

Planning & Zoning Commission Minutes

July 16, 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
Dennis Lewis, Small Wastewater Administrator
Jolene Brakke, Office Assistant III
Brian Edwards, County Engineer
Mary McKinney, Weed and Pest

Chairman Morrison opened the meeting at 6:00pm.

APPROVAL OF MINUTES

Chairman Morrison asked the Board for comments or changes to the June 18, 2019 meeting minutes. A MOTION was made by Commissioner Brandon-Wintermote to move review and approval of the minutes to the end of the meeting (after the 2nd public hearing); the motion was SECONDED by Commissioner Putney. 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 6:02 pm, reviewed the rules of a public meeting and introduced the Board and Staff.

Chairman Morrison asked if Staff had any comments prior to commencing with discussion.

- The Planning Director stated that she, Kim Dillivan and the County Engineer (Brian Edwards) visited the site of the water bottling facility yesterday. During the visit, staff saw the location of the septic tank and the estimated location of the leach field. Following the visit, she asked staff to come up with a written recommendation regarding the septic system. A letter was provided to the Director by Dennis Lewis and given to the Commission in advance of and at the meeting.

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- 52 • Kim Dillivan mentioned that Mr. Scott Northrop, the applicant, provided comments and
53 information in response to the requests made by the Commission at the June meeting.
54 That information was provided to the Commission in advance of the meeting.
55

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

- 57 • Mr. Scott Northrop shared a video of the property to clearly show that the property is on a
58 steep slope. Chairman Morrison asked if the pumphouse could be seen. Mr. Northrop
59 clarified that there are no pumps. He pointed out the location of the artesian spring and
60 the building protecting the tank. Chairman Morrison also asked if any pipes are on the
61 surface. Mr. Northrop indicated that they are underground. He added that the location of
62 the septic system does not interfere with the facility.
- 63 • Commissioner Smith thanked Mr. Northrop for the clarification he provided following the
64 commission's request at the last meeting.
- 65 • Mr. Northrop mentioned that there really aren't any neighbors nearby; none within 3 miles.
66 He also wanted to make it clear that they are not asking to build anything. They just want
67 to take this Wyoming resource [water] and share it with the world. They plan to expand to
68 Cody for plastic water bottling.
- 69 • Commissioner Putney also thanked Mr. Northrop for the information he provided. She
70 asked about his note about overflow water from the process going to the reserve pond.
71 Mr. Northrop said first you load the bottles, rinse them with spring water, fill the bottle, cap
72 the bottle. Water can accumulate during this process, is piped and goes to the retention
73 area. All water that goes through the plant and isn't bottled goes on to the pond.
74 Commissioner Putney asked if water in the reservoir is used for the process. Mr. Northrop
75 said that the water dissipates in the reservoir.
- 76 • Mr. Philip Lajaunie said a previous owner wanted to have a fish pond; currently the water
77 is just absorbed into the ground.
- 78 • Commissioner Brandon-Wintermote asked about the second spring mentioned previously.
79 He said if they produce two truckloads of water per day, it would be a great deal. They
80 don't plan to need water from a second spring.
- 81 • Commissioner Smith addressed the Planning and Zoning Director's mention of the letter
82 with recommendations for addressing the small wastewater system.
- 83 • Mr. Northrop mentioned that the area is a series of valleys. People had concerns about
84 this operation polluting the water in Clark. This location is not related to the water source
85 for Clark. He added that the County Engineer even said the place had ideal separation
86 distances.
87

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

- 89 • Bob Savala, neighbor, said he was concerned about impacts of the operation on his well.
90 He has since learned that his well going dry has nothing to do with this operation.
- 91 • Commissioner Putney asked Mr. Northrop about the source of domestic water. Mr.
92 Northrop said there used to be a well that served water to the bathrooms; the well no
93 longer serves the facility in any way. All water is provided by the artesian spring.
- 94 • Commissioner Putney asked how many bedrooms there are and how many people would
95 live there. Mr. Northrop said there used to be three bedrooms, but a wall was removed to
96 make two. He plans to add a wall back in to make three bedrooms and indicated that there
97 will not be more than three people living there.
- 98 • Chairman Morrison wanted to give Mr. Northrop a chance to review the letter provided by
99 Planning Department staff. The Planning Director summarized the contents of the letter,
100 adding that it is a recommendation.

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- 101 • The County Engineer added that his reference to separation distances being ideal on the
102 site, he was referring to there being no other properties nearby. Chairman Morrison said
103 that she agrees that it would be ridiculous to pull the system out of the ground. She also
104 added that replacing the system could potentially cause problems related to weed and
105 pest. Commissioner Putney added that she also thinks asking the applicant to remove the
106 system is extreme. But she also wondered how they can fulfill the requirement that all
107 adequate services be in place. Others added that the system appears to be functioning
108 as it is.
- 109 • Mr. Savala said in the State of Nevada they would have someone come out and pump the
110 system and run core samples.

111
112 Commissioner Putney made a MOTION to close the hearing at 6:26pm; SECONDED by
113 Commissioner Bonine. The motion was carried unanimously.

114
115 Chairman Morrison asked commission members if they had any discussion.

- 116
117 • Commissioner Smith asked for consideration of three conditions: 1 Park County noise,
118 lighting and other nuisance regulations shall apply; 2 the applicant must prove the design
119 and placement of all components, to include photographs of what was placed in the
120 ground at this site or install a new, permitted small wastewater system prior to the use
121 commencing; and 3 the applicant shall otherwise comply with standards in the Park
122 County Development Standards and Regulations.
- 123 • Mr. Northrop added that he felt the septic system design should be simple. Just get the
124 tank pumped and perc the soil. Dennis Lewis provided clarification about the operation of
125 a septic system. He added that we need perc test results to know how well the soil will
126 receive the water and that it will treat the water controllably.
- 127 • Commissioner Bonine said he is in support of Commissioner Smith's comments. He feels
128 the system could fairly easily be uncovered to determine its functionality.
- 129 • Commissioner Putney said she disagrees. We can see that there is something there. She
130 feels that if it fails it is on them to fix it. She also felt that asking them to pump the tank
131 would be sufficient.
- 132 • Commissioner Bonine added that he felt if the commission goes with Commissioner
133 Putney's opinion, we would be violating the regulations.
- 134 • Chairman Morrison said it appears that we have three options on the septic system: dig it
135 up, replace it or do something in between (pumping and perc or similar). She asked if
136 Dennis Lewis still stood by the recommendation in his letter. He said he did, based upon
137 the regulations.
- 138 • Commissioner Brandon-Wintermote asked if Mr. Savala's recommendation to test the
139 system seems viable to staff. Dennis said if we go with the "if it fails, it falls" option, he
140 would like to see the estimated bounds of the leach field and perc test holes in three
141 locations around that boundary. The Planning Director added that knowing the perc rate
142 is helpful in determining whether a conventional system can serve the site or not.
- 143 • Mr. Lajaunie said that he has been there for 10 years. The facility was staffed for 5 years
144 with no history of failure.
- 145 • Mary McKinney said based upon observation of the site, the noxious weeds on the
146 property are near the road, likely introduced by traffic. Other areas are riddled with

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147 nuisance weed species as it is very difficult to get anything established. She prefers the
148 least amount of digging in this instance.

- 149 • Commissioner Bonine added that his concern is not about the viability of the system; rather
150 it is making sure the SUP moves forward with a compliant system, in support of the
151 regulations. Commissioner Smith agreed with his comments. She added that it might be
152 setting a precedent by allowing for nothing to be proven.

153
154 Commissioner Bonine made a MOTION to approve Resolution 2019-21 with the following
155 conditions:

- 156
157 1. Park County noise, lighting, and other nuisance regulations shall apply;
158 2. The applicant shall otherwise comply with standards in the Park County
159 Development Standards and Regulations;
160 3. A long-term noxious weed management plan must be approved by Weed and Pest;
161 4. The applicant shall prove the design and placement of all the components of the
162 septic system or install a new permitted septic system prior to the use commencing.

163
164 The motion was SECONDED by Commissioner Smith.

- 165
166 - Commissioner Brandon-Wintermote asked about a letter submitted by the US Forest
167 Service, dated April 30th was addressed. The Planning Director asked if staff could
168 address the letter in the staff report to the Board of Commissioners. Commissioner
169 Brandon-Wintermote said that was fine as long as it is noted in the minutes.
170 - Commissioner Putney asked if the proving of the septic system could be done by testing
171 the tank and doing perc tests. Staff acknowledged that percolation tests are valuable,
172 however, it does not provide information regarding the leach field. The ends of the system
173 can be exposed to identify what type of leach field is in place and the bounds of it.
174 Commissioner Bonine asked for condition 4 to be amended to read as follows:

175
176 The applicant shall prove the design and placement of the components of the septic
177 system, sufficient to obtain approval from the Planning and Zoning Department or
178 install a new permitted septic system prior to the use commencing.

179
180 All in favor. The motion carried. See Resolution 2019-21 attached hereto and incorporated herein.

181
182 **PUBLIC HEARING – Wyoming High Desert Malt Value Added Ag SUP-186:** Sara Wood
183 requests approval of a Special Use Permit Application to operate a value-added agricultural
184 business in an existing 4,800 sq. ft. structure. This use would be located on a 246-acre parcel
185 described as 2 Tracts in Lot 44, T55 R100, 6th P.M., Park County, WY, on that portion with an
186 address of 1570 Lane 11, Powell, WY, located within in the General Rural Powell (GR-P) zoning
187 district.

188
189 Chairman Morrison opened the public hearing at 6:54pm.

190
191 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
192 Staff Report. Kim added that the title on the staff report should read "Wyoming High Desert Malt";
193 he inadvertently omitted the word "malt" on the report. Kim also added that Planning staff received
194 a letter from Mary McKinney of Weed and Pest stating that she met with the property owner. She

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195 also does not require a long-term noxious weed management plan. Kim said staff is not sure if
196 the well on the property will be used for more than hydrating the grain. Kim corrected Staff Finding
197 #1 to indicate that Wooden Shoe Farms is the owner of the property.

198

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

- 200 • Commissioner Smith asked that finding #28 be updated to state that Weed and Pest has
201 completed an initial inspection and a long-term noxious weed management plan is not
202 required.
- 203 • Chairman Morrison asked if the findings should be read. The Planning Director said that
204 the list of findings in the staff report is generated from the material in the report.

205

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

- 207 • Sara Wood said she has no questions or statements.

208

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

- 210 • Commissioner Brandon-Wintermote asked about the water quality. She wanted to know if
211 they plan to do any type of treatment to clean up the water. Sara Wood said the nitrates
212 are high because agricultural watering leads to increased nitrates. It is not typically that
213 high. She said it is used as residential and a reverse osmosis system is in place for that
214 and one could be added to the shop, if necessary. She said the malt is tested by a 3rd
215 party before it goes out to consumers.
- 216 • Commissioner Brandon-Wintermote asked how the product is shipped out. Sara said the
217 transports are small and they are not doing semi loads. She said they are usually packed
218 in super totes or small packages to be sent out by FedEx.
- 219 • Commissioner-Brandon-Wintermote asked about the location of the septic system and
220 well. The applicant provided some explanation.
- 221 • Commissioner Smith asked about the graywater. Sara Wood said the water will go from
222 the steep tanks to super totes where the water will then be delivered by truck to the cattle.
223 The state requires the totes to be cleaned before they are returned to the shop.
- 224 • Chairman Morrison asked if there will be any employees. Sara said it will be a family
225 operation initially.
- 226 • Chairman Morrison asked if there is a smell from the operation. Sara said it smells like
227 cucumbers.
- 228 • Chairman Morrison asked if there is potential for the operation to expand into other areas
229 of the farm. The applicant said no.

230

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

232

- 233 • The County Engineer said he was unable to get comments to Planning in advance. He
234 said traffic impact seems minimal. Mary McKinney said if they expand or need another
235 building, they may need a site plan review.
- 236 • Chairman Morrison asked if the addition of employees would require them coming back.
237 The applicant confirmed that it takes four people to operate the business; they may have
238 other people to help with deliveries. The Planning Director asked if they would consider
239 six employees a reasonable condition. Chairman Morrison asked if we should then
240 address parking. Staff felt it was reasonable to do so. Chairman Morrison wanted to
241 change finding #18 to reflect that parking be made available to support six employees.
- 242 • Commissioner Putney sought clarification as to why adequate services were not
243 addressed in terms of septic and water to serve the employees. Sara added that there is

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- 244 a reverse osmosis system in place. The water that was tested came directly from the
245 hydrant. Sara said that the well water is used for drinking.
- 246 • Chairman Morrison asked if well water treated by reverse osmosis would be available for
247 domestic use. Kim asked if clarification was needed to say that the well water is available
248 in the existing residence. Chairman Morrison said finding #16 should be modified to state
249 that the residence is served by well water treated by reverse osmosis. Also, there should
250 be a condition that untreated water in the shop should not be used for human consumption.
 - 251 • Sara said the water has to be tested before the process begins to ensure that there are
252 not too many nitrates which can kill the yeast and cause high nitrates in the product.
 - 253 • Commissioner Putney asked about the septic system to serve the employees. Sara said
254 there is no bathroom in the shop; the house is across the yard. Kim Dillivan added that
255 there is no permit on file for the septic system serving the residence. Commissioner Putney
256 would like the septic system to be proven. She feels that finding #19 should reflect that a
257 septic system is required and there is no permit on file for the existing residence on the
258 property. Dennis asked when the house was constructed. The applicant said 1951.
 - 259 • Christine Bekes from Powell Economic Partnership said she feels the strict regulations
260 Sara's business is subject to under FDA and State of Wyoming should be taken into
261 consideration by the Commission and she would like to know if the septic requirements
262 are asked of farmers markets or other similar activities. The Planning Director said that all
263 SUPs go through the same review, including septic and water to serve the use. If a
264 farmers' market were to apply to operate in rural Park County, they would be required to
265 meet the same standards. Staff had determined that there was no need for septic to serve
266 this use as no bathroom facilities were proposed for the operation.
 - 267 • Commissioner Bonine asked if other members felt that conditions could satisfy the needs.
 - 268 • Commissioner Brandon-Wintermote asked for a revised site plan that shows sewer, water
269 and related features.
 - 270 • Kim Dillivan added that the staff report shows a site plan review is required. Kim feels that
271 due to the size of the structure and the proposed activity acreage, he feels a site plan
272 review should not have been required and the inclusion of it in the staff report was in error.
 - 273 • Commissioner Putney still feels that proof of adequacy of the septic system and water
274 supply are needed.
 - 275 • Chairman Morrison asked if there was concern about the site plan review not being
276 required. Commissioner Putney said she feels it really shouldn't be. She would like to see
277 a condition requiring the applicant to prove that the septic system is permitted or can and
278 will be permitted and is adequate to serve the proposed use.
 - 279 • Dennis Lewis mentioned that the residence has been there and is in use. Brent Emery
280 asked if they were to add a restroom and a septic system if it would expedite the process.
 - 281 • Chairman Morrison asked if a condition could be made to allow for review by the small
282 wastewater administrator to determine if it is adequate to serve the proposed use.
 - 283 • Commissioner Smith asked about a condition for water in the shop to not be used for
284 human consumption.
 - 285 • Kim asked if the commission wanted to condition the maximum number of employees.
 - 286 • Mr. Emery said that the application was for 2 employees, both family members using the
287 residence. Duncan said earlier they stated that 4 people would run the operation. Mr.
288 Emery said existing family members who reside on the property will be running the
289 operation. Chairman Morrison said to leave finding #18 that parking standards do not
290 apply and finding #1 change owner to Wooden Shoe Farms, LLC., #16 shall reflect that
291 well water treated by reverse osmosis will be available for domestic use and that well
292 water is not used for human consumption in the shop and is only used for the malting

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- 293 process and ultimately to water cows, #19 there is no permit on file for the septic system
294 serving the residence, #28 a long-term noxious weed plan is not required.
- 295 • Commissioner Putney would like to change #19 to be changed to reflect that the proposed
296 business is exclusively run by family members, up to 4 intermittently, and no restroom is
297 needed in the shop building; thus, no septic system is needed to serve the use. Suggesting
298 a condition that upon hiring non-family employees, the use will be expanded, and a
299 permitted septic system will be required to serve the use in addition to an amended SUP.
300 She added that #25 should show that site plan review is not required for this use.
 - 301 • Chairman Morrison reviewed her iteration of the conditions:
 - 302 1. Park County noise, lighting and other nuisance regulations shall apply;
 - 303 2. Hiring of non-family employees would be recognized as an expansion and shall
304 require an amended SUP;
 - 305 3. Applicant shall otherwise comply with standards in the Park County Development
306 Standards and Regulations.

307
308 Commissioner Putney made a MOTION to close the hearing at 8:18pm; SECONDED by
309 Commissioner Brandon-Wintermote. The motion was carried unanimously.

310
311 Chairman Morrison asked commission members if they had any discussion.

312
313 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2019-22 with the
314 following conditions:

- 315
- 316 1. Park County noise, lighting and other nuisance regulations shall apply;
 - 317 2. Hiring of non-family employees would be recognized as an expansion and shall
318 require an amended SUP;
 - 319 3. The applicant shall otherwise comply with standards in the Park County
320 Development Standards and Regulations.

321
322 The motion was SECONDED by Commissioner Smith. The motion carried. See Resolution 2019-
323 22 attached hereto and incorporated herein.

324
325 Commissioner Brandon-Wintermote made a MOTION to defer review of the minutes from June
326 18, 2019 to the next meeting. SECONDED by Commissioner Smith. All in favor. Motion passed.

327 Weed and Pest Presentation by Mary McKinney

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329
330 Chairman Morrison had nothing to report.

331
332 The Planning Director delivered a brief summary of Planning and Zoning Department activities.

333
334 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to
335 adjourn the meeting at 9:43pm. The motion was seconded by Commissioner Putney. All in favor.

336
337 Respectfully submitted,

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339

340



Jolene Brakke, Secretary

**RESOLUTION 2019 - 21
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF AM SUM ENTERPRISES, LLC
SPECIAL USE PERMIT-181 WITH SITE PLAN REVIEW**

WHEREAS Scott Northrop of Grand ES Ventures, LLC., on behalf of Am Sum Partners, LLC. (now Am Sum Enterprises, LLC.), applied for a Special Use Permit to operate a water bottling facility in a General Rural 35-Acre (GR-35) zoning district at 635 Road 8VC, Clark, WY, on a parcel described as Lots 10, 11, 13 & 14 Sec. 5 T56N R103W, 6th P.M., Park County, Wyoming;

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

WHEREAS Major Industrial Uses are prohibited in GR-35 zoning districts unless a variance is approved;

WHEREAS on May 7, 2019, the Board of County Commissioners approved a variance allowing Am Sum Enterprises, LLC. to apply for a Special Use Permit for a Major Industrial Use in a GR-35 zoning district (see Resolution 2019-21);

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

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

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on May 21, 2019 to consider the Special Use Permit and Site Plan Review application and voted unanimously to continue the public hearing to June 18, 2019;

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 voted unanimously to continue the public hearing to July 16, 2019;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on July 16, 2019 to consider the Special Use Permit and Site Plan Review application and made findings as follows:

1. Legal notice requirements were met, including a notice to property owners within 660 ft. of property boundary;
2. The application was forwarded to agencies as required;
3. According to Warranty Deed 2011-4536 (dated August 10, 2011), ownership of this property transferred from Pinnacle Bank, WY, Cody Branch to Heart Views, LLC. Philip Lajaunie, Manager of Heart Views, LLC. is in the process of selling the property to Am Sum Enterprises, LLC.;
4. Mr. Philip Lajaunie provided written permission for the applicant to proceed with the SUP process;
5. The address of the location is 635 Road 8VC, Clark, WY;
6. The applicant states that the facility is out of the viewshed of neighboring properties and plans for the use will not change the current visual impact of the facility;
7. The applicant stated on the application that operating hours for the facility will be 7am to 7pm, Monday through Friday, with anticipation of possibly adding a second shift to cover 24 hours per day in the future;
8. The applicant states that the facility generates minimal noise, dust or other disturbance;
9. The applicant states that maximum anticipated traffic will include average daily traffic (ADT) of 12 one-way trips for employees, 2 trips for a company delivery truck, 2 trips for a company water tanker, 1 trip for vendor delivery and 1 trip for visitors/guests;
10. The applicant states that, as production increases, average daily traffic for delivery trucks could increase to 6 one-way trips per day;
11. Management will live on-site in the residential facility;
12. The company will initially use 4 employees (2 owners – 2 hirees) to assist with bottling and packaging, with the intention of possibly expanding staff to 6 employees (4 hirees);
13. The applicant states that, with increased production, he intends to establish a plastic water bottling operation off-site, the commencement of which would necessitate conveying water by tanker from the proposed glass-bottling site to that location;
14. Building setback requirements are met for the existing facility;
15. No covenants exist or are proposed;
16. No outdoor lighting is proposed;
17. Nonconformities are not known to exist on parcel;
18. No nuisances have been reported on property, however nuisance regulations apply;
19. A soils review is not required because no new construction is proposed;
20. Legal access exists from County Road 8VC;
21. Domestic water is provided by the existing natural artesian spring;
22. The spring water was tested by National Testing Laboratories on November 20, 2017 and the only contaminant reported to exceed the EPA Maximum

- Contaminant Level (MCL) was Total Coliform;
23. The development is not within the boundaries of an irrigation district and the proposed facility will not impact any irrigation facilities;
 24. Parking area is sufficient;
 25. There is a septic system in existence on the property, however the County does not have a permit on file for it;
 26. Utilities (propane and electricity) are currently provided;
 27. No signs are proposed for the use;
 28. Solid waste storage and disposal will comply with County regulations;
 29. Employee housing is provided within the facility and is considered a specific use; therefore, special criteria must be met including:
 - a. Employee housing within a commercial or industrial use is limited to one such unit per site;
 - b. Occupancy is limited to persons employed full-time in the business; and
 - c. The addition of units for employee housing are considered expansions of the principal use and shall be permitted in the same manner as any other expansion to the principal use;
 30. The property is not located in an overlay district;
 31. Site Plan Review is required for Major Industrial Uses;
 32. Hazardous substances, if any, will be disposed of in accordance with federal, state, and local regulations;
 33. The proposed use is in the area served by the Clark Volunteer Fire Department; however, no response has been received regarding their ability to provide fire protection in this area;
 34. The proposed development is not expected to impact any lakes, reservoirs or streams;
 35. The proposed development is not expected to impact any wetlands;
 36. A runoff and erosion control plan is not required because an existing structure has been in place for some time and no new development is proposed at this time;
 37. An initial inspection found the presence of noxious weeds; therefore, a long-term noxious weed control plan will be required;
 38. Planning & Zoning submitted a letter recommending that the functionality and adequacy of the existing septic system be confirmed;
 39. The proposed development is not expected to impact air quality;
 40. The proposed use is located in a planning area where special site plan standards apply; however, none of the standards apply to this use.

WHEREAS the Planning & Zoning Commission concludes the Special Use Permit Application is generally consistent with the goals and policies of the Park County Land Use Plan, and is consistent with the standards and procedures of the 2015 Park County Wyoming Development Standards and Regulations;

WHEREAS the Planning & Zoning Commission concludes the following:

- 1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
- 2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
- 3. The use complies with all specific criteria stated in these regulations for the use;
- 4. The use complies with additional requirements of overlay districts, if applicable.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Am Sum Enterprises, LLC., Major Industrial Use SUP-181, with Site Plan Review, subject to the following conditions:

- 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 2. A long-term noxious weed control plan must be approved prior to SUP review by County Commissioners;
- 3. The applicant shall prove the design and placement of the components of the septic system, sufficient to obtain approval from the Planning and Zoning Department, or install a new permitted septic system prior to the use commencing;
- 4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

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

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

ATTEST:



 Marion Morrison, Chair



 Jolene Brakke, Secretary

**RESOLUTION 2019 - 22
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF WYOMING HIGH DESERT MALT
SPECIAL USE PERMIT-186**

WHEREAS, Sara Wood, Registered Agent for Wyoming High Desert Malt, LLC, applied for a Special Use Permit for a value-added agriculture business that will use a 2,500 square foot area of an existing 5,000 square foot shop to convert barley grain into malt;

WHEREAS, the proposed use is defined by Park County as a Value-Added Agricultural Business; a Business or industry converting agricultural products into more finished products;

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 July 16, 2019 to consider the Special Use Permit application, with Site Plan Review, and found the following:

1. The owner of this property is Wooden Shoe Farms, LLC;
2. The property lies within a GR-P zoning district, which allows Value-Added Agricultural Businesses, 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. The applicant states that negative impacts from this use 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;
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 County Lane 11 onto Emery Road;
14. Domestic water is supplied by a private well located on the property;
15. Well water test results revealed high levels of nitrates, TDS and sodium;

16. The applicant states that well water, treated by reverse osmosis, is available in the house for domestic consumption;
17. The applicant states that untreated well water is not used for drinking [human consumption] in the shop and is only used as part of the malting process and ultimately for watering cows;
18. The property is located within the Heart Mountain Irrigation district;
19. Parking standards do not apply;
20. Employees to support the proposed use are family members and no more than four (4) workers are required for the use;
21. Because the business requires the labor of up to four people only on an intermittent basis, a septic system is not required for this use;
22. Greywater will be stored in totes and transported to other areas on the property for delivery to cattle waterers;
23. Electricity will be provided by Garland Light & Power;
24. Natural gas will be provided by Black Hills Energy;
25. No signs are proposed;
26. Solid waste will be disposed of according to County regulation standards;
27. Site Plan Review is not required for the proposed use;
28. The parcel is located in an agricultural overlay district;
29. A runoff and erosion control plan is not required;
30. Weed and Pest has determined that because no ground disturbance is proposed to commence the use, a long-term noxious weed control plan is not required.

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 do not apply to this use;
4. The use complies with the agricultural 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 Wyoming High Desert Malt SUP-186, subject to the following conditions:

1. Park County noise, lighting and other nuisance regulations shall apply;
2. The hiring of any non-family employees to serve this use will require an amended SUP;
3. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 16th day of July, 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, July 16, 2019 in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY.

This is a regular meeting of the Park County Planning & Zoning Commission open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

APPROVAL OF MINUTES

Approve minutes from June 18, 2019 regular meeting.

REGULAR AGENDA

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

[PUBLIC HEARING – Wyoming High Desert Malt Value Added Ag SUP-186](#)

[Weed and Pest Presentation by Mary McKinney](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION

~~Regular~~ **SPECIAL MEETING**

July 16, 2019

AmSum Enterprises SUP-181 Continued
Wyoming High Desert Malt Value Added Ag SUP-186

	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Scott Northrop	AmSum Enterprises	yes
2	JAMES KLESSENS	Forward corn	MAYBE
3	Christine Beke	Wyoming High Desert	maybe
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