

## Planning & Zoning Commission Minutes

October 15, 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  
 Jolene Brakke, Office Assistant III  
 Mary McKinney, Weed and Pest

Chairman Morrison opened the meeting at 6:02pm.

### APPROVAL OF MINUTES

Chairman Morrison asked the Board for comments or changes to the September 17, 2019 meeting minutes. A MOTION was made by Commissioner Brandon-Wintermote to approve the minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

### REGULAR AGENDA

**PUBLIC HEARING – Kallem MS-32 Sketch Plan:** James Kallem requests approval of the sketch plan for the Kallem Minor Subdivision (MS-32). The proposed subdivision is comprised of four lots: one 1.5-acre lot; two 1.87-acre lots and one 11.3-acre lot, each designated for residential use. The proposed subdivision is located in Lot 2 of the Roth SS-26 Subdivision in a portion of Lot 46, Resurvey T55N, R98W of the 6th P.M., Park County, Wyoming, with an address of 220 Lane 9 in a GR-P (General Rural-Powell) zoning district.

Chairman Morrison opened the public hearing at 6:02pm, reviewed the rules of a public meeting and introduced the Board and Staff.

There being no comments from Commission members, Kim Dillivan, Planner II, presented the Staff Report. Kim added that a response from the Conservation District was received since the Staff Report was sent to the Commission; a copy was provided to members prior to the meeting. Planning and Zoning also received the water quality testing results since that time. Total dissolved solids were on the high side, which could result in cloudy water, a laxative effect and odor. The Planning Director added that she was expecting a response from Public Works soon as she had questioned the location of Road 2 on the plat, as well. She will reach out to them for a response.

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

- Chairman Morrison mentioned that the findings regarding the soil report and water quality need to be amended to reflect that those responses have been received.
- Chairman Morrison addressed Mary McKinney to see if she had anything to say. Mary mentioned that she had been in contact with the landowner and suggested that if there

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54 should be dirt work done, that the dirt not be removed from the property. The landowner  
55 indicated that any dirt disturbed would remain on the property.

- 56 • Chairman Morrison asked if the land is currently in ag use; Kim said he was not certain,  
57 though it appears that there may be grazing occurring.

58

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

- 60 • Mr. James Kallem said that his son lives on the other end of the property. He always  
61 wanted to give him part of the property. His nephew also had an interest in living there.  
62 They are close to retirement and everything they have is tied up in the property.
- 63 • Chairman Morrison asked about the current use. Mr. Kallem said pasture and a nice “play  
64 area.”

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66 Chairman Morrison asked if any commission members had questions for the applicant. There  
67 being none, Chairman Morrison asked if there were comments from any members of the public.  
68 There were no comments from those in attendance.

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70 Commissioner Putney asked staff for evidence that there are no irrigation rights for this property,  
71 since it was not addressed in the email response from Shoshone Water District. Kim said we were  
72 told by the applicant and by the applicant’s representative that there are no water rights. The  
73 irrigation district indicated the same. Her concern is that there is a lateral going across the  
74 property. Kim said he assumes it is irrigation waste water, however he is not certain. It is noted  
75 on the sketch plan (Note 10) that there are no water rights.

76

77 Commissioner Putney also mentioned the wastewater requirement and asked if the excavations  
78 needed to be done to ten feet since that is what our regulations require. The staff report states  
79 excavations were only done to eight feet. The Planning Director said due to the perc rate data  
80 provided, she is satisfied with the 8-foot depth. New perc data will also be required at the time of  
81 any new development.

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83 Commissioner Putney asked if Mary McKinney had received a long-term noxious weed plan from  
84 the applicant. She had not. Commissioner Putney asked that the conditions reflect the need for  
85 one as well as a response from Public Works, in particular regarding the location of Road 2.

86

87 Chairman Morrison asked if wells would be required on two of the lots. That is the intent according  
88 to the applicant. Chairman Morrison also asked if there would be room for septic/well offsets. Staff  
89 indicated there should be and this would be addressed at the time of development, also.

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91 Commissioner Putney would like finding s to reflect that the Conservation District was notified and  
92 a response was received on October 1, 2019. She suggested that finding v be extended to state  
93 “easement to be 50 feet, 25 feet on each side.” She also asked to add finding gg: “Public Works  
94 was notified but no response has been received.” She would then strike condition #2 and condition  
95 #3 and replace #2 with “We require a response from Public Works prior to Board of County  
96 Commissioner review. Also amend finding cc to reflect that water analysis has been conducted  
97 and test results were received.

98

99 Commissioner Smith asked if the usual agricultural district language should be added to the  
100 conditions. Commissioner Putney asked if it falls under the catch-all requirements to add the ag  
101 overlay. Everyone agreed it would be captured as part of the final plat review process and it is  
102 covered under Condition 4.

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104 Chairman Morrison reviewed the following conditions for consideration and approval:

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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. A response from Public Works is required prior to sketch plan review by County Commissioners;
  3. An approved long-term noxious weed control plan must be received prior to sketch plan review by County Commissioners;
  4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

119 Commissioner Bonine made a MOTION to close the hearing at 6:36pm; SECONDED by  
120 Commissioner Brandon-Wintermote. The motion was carried unanimously.

121  
122 Chairman Morrison asked commission members if they had any discussion. There was no  
123 discussion and the motion carried unanimously.

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125 Commissioner Smith made a MOTION to approve Resolution 2019-27 with the following  
126 conditions and the findings to be reflected as discussed:

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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. A response from Public Works is required prior to sketch plan review by County Commissioners;
  3. An approved long-term noxious weed control plan must be received prior to sketch plan review by County Commissioners;
  4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306;

141 The motion was SECONDED by Commissioner Putney. The motion carried. See Resolution  
142 2019-27 attached hereto and incorporated herein.

143  
144 Chairman Morrison delivered the Chair's report.  
145 - Chairman Morrison wanted to discuss the Short-Term Rental issue. She wanted to  
146 know if there is a requirement for any communication from the commission.

147  
148 The Planning Director delivered a report for the Planning and Zoning Department.  
149 - The Planning Director provided an update regarding potential upcoming projects.


150  
151 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to  
152 adjourn the meeting at 7:43pm. The motion was seconded by Commissioner Putney. All in favor.

153  
154 Respectfully submitted,

**Planning & Zoning Commission Minutes**

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Jolene Brakke, Secretary

**RESOLUTION 2019 - 27**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE KALLEM MS - 32 SKETCH PLAN**

**WHEREAS** James Kallem proposes to create a four-lot minor subdivision: proposed Lot 1 is 11.30 acres; proposed Lot 2 is 1.50 acres; and proposed Lots 3 and 4 are 1.87 acres each. The use intended for all lots is single family residential. The subdivision will divide Lot 2 of the Roth SS-26 (16.54 acres), according to the plat recorded in Book "G" of plats, Page 138, according to the records of the County Clerk and Recorder of Park County, State of Wyoming. Lot 2 of the Roth SS-26 is in a portion of Lot 46, RS, T55N, R98W, 6<sup>th</sup> PM, 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 October 15, 2019 to consider the sketch plan application and made findings as follows:

- a. The lots as configured conform to the GR-P zoning district where they are located;
- b. Warranty Deed (dated March 25, 2004) to James M. Kallem and Leslie F. Kallem, husband and wife, from Wilson Roth and Stacey Roth, husband and wife (WD Document # 2004-2084).
- c. The subdivision is not within a mile of any 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 complete sketch plan application, including payment, was received on September 16, 2019;
- i. A Notice of Intent to Subdivide was published on August 22, 2019 and August 29, 2019;
- j. A title report has been submitted;
- k. No new subdivision roads or open/public spaces are proposed;
- l. Garbage disposal service is available through local, private companies;
- m. Fire protection is available from Park County Fire District No. 1;
- n. Postal delivery is available along County Lane 9;

- o. School bus stop service is available along County Lane 9;
- p. Electricity, natural gas, and telephone facilities are adjacent to each lot;
- q. Cellular phone service is adequate in the area;
- r. There are no apparent or identified hazardous conditions on the lots;
- s. The Powell-Clark's Fork Conservation District was notified on August 27, 2019, and a summary soils report dated October 1, 2019 has been received;
- t. The Shoshone Irrigation District was notified on September 23, 2019;
- u. There are no water rights on this parcel;
- v. The Shoshone Irrigation District requests that all irrigation facilities be clearly and accurately identified on the final plat, including the 50' Shoshone Irrigation District easement located on this property;
- w. Park County Weed & Pest was notified on September 16, 2019;
- x. Park County Weed & Pest requires a long-term noxious weed control plan for the subdivision;
- y. Legal access to each lot is from County Lane 9;
- z. Easements are shown on the sketch plan;
- aa. Subsurface evaluation data indicates that conventional septic systems will likely be appropriate should septic applications be received;
- bb. Northwest Rural Water District currently has no service available to supply water to the proposed lots;
- cc. A water analysis has been conducted on a water well in the vicinity and the test results have been received by the Planning Department;
- dd. The lot sizes proposed conform to the lot design and improvement standards;
- ee. The subdivision is not within the mapped floodplain;
- ff. The subdivision is located in the mapped agricultural overlay district;
- gg. Public Works has been notified of this subdivision; however, no Public Works response has yet been received by the Planning Department.

**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 Kallem Minor Subdivision-32, 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. A Public Works response is required prior to sketch plan review by County Commissioners;
3. An approved long-term noxious weed control plan must be received prior to sketch plan review by County Commissioners;
4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306;

**ADOPTED** by the Park County Planning & Zoning Commission this 15<sup>th</sup> day of October, 2019.

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

**ATTEST:**

  
 Marion Morrison, Chair  
 Kimberly Brandon-Leatherstock  
 vice chairwoman

  
 Jolene Brakke, Secretary



## **Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

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### **PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting **6:00 P.M.**, Tuesday, October 15, 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 September 17, 2019 regular meeting.

#### **REGULAR AGENDA**

[PUBLIC HEARING – Kallem MS-32 Sketch Plan](#)

#### **OTHER BUSINESS**

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

#### **ADJOURN**



# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING October 15, 2019

		Kallam MS-32 Sketch Plan	
1	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Mary McKinney	Kallam	?
2	Kim BANATHY	KALLEM	IF NEEDED
3	James Kallam	Kallam	
4	LYIE CASCIATO	KALLEM	N C
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