

Planning & Zoning Commission Minutes

June 18, 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

Chairman Morrison opened the meeting at 6:02pm.

APPROVAL OF MINUTES

Chairman Morrison asked the Board for comments or changes to the May 21, 2019 meeting minutes and the May 23, 2019 special meeting minutes as presented and corrected. A MOTION was made by Commissioner Brandon-Wintermote to approve the minutes as corrected; the motion was SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

REGULAR AGENDA

CONTINUED PUBLIC HEARING – AmSum Enterprises Major Industrial Use SUP-181:

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

Chairman Morrison opened the continued public hearing at 6:05pm, reviewed the rules of a public meeting and introduced the Board and Staff.

There being no comments from the Commission, Joy Hill, Planning Director, presented information that was received following the hearing on May 21, 2019 including information about the water rights provided by the State for the artesian water serving the bottling use and the permitted well supplying water for the residence.

Chairman Morrison asked the applicant, Scott Northrop (participating by phone) if he could go over the information that he provided to staff directly before the meeting. Scott said this is a small operation. What they are trying to do is bottle water using glass. Any time the operation plans to scale up, they would utilize a facility in Cody. Landis Webber did indicate that they have the water rights to bottle. He added that if they show best [beneficial] use and need to increase use, they would need to request additional permission. There will be a measuring device upon State review

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54 after the use commences. Scott said he can provide all sorts of tests that were run from the plant
55 during the past five years proving the quality of the water. Regarding the septic system, it is only
56 part of the residential property. The water from the spring never enters the septic system. The
57 septic system is south of the house – the farthest thing down the hill. As for the number of
58 employees staying there, they intend to have a plant manager (parent) who will be onsite full-
59 time. They will offer space for two other employees to stay there as well. It is never going to be a
60 dormitory there, it is just a convenience for a few of the people. The water they would be using is
61 from the well to the east of the facility.

62
63 James Klessens, speaking on behalf of the applicant, addressed the issue of E. Coli bacteria that
64 showed up on the water quality report and concerns that were raised from the public about E. Coli
65 from the septic system entering the water. He explained that the artesian spring naturally releases
66 water under pressure from underground. The spring is 120ft above the facility's elevation. Due to
67 the pressure gradient, water or other material cannot re-enter the aquifer from where it leaves at
68 the surface.

69
70 Mr. Klessens addressed concerns about the applicant not being the owner. He mentioned the
71 owner, Mr. Lajaunie, being present for the hearing to speak for himself. He mentioned that the
72 applicant will be working with Weed and Pest to address their concerns. He said water used to
73 clean the water bottles leaves the facility through a separate pipeline to a reservoir. He addressed
74 the special site standards that were brought up at the last hearing. He said the area impacted is
75 actually less than 2 acres. He said the nearest perennial stream, the Clark's Fork River, is over
76 4,100 feet away. There are no steep slopes impacted or impacting the proposed use. He
77 addressed wildlife habitat and how Big Horn Sheep Crucial Habitat and Elk Crucial Habitat areas
78 exist on the fringe of the facility and how they are sensitive to impacts to these species. He added
79 that if they were to use the full capacity of water adjudicated, it would fill 928 bottles per minute –
80 that is simply not possible under the current plan. There is also no scenic byway impacted by this
81 use.

82
83 Kim Dillivan asked about the 1,800-square foot addition. Scott said they are not proposing any
84 addition as part of this application. If they want to add something, they will come back for
85 permission.

86
87 Chairman Morrison asked if any commission members had questions for the applicant. She
88 referenced the documentation provided by the State Engineer's Office regarding water rights and
89 how it was confusing. She specifically asked about items that were crossed out, including the use
90 of flow-through to a reservoir. On page 6 the appropriation mentions a different cubic feet per
91 second as is shown on another page. Mr. Klessens added that there are 5 separate water rights
92 associated with the property, some involve irrigation. The Planning Director added that she
93 specifically asked Landis Webber to translate in simple terms the details of the water rights
94 documentation that apply to the use only. That is where the 58 gallons per minute adjudication
95 was clarified, as well as the domestic well permit that serves the residential side of the use.

96
97 Chairman Morrison addressed the stream corridor criterium within special site plan review. She
98 sought clarification on the artesian well and the fact that the water re-enters the ground through
99 a playa. She asked how far the facility was from the playa. Mr. Klessens said the spring is
100 approximately 120 feet uphill from the facility; it goes through a steel pipeline to the facility. If
101 unused, it enters another pipeline to the reservoir (playa).

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103 Chairman Morrison asked for clarification as to whether the applicant intends to make changes to
104 the existing pipeline. The applicant said no. They just want to continue what has already been
105 done.

106

107 Chairman Morrison asked if there were comments from any members of the public.

108 - Mr. Robert Savala asked why it is necessary to make changes to the zoning if the use is
109 planned to continue as it was in the past – rural.

110 - Mr. Len Fortunato said he is still against this use as it is not in harmony with the pristine
111 scenic properties of the area and the existing habitat disturbances that may occur due to
112 the bottling facility activities. He is also still concerned about the wastewater from the
113 industrial activity – seems like there is a lot more water to go into the reservoir than it can
114 handle. Has DEQ analyzed the water to see what is entering the reservoir. There is a
115 septic system that we don't know if it was permitted that concerns him.

116 - George Simonton asked when the questions were submitted to the applicant and why did
117 it take this long to get answers. He suggests deferral based upon time needed to review.
118 He's not satisfied with the E. Coli situation and the placement of the septic system. He is
119 concerned that the answers to the questions are incomplete or unclear. On the consent of
120 the owner to allow for the permitting of this, he is not bound to anything. He wants to know
121 if there is any commitment for someone to do what they say they are going to do. He
122 understands that they may want to do bottling in Cody – will it be large and get public
123 money, what is the long-range plan and is there financial ability to do what they say they
124 want to do. He is concerned about commitments not being made by the right people who
125 are involved.

126 - Tim Wade added that he is still not in favor of the use. He feels it would be better suited
127 by trucking the water into Cody for processing. He still wonders where the water goes after
128 it leaves the pipeline.

129

130 Chairman Morrison asked the Planning Director to provide clarification on the points made in
131 public comment. The Director addressed the email questions and the zoning concerns.

132

133 Commissioner Putney made a MOTION to continue the hearing to gain further clarification on the
134 outstanding points of concern. She would like an opportunity to visit the site and get more
135 information from the applicant. SECOND by Commissioner Smith. Chairman Morrison added that
136 the continuance would occur on July 16 at 6:00pm. Commissioner Brandon-Wintermote was in
137 favor. Commissioner Bonine was opposed. Chairman Morrison asked for additional information
138 to be provided by July 2, 2019. Mr. Klessens asked for a specific list of items that are requested.
139 Chairman Morrison asked for a site plan with specifics including the larger area around the facility,
140 including the water source, the playa, the pipelines, etc. She referenced the site plan requirements
141 in the regulations.

142

143 High Peak Views SS-256 Sketch Plan: Sheila Orr requests Planning and Zoning Commission
144 review of the sketch plan for the High Peak Views Simple Subdivision, which proposes to divide
145 a 21.37-acre parcel into two lots consisting of one 16.37-acre lot and one 5.0-acre lot. The
146 intended use of the subdivision lot is for a single-family residence.

147

148 Chairman Morrison acknowledged that a public hearing was not required and directed Planning
149 and Zoning staff to commence with the staff report at 6:58pm.

150

151 There being no comments from commission members, Kim Dillivan, Planner II, presented the
152 Staff Report. Staff added that Public Works has not yet come to a decision on the administrative

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153 relief request they received from the applicant; they indicated that a letter from them is
154 forthcoming.

155

156 Chairman Morrison asked if any Commission members had questions for Staff.

- 157 • Commissioner Bonine asked for clarification on perc tests – were any perc tests completed
158 on Lot 2? Kim said the subsurface evaluation came from Lot 1, nothing from Lot 2. He
159 added that subsurface evaluation is required on half of the lots.
- 160 • Chairman Morrison asked for clarification on comments from Public Works. Kim said they
161 did not have concerns about runoff or erosion control at this time.
- 162 • Chairman Morrison said the only item outstanding from Public Works is regarding the
163 administrative relief on the road. Kim confirmed that there are five residences served by
164 the road.

165

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

- 167 • Ms. Orr said one of the adjacent properties that is agricultural at this time took their fence
168 down to access Kaleidoscope. She does not have the funds to pay for the extra use on
169 the road or for an attorney to help her stop the traffic on the road that is not allowed there.
170 Chairman Morrison asked if just a portion of Kaleidoscope is on her property. Ms. Orr said
171 she has owned portions of the property for some time.
- 172 • Lyle Casciato added that water is available to Lot 2. Chairman Morrison asked if Lyle knew
173 more about the history of the road. Lyle said the easements for the road go back to
174 previous deeds when other parts were sold off.
- 175 • Commissioner Brandon-Wintermote asked if she is just using the existing driveway; the
176 applicant and surveyor referred to the sketch plan which shows the access.
- 177 • Commissioner Bonine asked for elaboration on the irrigation easement and the slope on
178 Lot 2 and where the applicant imagines someone would have room to build. Ms. Orr said
179 the applicant will have a place with a view, who doesn't want pastureland. Lyle added that
180 there is some room at the toe of the slope outside of the irrigation easement for someone
181 to build. Ms. Orr added that some irrigation infrastructure that existed before has since
182 been removed. There used to be an irrigation road.
- 183 • Chairman Morrison asked about a condition on the plat for development staying out of the
184 irrigation district right-of-way.
- 185 • Commissioner Brandon-Wintermote asked about irrigation rights – since there are none,
186 the sketch plan shows sprinkle irrigation. Lyle confirmed that was accidentally noted.
187 Chairman Morrison suggested there be a note on the plat to indicate limitations of potential
188 disruptions by the irrigation district within their easement.

189

190 Chairman Morrison entertained discussion. Commissioner Putney asked about a change to a
191 finding in the draft resolution, letter w, Weed and Pest has completed an inspection and no plan
192 is required. Commissioner Brandon-Wintermote asked if they need to address the request for
193 administrative relief from Public Works. Commissioner Putney suggested having it as a condition.
194 Commissioner Putney asked if the fire district requirements have been addressed. Ms. Orr said
195 Jeff Parker of the fire district visited the site and indicated there is plenty of room for trucks to turn
196 around. The Planning Director added that, based upon discussion with the County Engineer, she
197 believes he intends to address any concerns he may have regarding emergency vehicle access
198 in his response to the administrative relief request.

199

200 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2019-17 with the
201 following conditions:

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202

- 203 1. The applicant shall provide all easements as requested by applicable utilities and
204 special districts, irrigation districts or public agencies providing services. The width of
205 any utility easement shall be sufficient to allow adequate maintenance of the system,
206 but in no case shall such utility easement be less than 20 feet in width. Easements
207 must be identified on the final plat;
- 208 2. Ambient water quality must be established by the analysis of water from a
209 neighboring well prior to sketch plan review by Park County Commissioners;
- 210 3. The applicant shall otherwise comply with standards in the Park County Development
211 Regulations and the minimum subdivision requirements as set forth in Wyoming
212 Statute 18-5-306.

213

214 Commissioner Brandon-Wintermote added the findings should reflect that Weed and Pest was
215 notified, inspected the property and they do not require a noxious weed plan. The motion was
216 SECONDED by Commissioner Putney. The motion carried. See Resolution 2019-17 attached
217 hereto and incorporated herein.

218

219 **PUBLIC HEARING – Merit Energy Cell Tower SUP-183:** Merit Energy Company requests
220 approval of a Special Use Permit to allow a Major Utility Use for construction of a fifty foot (50')
221 tall communication tower. The proposed tower will be located on a 160-acre parcel described as
222 the SW/4 Sec. 29, T51, R100, Park County, Wyoming in a General Rural 35-acre (GR-35) zoning
223 district.

224

225 Chairman Morrison opened the public hearing at 7:30pm.

226

227 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
228 Staff Report. Kim added that Weed and Pest inspected the site, found no noxious weeds and, as
229 a result, do not require a noxious weed plan; however, they do recommend that best practices be
230 followed regarding land management practices.

231

232 Chairman Morrison asked if any Commission members had questions for Staff. There being none,
233 Chairman Morrison asked if the applicant had any questions or comments.

- 234 • Mr. Mark Barringer said the main purpose of the project is to improve communications
235 related to the recent natural gas plant development.

236

237 There were no comments from those in attendance.

238

239 Commissioner Bonine made a MOTION to close the hearing at 7:40pm; SECONDED by
240 Commissioner Smith. The motion was carried unanimously.

241

242 Chairman Morrison asked commission members if they had any discussion. Commissioner
243 Putney would like clarification on a finding that legal access exists from the Highway to County
244 Road 3EM to County Road 3FK to match what was stated in the staff report. She also wanted a
245 finding clarified to show that Weed and Pest did not find noxious weeds, a noxious weed plan is
246 not required and best management practices should be followed.

247

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248 Commissioner Smith made a MOTION to approve Resolution 2019-18, with clarification to
249 findings as discussed, and the following conditions:

- 250
- 251 1. Park County noise, lighting and other nuisance regulations shall apply;
 - 252 2. The applicant shall otherwise comply with standards in the Park County
 - 253 Development Standards and Regulations.
- 254

255 The motion was SECONDED by Commissioner Bonine. All in favor. The motion carried. See
256 Resolution 2019-18 attached hereto and incorporated herein.

257
258 **PUBLIC HEARING – Three Eagles MS-30 Sketch Plan:** Jodene Pappenfort requests
259 consideration of a sketch plan to create a three-lot minor subdivision: proposed Lot 1 is 3.50
260 acres; proposed Lot 2 is 5.00 acres; and proposed Lot 3 is 8.92 acres. The intended use for all
261 lots is residential. The subdivision is located in the E1/2NW1/4 of Lot 52, Resurvey, T56N,
262 R99W of the 6th P.M., Park County, Wyoming.

263
264 Chairman Morrison opened the public hearing at 7:51pm.

265
266 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
267 Staff Report. Kim added that we did receive a response from Weed and Pest. Noxious weeds
268 were found and, therefore, a weed plan will be required. Staff is unaware if a weed plan was
269 submitted and approved. No public comments were received.

270
271 Chairman Morrison asked if any Commission members had questions for Staff.

- 272 • Commissioner Smith sought clarification on small wastewater. Kim said if the subdivision
 - 273 is approved, if anyone wants a small wastewater system it would require approval.
 - 274 • Commissioner Putney asked about clarification on the language in Line 38.
 - 275 • Commissioner Putney asked where on the sketch plan it shows electricity to Lot 3. Kim
 - 276 said there are overhead powerlines along the west side of Lots 1 and 3. She also asked
 - 277 where the gas line is – Kim said he understands it is along Lane 4, however he
 - 278 understands that a gas line is not adjacent to Lot 3.
- 279

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

- 281 • Ms. Pappenfort said she has submitted a noxious weed plan for review. She confirmed it
- 282 has not yet been approved.

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

- 284 • Commissioner Brandon-Wintermote asked about the boundary line adjustment shown on
- 285 the sketch plan. Ms. Pappenfort said the neighbor requested an additional buffer of land
- 286 between him and the subdivision lots.
- 287 • Commissioner Brandon-Wintermote asked about the irrigation plan and why it hasn't been
- 288 submitted. Kim Banathy of EA Engineering said the plan was sent to the Board of Control
- 289 today to delineate the acres within the existing lot and surrounding lands (under a blanket
- 290 right). Ms. Pappenfort said the district had a few comments about the surface drainage
- 291 ditch and Ms. Banathy added that the comment referred to the northeast corner of Lot 2
- 292 showing a 50-foot easement on center.
- 293 • Commissioner Brandon-Wintermote asked about the owner to the south and whether he
- 294 uses the easement to the west. She indicated concern about the access to the neighboring
- 295 lot. Ms. Pappenfort said she would like to see the access to Lot 3 be on the east side
- 296 through Lot 2. She would prefer that the west access be used only to get to the barn.

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- 297 • Commissioner Putney asked about the language on the deed regarding the exception. Mr.
298 Casciato confirmed it was what created Parcel B to the south.
299 • Chairman Morrison asked about the easement through Lot 2 being for utilities and/or
300 access. She also sought clarification about Lot 3 using a well for water.
301

302 Chairman Morrison asked if there were comments from any members of the public.

- 303 • Tod Stutzman, adjacent landowner, addressed the water rights and conveyance of said
304 water rights to the property. Historically, water has been conveyed along Lane 4 through
305 a cement ditch. The subdivision currently receives water shares through a ditch. His
306 concern is how do they appropriate and maintain, in the future, the historic ditch for the
307 conveyance of water to the adjacent property and the subdivision. He suggested forming
308 a ditch company, allowed for in Title 17, Chapter 4...in the Statutes. He has discussed his
309 idea with the applicant this evening in advance of the meeting. He estimates \$40,000 for
310 the underground infrastructure that would be required.
311

312 Chairman Morrison asked if commission members had additional questions for the applicant.

- 313 - Commissioner Bonine asked if the irrigation plan proposed a ditch company. Lyle said it
314 did not, but he added that due to the blanket water right, for the water to be appropriated,
315 they need the permission/consent of Stutzman. They had to file a petition to the State
316 Board of Control to gain clarification of the distribution of water rights.
317 - Mr. Stutzman asked if the surveyor used the current assessment. Lyle said they did. Mr.
318 Stutzman simply said if they hammer out the details of conveyance and who is
319 responsible, he will be satisfied.
320 - Chairman Morrison asked the applicant if she will work towards an agreement with Mr.
321 Stutzman to address his concerns. The applicant stated that she hopes to do so.
322

323 Commissioner Smith made a MOTION to close the hearing at 8:23pm; SECONDED by
324 Commissioner Bonine. The motion was carried unanimously.
325

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

- 327 - Commissioner Smith asked if language should be added to address Mr. Stutzman's
328 concerns.
329 - Commissioner Brandon-Wintermote addressed the irrigation plan requirement.
330 Commissioner Putney added that an irrigation plan has been submitted to the irrigation
331 district. She also wanted findings to reflect that a plan was sent to the state. Lyle indicated
332 that a petition was sent to the state seeking an amendment to the water rights certificate.
333 - Chairman Morrison added that the state will not approve it until they have the signatures
334 of all who are impacted by the change.
335 - Commissioner Putney added clarification of findings to show that weed and pest was
336 notified and requires a noxious weed plan. A long-term noxious weed management plan
337 must be approved by Weed and Pest.
338 - Chairman Morrison and Commissioner Putney discussed the need for approval by the
339 irrigation district prior to final plat, following amendment of the water rights certificate by
340 the Board of Control.
341 - Commissioner Putney asked if the requirement for gas to be extended to Lot 3 be indicated
342 as a finding. Commissioner Bonine said it should be a condition.
343 - Commissioner Putney asked about a finding for domestic water connection not occurring
344 for Lot 3 and the expense required to bring water to Lot 2.

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345
346 Commissioner Bonine made a MOTION to approve Resolution 2019-19 with clarification to
347 findings as discussed and the following conditions:

- 348
- 349 1. The applicant shall provide all easements as requested by applicable utilities and
350 special districts, irrigation districts or public agencies providing services. The width of
351 any utility easement shall be sufficient to allow adequate maintenance of the system,
352 but in no case shall such utility easement be less than 20 feet in width. Easements
353 must be identified on the final plat;
 - 354 2. Ambient water quality must be established by the analysis of water from a
355 neighboring well prior to sketch plan review by Park County Commissioners;
 - 356 3. Natural gas must be stubbed to proposed Lot 3 prior to sketch plan review by Park
357 County Commissioners;
 - 358 4. An irrigation distribution plan must be submitted to the Shoshone Irrigation District
359 and approved prior to final plat review by Park County Commissioners;
 - 360 5. An approved long-term noxious weed control plan is required prior to final plat;
 - 361 6. The applicant shall otherwise comply with standards in the Park County Development
362 Regulations and the minimum subdivision requirements as set forth in Wyoming
363 Statute 18-5-306.

364
365 The motion was SECONDED by Commissioner Brandon-Wintermote. The motion carried. See
366 Resolution 2019-19 attached hereto and incorporated herein.

367
368 **PUBLIC HEARING – Wyoming Game and Fish Major Community Use SUP-184:** Wyoming
369 Game and Fish Department requests consideration of a Special Use Permit Application to
370 construct a regional office consisting of more than 5,000 sq. ft. of space, thus creating a Major
371 Community Use in a General Rural 5-acre (GR-5) zoning district. The facility would be located in
372 Lot 1 of the proposed Dry Creek Minor Subdivision-28. The proposed subdivision is legally
373 described as: Lot 30 & part of Lot 14, Sec. 30, T53N R101W and part of the SE1/4NE1/4 &
374 NE1/4SE1/4 Sec. 25, T53N R102W of the 6th P.M., Park County, Wyoming.

375
376 Chairman Morrison opened the public hearing at 8:43pm.

377
378 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
379 Staff Report.

380
381 Chairman Morrison asked if any Commission members had questions for Staff.

- 382 • Commissioner Brandon-Wintermote asked if Weed and Pest responded. They have not
383 to staff's knowledge. Commissioner Bonine asked if their response is required.

384
385 Chairman Morrison asked if the applicant had any questions or comments.

- 386 • Shawn Bibbey introduced members of Game and Fish who were in attendance to provide
387 support. He indicated that the weed and pest agreement that is in place will be continued
388 with the land. He added that the bid process for the final design on the facility is very
389 expensive, so the two conceptual designs provided are an attempt to show their likely
390 plans. They are proposing this project because they have outgrown the existing facility

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391 south of Cody. They have exhausted the possibilities of remodeling the existing facility,
392 obtaining a different existing facility or starting new.

393

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

- 395 • Chairman Morrison mentioned that she recently volunteered for a Game and Fish activity
396 and she recalled gunfire nearby. She wondered if that type of activity would be added to
397 this new facility. Mr. Bibbey indicated that there are no plans to put in a gun range at the
398 new site.
- 399 • Chairman Morrison asked about the number of resident employees indicated on the
400 application. Mr. Bibbey said there will be no overnight employees, just full-time employees
401 living in the area.
- 402 • Chairman Morrison asked about operating hours and hour intermittent “other” activities.
403 Mr. Bibbey said there are occasions where after-hours employee activities or meetings
404 may occur. Those occurrences are not typical, everyday uses – the office will not be open.
- 405 • Dan Smith added that it is open to the public from 8am-5pm. Sometimes staff needs
406 access to the facility after hours.
- 407 • Chairman Morrison asked about the cold storage building. Mr. Smith indicated that it just
408 means there will be no heat.
- 409 • Chairman Morrison asked if the SUP would be conditioned as being approved for one
410 year. Mr. Bibbey indicated that they would need until the end of 2022 to complete
411 everything. He requested a two-year allowance to commence construction under an SUP
412 if approved.

413

414 Chairman Morrison asked if there were comments from any members of the public.

415

- 416 - Linda Gillett said the conceptual designs for the building are vague; things such as parking
417 are not addressed or fencing; will the driveway or parking areas be paved or gravel.
- 418 - Linda said hazardous substances were not really addressed – will any be used.
- 419 - Linda asked what materials will be used to construct the building.
- 420 - Linda asked what kind of landscaping is proposed.
- 421 - Linda asked for clarification on where the structure is planned to be placed on the lot –
422 she is concerned about proximity to power lines or a neighbor's home.
- 423 - Linda also said that Yellowstone Recovery to the east has an SUP that has expired and
424 ownership has changed.
- 425 - Mr. Bibbey said that as far as the design of the building, they are trying to narrow down
426 the design. As for the square footage, the highest number is likely to be around 15,000 to
427 20,000 square feet. He said the look of the Laramie facility is modern, but it does not stand
428 out (an eyesore). It is aesthetically pleasing. He added that they will comply with County
429 parking standards. They will also address ease of access and safety to the public. They
430 did gate and fence their parking area in Laramie and anticipate doing something similar in
431 this location. To his knowledge, they don't deal in a lot of hazardous waste outside of
432 occasional carcasses for wildlife management activities. Dan Smith could not think of any
433 hazardous materials.
- 434 - Mr. Tilden addressed the covenants that have been proposed. He said Lot 1 will be
435 residential unless purchased by Game and Fish or a government entity.
- 436 - Mr. Bibbey said they were reviewing where the site of the building will be. It could be 600
437 feet from Mr. Tilden's home.
- 438 - Linda Gillett added that Trail Creek Ranch did send a letter to Game and Fish and they
439 said they fully support the use of the property for Game and Fish. They encourage them
440 to develop the property in an environmentally sensible and aesthetically pleasing manner.
441 They hope for appropriate trees to be planted.

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- 442 - Mr. Bibbey said they will plant species appropriate for the area and they take public
443 comment seriously and try to be good neighbors.
444 - Commissioner Putney asked what access will be used from the highway. Mr. Bibbey said
445 they will apply for an expanded approach from WYDOT for the existing subdivision access,
446 which they will maintain.
447 - Chairman Morrison asked if they were concerned about getting commercial access. Mr.
448 Bibbey said they have already had preliminary discussions with WYDOT and the outlook
449 is favorable.

450
451 Commissioner Bonine made a MOTION to close the public hearing at 9:26pm; SECONDED by
452 Commissioner Brandon-Wintermote. The motion was carried unanimously.
453

454 Chairman Morrison asked commission members if they had any discussion. Chairman Morrison
455 wants to ensure that conditions refer to zoning of GR-5 and the title of the resolution show SUP-
456 184. Commissioner Bonine would like the findings to reflect that covenants have been proposed
457 for the Dry Creek Subdivision. Commissioner Brandon-Wintermote asked that the findings reflect
458 that Weed and Pest inspected the property and the requirement for a long-term noxious weed
459 plan for Dry Creek Subdivision applies. Commissioner Putney asked that that findings reflect that
460 the use is within an airport overlay district and the airport manager had no comments about the
461 proposed plan. Commissioner Putney would like a finding showing that the applicant requested a
462 2-year time frame of allowance to commence construction upon SUP approval.
463

464 Commissioner Bonine made a MOTION to approve Resolution 2019-20, including the clarification
465 of findings as discussed and the following conditions:
466

- 467 1. Park County noise, lighting, and other nuisance regulations shall apply;
468 2. An approved runoff and erosion control plan is required prior to SUP review by
469 Park County Commissioners;
470 3. The applicant shall otherwise comply with standards in the Park County
471 Development Standards and Regulations.
472

473 The motion was SECONDED by Commissioner Brandon-Wintermote. The motion carried. See
474 Resolution 2019- attached hereto and incorporated herein.
475


476 Chairman Morrison delivered the Chair's report.

- 477 - Asked about redesign of staff reports.
478 - Asked about soil conservation district report changes.
479

480 The Planning Director delivered a brief report on Planning and Zoning Department activities.
481

482 There being no other business, a MOTION was made by Commissioner Smith to adjourn the
483 meeting at 10:28pm. The motion was seconded by Commissioner Brandon-Wintermote. All in
484 favor.
485

486 Respectfully submitted,
487
488
489



Jolene Brakke, Secretary

**RESOLUTION 2019- 17
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR
HIGH PEAK VIEWS SIMPLE SUBDIVISION – 256**

WHEREAS, Sheila Orr proposes to divide a 21.37-acre parcel into two lots consisting of one 16.37-acre lot and one 5.0-acre lot. The intended use of the subdivision lots is for a single-family residence;

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

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on June 18, 2019 to consider the sketch plan application and made findings as follows:

- a. Sheila Orr is the owner of the property (Document # 2002-9079);
- b. The lots as configured conform to the GR-5 zoning district where they are located;
- c. The property is not within one mile of a municipality;
- 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 Notice of Intent to Subdivide was published on May 9, 2019 and May 16, 2019;
- i. A complete sketch plan application, including payment, was received on May 20, 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 with Fire District No. 2;
- n. School bus service is available along Road 2AB;
- o. Electricity is adjacent to each lot;
- p. Natural gas is adjacent to each lot;
- q. Cable television service is not currently available;
- r. Cellular phone service is adequate in the area;
- s. There are no apparent or identified hazardous conditions on the lots;

ADOPTED by the Park County Planning & Zoning Commission this 18th day of June, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

RESOLUTION 2019 - 18
PARK COUNTY PLANNING & ZONING COMMISSION

TITLE: RECOMMEND APPROVAL OF MERIT ENERGY COMPANY
COMMUNICATION TOWER SPECIAL USE PERMIT-183

WHEREAS, Merit Energy Company applied for a Special Use Permit for a fifty foot (50') tall communication tower with two-17" dish antennas, one-4' omnidirectional antenna and one-14" wireless access point to improve efficiency, safety and communications in general in the Oregon Basin field and Gas Plant. The tower will be constructed on a parcel described as: 160 acres located in SW1/4 Sec. 29 T51N R100W, Park County, Wyoming, on an unaddressed site southeast of Cody, east of State Highway 120 on County Road 3FK. Longitude: 108°54'38.1" W, Latitude: 44°21'27.6" N).

WHEREAS, the proposed use is defined by Park County as a Major Utility Use; a communication tower over 35 feet in height;

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on June 18, 2019 to consider the Special Use Permit Application and found the following:

1. The owner of this property is Merit Energy Company;
2. The property lies within a GR-35 zoning district, which allows Major Utility Use, provided a Special Use Permit is approved;
3. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
4. The application was forwarded to agencies as required;
5. No public comments have been received;
6. Applicant states that negative impacts from this tower, to the neighborhood/general area, will be negligible;
7. Setback requirements have been met;
8. No covenants exist or are proposed;
9. No lighting is proposed other than small status lights;
10. There are no known nonconformities on the property;
11. No nuisances have been reported;
12. Soil conservation district review is not necessary for the proposed use;
13. Legal Access exists from State Highway 120 onto County Road 3EM then onto County Road 3FK
14. Domestic water is not required for this use;
15. The property is not within an irrigation district and the proposed structure will not impact any irrigation facilities;

16. Parking standards do not apply;
17. A septic system is not required for this use;
18. Electricity is currently provided to facility;
19. No signs are proposed;
20. Solid waste will not be generated by this use;
21. Site Plan Review is not required for the proposed use;
22. The parcel is not located in an overlay district;
23. An initial weed inspection did not note the presence of noxious weeds therefore, a long-term noxious weed control plan is not required. Weed & Pest does recommend that applicant follow Best Management Practices for the control of noxious weeds;

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 will be provided;
3. Specific criteria that apply to this use have been met;
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 approval of the special use permit for Merit Energy Company Communication Tower SUP-183, subject to the following conditions:

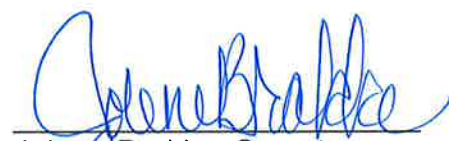
1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 18th day of June, 2019.

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


Marion Morrison, Chairman

ATTEST:


Jolene Brakke, Secretary

**RESOLUTION 2019 -19
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THREE EAGLES
MINOR SUBDIVISION - 30 SKETCH PLAN**

WHEREAS Jodene Pappenfort proposes to create a three-lot minor subdivision: proposed Lot 1 is 3.50 acres; proposed Lot 2 is 5.00 acres; and proposed Lot 3 is 8.92 acres. The use intended for all lots is residential. The subdivision is located in the E1/2NW1/4 of Lot 52, Resurvey, T56N, R99W 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 June 18, 2019 to consider the sketch plan application and made findings as follows:

- a. Jodene A. Pappenfort is the property owner.
- b. The lots as configured conform to the GR-P zoning district where they are located;
- c. All notice requirements have been met;
- d. All agency referral requirements have been met;
- e. No public comments have been received;
- f. Pre-application meeting requirements have been met;
- g. A complete sketch plan application, including payment, was received on May 9, 2019;
- h. A Notice of Intent to Subdivide was published on May 9, 2019 and May 16, 2019;
- i. A title report has been submitted;
- j. No new subdivision roads or open/public spaces are proposed;
- k. Garbage disposal service is available through local, private companies;
- l. Fire protection is available from Fire District No. 1;
- m. Postal delivery is available along Lane 4;
- n. School bus stops are along Lane 4;
- o. Electricity is adjacent to each lot;
- p. Natural gas is adjacent to proposed Lots 1 and 2;
- q. Cable TV is not currently available to serve the subdivision lots;

- r. Cellular phone service is adequate in the area;
- s. There are no apparent or identified hazardous conditions on the lots;
- t. The Powell-Clark's Fork Conservation District has submitted a soils report;
- u. The Shoshone Irrigation District was notified on May 9, 2019;
- v. An irrigation distribution plan has been submitted to the Shoshone Irrigation District;
- w. An irrigation distribution plan has been submitted for state review to delineate blanket irrigation water rights;
- x. An initial weed inspection noted the presence of noxious weeds; therefore, a long term noxious weed control plan is required;;
- y. Legal access to each lot is from Lane 4.
- z. Easements are shown on the sketch plan;
- aa. Subsurface evaluation data indicates that enhanced septic systems might be required should septic applications be received;
- bb. Northwest Rural Water District serves Lot 1 and has the capacity to serve Lots 2 and 3;
- cc. The applicant proposes a well for domestic water on Lot 3;
- dd. A water quality analysis has not been submitted;
- ee. The lot sizes proposed conform to the lot design and improvement standards;
- ff. 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 Three Eagles Minor Subdivision-30, 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. Natural gas must be stubbed to proposed Lot 3 prior to final plat review by Park County Commissioners;

4. An irrigation distribution plan must be submitted to the Shoshone Irrigation District and approved prior to final plat review by Park County Commissioners;
5. An approved long-term noxious weed control plan is required prior to final plat review by Park County Commissioners;
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 18th day of June, 2019.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary

RESOLUTION 2019 - 20
PARK COUNTY PLANNING & ZONING COMMISSION

TITLE: RECOMMEND APPROVAL OF WYOMING GAME & FISH
MAJOR COMMUNITY USE
SPECIAL USE PERMIT-184 WITH SITE PLAN REVIEW

WHEREAS, Wyoming Game & Fish applied for a Special Use Permit with Site Plan Review for a new regional office facility that will provide a base of operations for regional personnel and provide the public with services and information related to wildlife and associated recreational activities. The facility will be located adjacent to State Hwy 120 on proposed Lot 1 of the Dry Creek MS-28. This subdivision is located in Sec 30, T53N, R101W, and Sec 25, T53N, R102W, RS, Park County, WY.

WHEREAS, the proposed use is defined by Park County as a Major Community Use: community uses where the size of all buildings on site is 5,000 square feet or more, or more than one acre of land is developed in association with the use, and campgrounds and recreational facilities of any size;

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on June 18, 2019 to consider the Special Use Permit and Site Plan Review application and found the following:

1. The owner of this property is Joseph E. Tilden;
2. Mr. Tilden has provided written consent authorizing Wyoming Game & Fish to apply for a SUP;
3. The property lies within a GR-5 zoning district, which allows a Major Community Use, provided a Special Use Permit is approved;
4. Legal notice requirements were met, including notice to property owners within 660 ft. of the property boundary;
5. The application was forwarded to agencies as required;
6. No public comments have been received;
7. A Site Plan Review is required;
8. The applicant states that negative impacts from this facility to the neighborhood/general area will be negligible;
9. Setback requirements have been met;
10. Covenants have been proposed for Dry Creek MS-28;
11. Anticipated outdoor lighting complies with County regulations;
12. No nuisances have been reported;
13. An NRCS Web Soil Survey Report was submitted;

14. A runoff and erosion control plan is required for the proposed use;
15. Legal access exists from U.S. Hwy 120;
16. Parking standards apply and one parking space will be required for every 400 square feet of floor area serving this non-residential use;
17. Domestic water will be provided by NRWD;
18. The property is located within the Heart Mountain Irrigation District and the facility will comply with all requirements of the irrigation district;
19. Any non-domestic wastewater or a domestic wastewater flow > 2,000 gpd will require DEQ review;
20. Rocky Mountain Power will provide electricity to this facility;
21. Black Hills Energy will provide natural gas to this facility;
22. Signs proposed for the use are exempt from Park County regulations;
23. Solid waste will comply with Park County regulations;
24. Hazardous substances, if any, will be stored, handled, and disposed of in accordance with all state and federal regulations;
25. A small portion of the southeast corner of the property is in an airport overlay district;
26. The proposed development is not expected to impact any lakes, reservoirs, or streams;
27. The proposed development is not expected to impact any federally protected wetlands;
28. Nuisance regulations including noise and light trespass standards will apply;
29. Nonconforming structures do not exist on the property;
30. Standards for specific uses do not apply;
31. Special site plan standards do not apply;
32. An initial noxious weed inspection has been completed and the long-term noxious weed control plan for Dry Creek Minor Subdivision-28 shall apply;
33. Applicant requests a 2-year time frame to commence construction upon approval of the SUP.

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 will be provided;
3. Specific criteria that apply to this use have been met;

4. The use is located in an airport overlay district, however airport management expressed no concerns with proposed project.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit and site plan review for WY Game & Fish Major Community Use SUP-184, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. An approved runoff and erosion control plan is required prior to SUP review by Park County Commissioners;
3. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 18th day of June, 2019.

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

ATTEST:


Marion Morrison, Chairman


Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **6:00 P.M.**, Tuesday, June 18, 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 May 21, 2019 regular meeting and May 23, 2019 special meeting.

REGULAR AGENDA

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

[High Peak Views SS-256 Sketch Plan](#)

[PUBLIC HEARING – Merit Energy Cell Tower SUP-183](#)

[PUBLIC HEARING – Three Eagles MS-30 Sketch Plan](#)

[PUBLIC HEARING – WY Game & Fish Major Community Use SUP-184](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION Regular ~~SPECIAL~~ MEETING

June 18, 2019

| | | AmSum Enterprises SUP-181 Continued | |
|----|-------------------------------|--|-------------------------|
| | | Merit Energy Cell Tower SUP-183 | |
| | | Three Eagles MS-30 Sketch Plan | |
| | | WY Game & Fish Major Community Use SUP-184 | |
| | Please PRINT your name | Name of the HEARING OF INTEREST | DO YOU WISH TO SPEAK |
| 1 | SEAN BIBBEY | WGFD SUP | |
| 2 | ROBERT SAVALA | Am Sum | |
| 3 | Ryan McBride | WGFD SUP | |
| 4 | Brad Sorensen | WGFD SUP | |
| 5 | DAN SMITH | WGFD SUP | |
| 6 | Sheila Orr | High Peak Views | if needed |
| 7 | LEN FORTUNATO | Am Sum SUP | Yes |
| 9 | LYLE CASCIATO | High Peak / 3 Eagles | if needed |
| 10 | Philip LAJUNIE | Am Sum | |
| 11 | JAMES KESSENS | FRANCONIA COOM Am Sum | |
| 12 | KIM BANATHY | HIGH PEAK / 3 EAGLES | IF NEEDED |
| 13 | Jodene Pappenfort | Three Eagles | if needed |
| 14 | George Simola | Am Sum | Yes |
| 15 | Tim Wade | Clark Bottle Plant | ? |
| 16 | RORI REINIER | PAR RANCH | NO |
| 17 | THOMAS GUND | MORRISON MAVERLE | NO |
| 18 | TOD STUTZMAN | ad Skel | YES |
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