighbors to be
267 notified.
 - 268 • Commissioner Putney asked that, if there were to be a condition regarding clarification of
269 access on the plat, would the applicant be okay with it. Mr. Shumard said they would like
270 to clarify on the current plat. Commissioner Putney asked if there was interest in a private
271 road agreement. Mr. Shumard said as long as it is just the two of them, he doesn't feel
272 there needs to be one. He said if he adds one more parcel, there would be a road
273 maintenance agreement.
 - 274 • Chairman Morrison clarified that an easement is still required for Garland Light and Power
275 and Black Hills Energy (gas), an irrigation plan must be approved by the irrigation district
276 and she clarified that everything would need to be clarified by the state.
- 277
278 Commissioner Smith made a MOTION to close the hearing at 2:58pm; SECONDED by
279 Commissioner Bonine. The motion was carried unanimously.
- 280
281 Chairman Morrison asked commission members if they had any discussion. Commissioner Smith
282 asked for a first condition about adding utilities. Commissioner Putney suggested using the
283 language as used in the past regarding providing easements as necessary for utilities, being no
284 less than 20 feet in width...and identified on the final plat. Condition #2 should be evidence that
285 gas, telephone and other utilities services have been extended to Lot 2B prior to final plat
286 approval. A subdivision improvement agreement would be required in the event that utilities have
287 not been stubbed to the lot lines. #3 would be the requirement for a long-term noxious weed
288 control plan. A fourth condition that there be a note on the plat showing that all lots use access
289 off of Highway 14A and that no access from the private road along the south is to be provided for
290 any of the proposed lots in the current subdivision.

291

Planning & Zoning Commission Minutes

May 23, 2019

292 The Planning Director clarified that any further division of the original tract of record will be
293 considered a major subdivision.

294 Russ Francis said if there is a future development in the 35 acres, will county approval be
295 required? Chairman Morrison confirmed that it will.

296 Commissioner Putney would like to add a finding that water quality analysis was provided and
297 any future wells proposed would require a permit from the State Engineer's Office.

298 Commissioner Putney asked if the irrigation district has been sent an irrigation plan. It has not.

299 Commissioner Putney made a MOTION to approve Resolution 2019-15 with the following
300 conditions:

- 301 1. The applicant shall provide all easements as requested by applicable utilities and
302 special districts, irrigation districts or public agencies providing services. The width
303 of any utility easement shall be sufficient to allow adequate maintenance of the
304 system, but in no case shall such utility easement be less than 20 feet in width.
305 Easements must be identified on the final plat;
- 306 2. The applicant must provide evidence that utilities have been extended to each
307 proposed subdivision lot line;
- 308 3. A long-term noxious weed control plan must be approved by Weed & Pest prior to
309 final plat review by Park County Commissioners;
- 310 4. All lots (Lots 1A, 1B, 2A and 2B) legal access is only from Highway 14A and shall
311 not be accessed from the existing private road and this access restriction shall be
312 noted on the final plat;
- 313 5. An irrigation plan must be submitted to and approved by Shoshone Irrigation
314 District prior to final plat review;
- 315 6. The applicant shall otherwise comply with standards in the Park County
316 Development Regulations and the minimum subdivision requirements as set forth
317 in Wyoming Statute 18-5-306.
318

319 Motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution 2019-15
320 attached hereto and incorporated herein.

321

322 **PUBLIC HEARING – Pescadero MS-29 Sketch Plan Review:** Pescadero Properties, LLC
323 request consideration of the Sketch Plan to create a four-lot minor subdivision: proposed Lot 1
324 is 1.90 acres; proposed Lot 2 is 1.72 acres; proposed Lot 3 is 1.72 acres and proposed Lot 4 is
325 1.86 acres. The use intended for all lots is residential and possibly agricultural. The subdivision
326 will divide a 7.2-acre parcel of land located in Lot 63-I, of Lot 63, Resurvey T55N R98W, 6th
327 P.M., Park County, Wyoming, and said tract of land being more particularly described as the
328 north 238.0 feet of land of said 63-I.
329

330 Chairman Morrison opened the public hearing at 3:32pm.

331

332 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff
333 Report. Kim added that he did receive a response from the school district addressing the
334 availability of bus stops to serve the lots. He also received a response from MDU stating that
335 service is available along Lane 8H to serve each lot. He received a response from Rocky Mountain

Planning & Zoning Commission Minutes

May 23, 2019

336 Power – they can provide service. He received an email from the Powell Fire District which asked
337 for accesses to be constructed to accommodate their equipment. A response was received from
338 Public Works. They indicated that the lots will have direct access to county roads.
339

340 Mary McKinney added that she conducted a survey on the property. There are noxious species
341 on the property and a long-term noxious weed control plan will be required.
342

343 Chairman Morrison asked commission members if they had any questions for staff. There being
344 none, Chairman Morrison asked if the applicant's representative had any questions or comments.

345 • Scott Lewis said they received notice from Weed and Pest. The conservation district has
346 not yet provided a response. He brought additional copies of the sketch plan to
347 accommodate commission members. They show accesses, topography and all required
348 items. There is a portion of land that is fenced in that is not within the subdivision. He
349 notified the owner.
350

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

352 • Commissioner Brandon-Wintermote said there is a note on the plat about the Amended
353 Costa Subdivision to the north. On the west is another subdivision. Scott clarified that
354 those are labels for adjacent subdivisions. Chairman Morrison thanked Scott for providing
355 easy-to-read sketch plans.

356 • Commissioner Morrison noted a weed and pest plan, water quality information and soils
357 report as being outstanding items.

358 • Scott said they would rather put the note on the plat about water quality being unknown
359 and the intent to connect to NWRWD.

360 • Commissioner Putney asked about the municipal review requirement. Kim clarified that
361 municipal review is not required because the subdivision is not within a mile of town.

362 • Commissioner Putney ask about the map that shows a building, she was unable to
363 determine what a circle with an x in it is for. Scott said they are guard posts around an
364 existing electrical transformer.

365 • Commissioner Putney said that one of the lot lines crosses through a corral. Scott said he
366 asked the applicants and they intend to tear the corrals down.

367 • Chairman Morrison addressed groundwater exploration. Scott confirmed when the cuts
368 were done. Chairman Morrison would like to see the second cut location added to the
369 sketch plan.
370

371 Chairman Morrison asked for public comment. Shana Bartle, a resident directly north of the
372 subdivision, expressed some concerns. She doesn't know what kind of homes will go in or will
373 there be covenants. She mentioned the culvert that comes out along the road which goes directly
374 onto her property and will the volume of water increase causing increased outflow. She also
375 mentioned the ground slope directly to the north (her property). They have a partial basement.
376 Chairman Morrison asked if there has been any problem with wastewater up to now. Ms. Bartle
377 said there hasn't because the pasture has not been irrigated very often.
378

379 Scott said the Bartles are quite a bit higher than the drainage being discussed. If there is both
380 residential and ag use, the portion in residential will be taken out of production. There would be
381 additional runoff, but they will likely be a wash due to some decrease in irrigation. He has done
382 what he can to address wastewater runoff. Regarding the future development, there is no
383 guarantee as to what will be done. No covenants are proposed at this time.
384

Planning & Zoning Commission Minutes

May 23, 2019

385 Chairman Morrison asked about the culvert – is it existing. Scott said yes and it is for irrigation
386 water. Scott said it is probably 18” to 24” in diameter. Chairman Morrison asked if there is a water
387 master. Scott said he doesn’t know if a grievance could be filed with the irrigation district. Presently
388 there is no water master.

389
390 The Planning Director asked who owns the culvert. Brian Edwards said generally the irrigation
391 infrastructure was in place prior to the road being placed so typically the county would be
392 responsible; however, if it is damaged, the situation could be different.

393
394 Brian Edwards asked if Ms. Bartle has seen the culvert running full. She said that they have and
395 that is part of their concern as well as who would be responsible for maintaining the ditch that
396 runs through their property as it is very shallow and may not be able to sustain increased
397 wastewater. Brian Edwards said if the culvert were to plug or be undersized, the wastewater would
398 back up on the proposed subdivision and should not impact the Bartle's property. In that case, it
399 would be the Irrigation District's responsibility to review. Scott estimates that the ditch/culvert are
400 likely about 10 feet below her home. Scott had asked someone nearby if they have any water
401 problems, but they did not mention any problems in close proximity. Brian Edwards said they did
402 look at a run off/erosion plan and they felt that there would not be a significant net increase of
403 wastewater or issues with the culvert.

404
405 Commissioner Putney asked if the Powell Fire Department is Park County Fire District #1. Kim
406 confirmed that it is.

407
408 Ms. Bartle sought clarification on covenants. Scott said they have no plans to prepare covenants.
409 Commissioner Putney clarified that the county does not require covenants for minor subdivisions.

410
411 Commissioner Putney addressed some possible conditions. Make #1 be about easements
412 (standard language). Condition #2 being about water quality note on the plat “No water analysis
413 was conducted and the quality of well water is unknown” and encouraging connection to NWRW.
414 Condition #3 a soils report is required prior to final plat. Condition #4 required weed and pest plan
415 and Condition #5 the standards shall apply. Indicate in findings that the subdivision is not within
416 a mile of the city. Add finding about Lot 1 access being from Road 5 and Lane 8H; all other lots
417 have access from Lane 8H.

418
419 Commissioner Brandon-Wintermote made a MOTION to close the hearing at 4:19pm;
420 SECONDED by Commissioner Smith. The motion was carried unanimously.

421
422 Commissioner Putney asked if the lots may not be further subdivided. Kim believes that language
423 only applies when lot size averaging is utilized.

424 Commissioner Smith made a MOTION to approve Resolution 2019-16 with the following
425 conditions:

426 1. The applicant shall provide all easements as requested by applicable utilities
427 and special districts, irrigation districts or public agencies providing services.
428 The width of any utility easement shall be sufficient to allow adequate
429 maintenance of the system, but in no case shall such utility easement be less
430 than 20 feet in width. Easements must be identified on the final plat;

431 2. The applicant shall state the following on the final plat: “NO WATER
432 ANALYSIS WAS CONDUCTED AND THE QUALITY OF WELL WATER IS

Planning & Zoning Commission Minutes


May 23, 2019

- 433 UNKNOWN. NORTHWEST RURAL WATER DISTRICT IS AVAILABLE TO
434 SUPPLY WATER TO EACH SUBDIVISION LOT” in bold lettering;
- 435 3. The applicant shall provide to the Planning and Zoning Department a copy of
436 a response with recommendations from the Powell-Clark’s Fork
437 Conservation District prior to final plat review;
- 438 4. The applicant must provide to the Planning and Zoning Department a copy
439 of a long-term noxious weed control plan that has been approved by County
440 Weed and Pest prior to final plat review;
- 441 5. The applicant shall otherwise comply with standards in the Park County
442 Development Regulations and the minimum subdivision requirements as set
443 forth in Wyoming Statute 18-5-306.

444
445 Motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution 2019-16
446 attached hereto and incorporated herein.

447
448 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the
449 meeting at 4:23pm. The motion was seconded by Commissioner Brandon-Wintermote. All in
450 favor.

451
452 Respectfully submitted,



Jolene Brakke, Secretary

453
454
455

**RESOLUTION 2019 - 14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE DRY CREEK MINOR SUBDIVISION - 28
SKETCH PLAN**

WHEREAS, Joseph Tilden proposes to create a three-lot minor subdivision containing one 21.71-acre lot, one 20.33-acre lot, and one 8.79-acre lot. The use intended for Lots 2 and 3 is residential and possibly agricultural. Lot 1 will likely be sold to the State of Wyoming and the property used to locate a Wyoming Game and Fish regional office. The subdivision will divide Lot 30 & part of Lot 14, Sec. 30, T53N R101W and part of the SE1/4NE1/4 & NE1/4SE1/4 Sec. 25, T53N R102W of the 6th P.M., Park County, Wyoming.

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 23, 2019 to consider the sketch plan application and made findings as follows:

- a. The lots as configured conform to the GR-5 zoning district where they are located;
- b. Warranty deeds from Weiss and Weiss Living Trust establish Joseph Tilden as property owner;
- c. The City of Cody was notified of the subdivision application;
- d. All notice requirements have been met;
- e. All agency referral requirements have been met;
- f. No public comments have been received;
- g. Pre-application meeting requirements have been met;
- h. A complete sketch plan application, including payment, was received on April 22, 2019;
- i. A Notice of Intent to Subdivide was published on April 9 and April 16, 2019;
- j. Title report has been submitted;
- k. New proposed subdivision roads have been granted administrative relief and shall meet the conditions set forth in the May 23, 2019 letter from Public Works;
- l. Garbage disposal service is available through local, private companies;
- m. Fire protection is available with Fire District No. 2;
- n. Postal delivery is available along Hwy 120;

- o. School bus stops are along Road 2AB;
- p. Electricity, natural gas and telephone facilities are adjacent to each lot;
- q. Cellular phone service is adequate in the area;
- r. There are no apparent or identified hazardous conditions on the lots;
- s. The Cody Conservation District submitted a soils report dated April 25, 2019;
- t. The Heart Mountain Irrigation District was notified on April 17, 2019;
- u. An irrigation distribution plan has been submitted to the Heart Mountain Irrigation District;
- v. The irrigation distribution plan does not require state review;
- w. The Weed & Pest District was notified on April 8, 2019;
- x. An initial weed inspection noted the presence of noxious weeds; a long-term noxious weed control plan has been approved;
- y. Legal access to each lot is from Hwy 120.
- z. Easements are shown on the sketch plan;
- aa. Subsurface evaluation data indicates that conventional septic systems will likely be appropriate, should septic applications be received;
- bb. Northwest Rural Water District serves Lot 2 and has the capacity to serve Lots 1 and 3;
- cc. The lot sizes proposed conform to the lot design and improvement standards;
- dd. The subdivision is not within the mapped floodplain;

WHEREAS the Planning & Zoning Commission concludes the proposed subdivision 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 Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the Dry Creek Minor Subdivision-28, subject to the following conditions:


1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. Ambient water quality must be established by the analysis of water from a neighboring well prior to sketch plan review by Park County Commissioners;
3. As part of the road construction, applicant shall provide a Subdivision Improvements Agreement;

4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

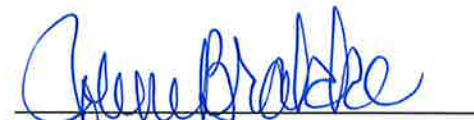
ADOPTED by the Park County Planning & Zoning Commission this 23rd day of May, 2019.

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

ATTEST:

A handwritten signature in black ink, appearing to read "M. R. Morrison", written over a horizontal line.

Marion Morrison, Chair

A handwritten signature in blue ink, appearing to read "Jolene Brakke", written over a horizontal line.

Jolene Brakke, Secretary

**RESOLUTION 2019 - 15
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE LIVE IRON MINOR SUBDIVISION – 27
SKETCH PLAN**

WHEREAS, Brian K. Shumard and 2Visions, LLC. propose to create a four-lot minor subdivision: proposed Lot 1A is approximately 10.46 acres; proposed Lot 1B is approximately 10.40 acres, proposed Lot 2A is approximately 10.45 acres and proposed Lot 2B is approximately 10.19 acres. The use intended for all lots is residential and possibly agricultural. The minor subdivision will vacate Lots 1 and 2 of the Stage Station Simple Subdivision and create four newly designed minor subdivision lots;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 23, 2019 to consider the sketch plan application and made findings as follows:

- a. The lots as configured conform to the GR-P zoning district where they are located;
- b. Lot 1 of Stage Station SS-249 is owned by 2Visions, LLC by Warranty Deed from Circle I Ranch, LLC, a Wyoming limited liability company (Document # 2016-4424);
- c. Lot 2 of Stage Station SS-249 is owned by Brian K. Shumard by Warranty Deed from Mindee Shumard, now known as Mindee Lea Oliver. (Document #2019-914);
- d. All notice requirements have been met;
- e. All agency referral requirements have been met;
- f. No public comments have been received;
- g. A pre-application meeting was held on February 11, 2019;
- h. A Notice of Intent to Subdivide was published on March 12, 2019 and March 19, 2019;
- i. A complete sketch plan application, including payment, was received on March 18, 2019;
- j. A title report has been submitted;
- k. No new roads are proposed as part of this subdivision;
- l. All subdivision lots will have access from US Highway 14-A;
- m. Garbage disposal service is available through local, private companies;

- n. Fire protection is available from Park County Fire District No. 1;
- o. Postal delivery is available along the south side of Highway 14-A;
- p. School bus service is available on the south side of Highway 14-A;
- q. Garland Power and Light has electricity adjacent to each proposed lot;
- r. Easements are required to run utilities to each lot;
- s. Natural gas service in this area is provided by Black Hills Energy, though evidence that gas service has been extended to each subdivision lot has not been provided;
- t. It is unknown whether cable TV service is available to the subdivision;
- u. Cellular phone service is adequate in the area;
- v. There are no apparent or identified hazardous conditions on the lots;
- w. The Powell-Clarks Fork Conservation District submitted a soils report dated April 2, 2019;
- x. The Shoshone Irrigation District was notified of the subdivision on March 12, 2019;
- y. An irrigation distribution plan has not been submitted to the Shoshone Irrigation District;
- z. Water analysis has been performed; any future well development must be permitted by the State;
- aa. Park County Weed and Pest initial inspection found the presence of noxious weeds.

WHEREAS the Planning & Zoning Commission concludes the proposed subdivision 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 Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the Live Iron Minor Subdivision-27, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant must provide evidence that utilities have been extended to each proposed subdivision lot line;

3. A long-term noxious weed control plan must be approved by Weed & Pest prior to final plat review by Park County Commissioners;
4. All lots (Lots 1A, 1B, 2A and 2B) legal access is only from Highway 14A and shall not be accessed from the existing private road and this access restriction shall be noted on the final plat;
5. An irrigation plan must be submitted to and approved by Shoshone Irrigation District prior to final plat review;
6. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

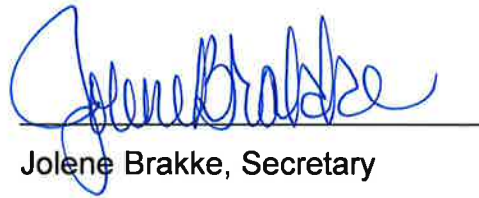
ADOPTED by the Park County Planning & Zoning Commission this 23rd day of May, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

**RESOLUTION 2019 - 16
PARK COUNTY PLANNING & ZONING COMMISSION**

TITLE: RECOMMENDATION TO APPROVE PESCADERO MS - 29 SKETCH PLAN

WHEREAS Pescadero Properties, LLC proposes to create a four-lot minor subdivision: proposed Lot 1 is 1.90 acres; proposed Lot 2 is 1.72 acres; proposed Lot 3 is 1.72 acres; and proposed Lot 4 is 1.86 acres. The use intended for all lots is residential and possibly agricultural. The subdivision will divide a 7.2-acre parcel of land located in Lot 63-I, Lot 63, T55N, R98W, 6th P.M., Park County, Wyoming;

WHEREAS the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to minor subdivision sketch plans;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on May 23, 2019 to consider the sketch plan application and made findings as follows:

- a. The lots as configured conform to the GR-P zoning district where they are located;
- b. Warranty deed from David C. Brown and Lynda D. Brown, husband and wife to Pescadero Properties, LLC, a Wyoming Limited Liability Company, as property owner (WD Document #0243-807);
- c. The subdivision is not within a mile of the City of Powell;
- d. All notice requirements have been met;
- e. All agency referral requirements have been met;
- f. No public comments have been received;
- g. Pre-application meeting requirements have been met;
- h. A complete sketch plan application, including payment, was received on April 22, 2019;
- i. A Notice of Intent to Subdivide was published on April 18 and April 25, 2019;
- j. Title report has been submitted;
- k. No new subdivision roads or open/public spaces are proposed;
- l. Garbage disposal service is available through local, private companies;
- m. Fire protection is available from Park County Fire District No. 1;
- n. Postal delivery is available along County Lane 8H;
- o. School bus stop service is available to serve the subdivision lots;
- p. Electricity, natural gas, and telephone facilities are adjacent to each lot;

- q. Cellular phone service is adequate in the area;
- r. There are no apparent or identified hazardous conditions on the lots;
- s. The Powell-Clark's Fork Conservation District was notified on April 22, 2019 though no response has been received;
- t. The Shoshone Irrigation District was notified on April 22, 2019;
- u. An irrigation distribution plan has been submitted to, and approved by, the Shoshone Irrigation District;
- v. The irrigation distribution plan does not require state review;
- w. Park County Weed & Pest was notified on April 22, 2019;
- x. Park County Weed & Pest requires a long-term noxious weed control plan for the subdivision;
- y. Legal access to each lot is from County Lane 8H and, in the case of Lot 1, legal access also exists from County Road 5;
- z. Easements are shown on the sketch plan;
- aa. Subsurface evaluation data indicates that conventional septic systems will likely be appropriate should septic applications be received;
- bb. Northwest Rural Water District currently has a pipeline that runs adjacent to this proposed subdivision and would have the ability to supply water to the proposed lots;
- cc. The lot sizes proposed conform to the lot design and improvement standards;
- dd. The subdivision is not within the mapped floodplain.

WHEREAS the Planning & Zoning Commission concludes the proposed subdivision 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 Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the Pescadero Minor Subdivision-29, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall state the following on the final plat: "NO WATER ANALYSIS WAS CONDUCTED AND THE QUALITY OF WELL WATER IS UNKNOWN. NORTHWEST RURAL WATER DISTRICT IS AVAILABLE TO SUPPLY WATER TO EACH SUBDIVISION LOT" in bold lettering;

3. The applicant shall provide to the Planning and Zoning Department a copy of a response with recommendations from the Powell-Clark's Fork Conservation District prior to final plat review;
4. The applicant must provide to the Planning and Zoning Department a copy of a long-term noxious weed control plan that has been approved by County Weed and Pest prior to final plat review;
5. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 23rd 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 23, 2019

| | | Dry Creek MS-28 Sketch Plan Review | |
|---------------|-------------------------------|---|-------------------------|
| | | Live Iron MS-27 Sketch Plan Review | |
| | | Pescadero MS-29 Sketch Plan Review | |
| | | | |
| | | | |
| | Please PRINT your name | Name of the HEARING OF INTEREST | DO YOU WISH TO SPEAK |
| 1 | SHAWA BARTLE | PESCADERO | ✓ |
| 2 | Munt Paruley | Five Iron | |
| 3 | Paul Erickson | | |
| 4 | KIM BANATHY | LIVE IRON | |
| 5 | REIS OVERFELD | " " | |
| 6 | Brian Shumard | Five Iron | |
| 7 | London Shumard | | |
| 8 | Ken Francis | | |
| 10 | SCOTT LEWIS | Pescadero | |
| 11 | Bill Francis | | |
| 12 | Bergita Katsjonsons | pescadero | |
| 13 | Melody Lanchburg Deyle | LIVE IRON | |
| 14 | Fay Lanchburg | all | ✓ |
| 15 | Mary McInerney | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | | | |
| 29 | | | |
| 30 | | | |



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **1:00 P.M.**, Thursday, May 23, 2019 in the Old Law Library, second floor
of the Original Courthouse
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

[Terrace 39 SS-255 Sketch Plan Review – Withdrawn by Applicant](#)

[PUBLIC HEARING – Dry Creek MS-28 Sketch Plan Review](#)

[PUBLIC HEARING – Live Iron MS-27 Sketch Plan Review](#)

[PUBLIC HEARING – Pescadero MS-29 Sketch Plan Review](#)

ADJOURN