

**Planning & Zoning Commission Minutes**  
November 19, 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  
Dennis Lewis, Small Wastewater Administrator  
Jolene Brakke, Office Assistant III  
Brian Edwards, County Engineer  
Ben McDonald, Public Works  
Mary McKinney, Weed and Pest

Chairman Morrison opened the meeting at 6:00pm.

**APPROVAL OF MINUTES**

Chairman Morrison asked the Board for comments or changes to the October 15, 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**

**Alkali Creek SS-258 Sketch Plan:** Ricardo Rodriguez requests approval of the sketch plan for a Simple Subdivision comprised of 2 lots: Lot 1 is 15.02 acres and Lot 2 is 14.59 acres; both are designated for residential use. The propose subdivision is located in the SE/4SE/4 of Lot 81, Resurvey T55N, R100W of the 6<sup>th</sup> P.M., Park County, WY, in a GR-P (General Rural-Powell) zoning district.

Chairman Morrison acknowledged that a public hearing was not required and directed Planning and Zoning staff to commence with the staff report at 6:02pm. Kim Dillivan read the Staff Report and mentioned the following actions which occurred after the original submission of the report to the Commission members:

- Staff received statements from Public Works indicating no concerns about access;
- Weed and Pest responded that a Long-Term Noxious Weed Management Plan is required; and
- A response was received from Heart Mountain Irrigation District (HMID) indicating that sprinkler irrigation will be required; in a recent email they said that they are requiring a few final details from the applicant;
- No public comments have been received; and
- Water well test results were received for a neighboring well and show high nitrogen content in the water.

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55 Chairman Morrison asked if any Commission members had questions for Staff. There being no  
56 comments, Chairman Morrison asked if the applicant's representative had any questions or  
57 comments.

- 58 • Kim Banathy of Engineering Associates said she represents the applicant, Ricardo  
59 Rodriguez, who is unable to be in attendance.

60  
61 Chairman Morrison asked if any commission members had questions for the applicant.

- 62 • Commissioner Putney asked if there was natural gas available along Road 17. Kim  
63 Banathy said there should be gas available. Commissioner Putney also asked if there is  
64 a recorded easement for Mr. Tucker to access his property. Kim Banathy advised that  
65 there is and confirmed it will be included on the final plat. She asked about access to Lots  
66 1 and 2 – will Lot 2 be accessed from Road 17 or Lane 10. According to Kim Banathy, the  
67 proposed access will likely be off Road 17. Ben McDonald from Public Works added that  
68 access is available from either road.
- 69 • Mary McKinney said she visited the site. Weeds are typical at the site and she is confident  
70 she can work with the applicant to address them.

71  
72 Chairman Morrison asked Commission members if they had any discussion.

- 73 • Commissioner Putney asked for changes to findings as follows:
  - 74 ○ Item *p* – natural gas is available in the area;
  - 75 ○ Item *v* – the applicant has submitted a water distribution plan to HMID. Kim  
76 Banathy said the applicant will be requesting relief from the sprinkler requirement.  
77 Commissioner Putney added that Item *v* shall reflect the applicant's intent to seek  
78 an exception from the sprinkling requirement;
  - 79 ○ Item *x* – an initial weed and pest inspection has occurred and a Long-Term Noxious  
80 Weed Management Plan will be required;
  - 81 ○ Item *y* – suggested a change to show Lot 2 could be accessed from Road 17 or  
82 Lane 10;
  - 83 ○ Item *ee* - a water quality test has been completed;
  - 84 ○ Item *ii* – add to reflect that postal service is available but delivery points are yet to  
85 be determined.
- 86 • Commissioners Brandon-Wintermote and Putney would like to see Condition #3 reflect  
87 the need for a Long-Term Noxious Weed Management Plan. Also, strike existing  
88 Condition #2 and change it to reflect that a note on the plat is required explaining the high  
89 nitrogen content found in the water test.
- 90 • Chairman Morrison addressed Condition #5 and would like it to reflect that final approval  
91 of this item is needed prior to sketch plan review by the Board of Commissioners.
- 92 • Commissioner Brandon-Wintermote asked about the formation of a water association.  
93 Commissioner Bonine asked if that would be covered as part of the irrigation district's  
94 review. Chairman Morrison said it should be required by the district.
- 95 • Commissioner Putney asked if Condition #4 could be started with "The plat shall state..."

96  
97 Commissioner Putney made a MOTION to recommend approval of the sketch plan for Alkali  
98 Creek SS-258 by Resolution 2019-28 with the following conditions:

- 99  
100 1. The applicant shall provide all easements as requested by applicable utilities and special

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- 101 districts, irrigation districts or public agencies providing services. The width of any utility  
102 easement shall be sufficient to allow adequate maintenance of the system, but in no case  
103 shall such utility easement be less than 20 feet in width. Easements must be identified on  
104 the final plat;
- 105 2. Water analysis on a neighboring well has been received, however, a note on the final plat  
106 is required due to the high nitrogen content;
  - 107 3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan  
108 prior to final plat review by the Board of Commissioners and the applicant shall otherwise  
109 comply with the requirements of Weed and Pest;
  - 110 4. The final plat shall state that enhanced septic systems may be required due to high ground  
111 water levels, should either of these lots be developed;
  - 112 5. An irrigation water distribution plan must be approved by the Heart Mountain Irrigation  
113 District prior to final plat review by the Board of Commissioners; and
  - 114 6. The applicant shall otherwise comply with standards in the Park County Development  
115 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute  
116 18-5-306.

117  
118 The motion was SECONDED by Commissioner Smith. The motion carried. See Resolution 2019-  
119 28 attached hereto and incorporated herein.

120  
121 **PUBLIC HEARING – Heart View MS-33 Sketch Plan:** Pete & Tanna DiPilla request approval of  
122 the sketch plan for the Heart View Minor Subdivision (MS-33). The proposed subdivision is  
123 comprised of five lots: one 2-acre lot and three 1-acre lots designated for residential use and one  
124 15.47-acre lot designated for agriculture/residential use. The proposed subdivision is located east  
125 of County Road 8, south of DiPilla Lane, in Lot 80-M, Resurvey, T55N, R99W of the 6<sup>th</sup> P.M., Park  
126 County, WY, approximately one mile northeast of Powell, Wyoming in a GR-P (General Rural-  
127 Powell) zoning district.

128  
129 Chairman Morrison opened the public hearing at 6:25pm and introduced the Board and Staff.

130  
131 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
132 Staff Report. Staff received comments from Public Works in advance of the meeting. Among their  
133 concerns were access to proposed Lot 1 (along DiPilla Lane) not showing a permanent easement;  
134 they suggest a wider easement to proposed Lot 5. Weed and Pest provided a response that a  
135 Long-Term Noxious Weed Management Plan will be required. We still require a response from  
136 the Shoshone Conservation District. Kim added that in terms of Lot 5 not having utilities, the  
137 applicant has stated that he is uncertain whether the lot will come out of ag use, nor is he sure  
138 where development will occur on the property. He will likely seek a variance on the requirement  
139 of having utilities stubbed to the lot line from the Board of Commissioners. We have not received  
140 any notice from the City of Powell confirming that the lots can connect to City sewer services.

141  
142 Chairman Morrison reviewed the rules of a public meeting and apologized for not mentioning them  
143 at the opening of the session.

144  
145 Chairman Morrison asked if any Commission members had questions for Staff.

- 146 • County Engineer, Brian Edwards, mentioned his concern about widening the easement to  
147 Lot 5 to at least 40 feet (from the existing 35 feet) for future planning considerations. Ben  
148 McDonald addressed establishing legal access to DiPilla Lane for utilities and emergency  
149 vehicle access. Public Works will be glad to work with the applicant to take care of that.

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- 150 • Mary McKinney from Weed and Pest said they found several noxious weeds and nuisance  
151 species. Any disturbance could increase the presence of any of those species. There is a  
152 certified producer south of the property who could be impacted by encroachment of the  
153 species.
- 154 • Commissioner Putney mentioned that the map does not match the legal description in the  
155 staff report. The legal description does not include Lot 1.
- 156 • Commissioner Putney asked Public Works about the access to Lot 5 and whether it was  
157 recorded or not. Staff is unsure if it is recorded.
- 158 • Commissioner Brandon-Wintermote said the staff report shows that Lot 1 will be served  
159 by City sewer, but that is incorrect.
- 160 • Commissioner Brandon-Wintermote asked Public Works if they make DiPilla Lane public,  
161 would it solve the easement concerns along that road. Public Works said it would,  
162 however, it may not meet road standards and there would need to be improvements if they  
163 do that. Commissioner Putney asked, since there are four parcels on that road, would a  
164 maintenance agreement be required. Public Works said they would have to review. As  
165 long as emergency services can get in and out and as long as it is sufficient for landowners  
166 to access, they can allow some flexibility on existing access requirements.

167  
168 Chairman Morrison asked if the applicant had any questions or comments.

- 169 • Mr. Pete DiPilla said Lot 1 has his house on it. There is a 40-foot easement to Lot 1. Lots  
170 2, 3 and 4 will be for development. Lot 5 is intended for ag use at this time and he will  
171 likely seek a variance to allow for determination on utilities when development is proposed  
172 in the future. He said the property was purchased as part of a boundary line adjustment.  
173 That is where the easement came from for Lot 5. Those easements are recorded.
- 174 • Patti Umphlett asked if the applicant intends to use septic on Lot 1 or to tie in to the City.  
175 The applicant stated he is too far from the line to connect to City septic.

176  
177 Chairman Morrison asked if any commission members had questions for the applicant.

- 178 • Chairman Morrison asked if Mr. DiPilla would entertain increasing the easement to Lot 5  
179 by five feet. He indicated that he would.
- 180 • Commissioner Putney asked if Mr. DiPilla is going to seek a variance for utilities to serve  
181 Lot 5 and what if he ends up needing a new easement. Mr. DiPilla feels confident that he  
182 could secure a new easement, if necessary, as family surrounds him currently.
- 183 • Chairman Morrison asked staff about the variance process. Should there be a note on the  
184 plat if a variance is approved, noting that utilities have not been stubbed to Lot 5. The  
185 Director said that would be reasonable.

186  
187 Commissioner Putney requested discussion.

- 188 • She would like to see finding *d* amended to reflect that the City of Powell reviewed this  
189 subdivision application and did not recommend any changes to the plat; however, if  
190 annexed by the City of Powell, access to proposed lot 5 would require a 60-foot right-of-  
191 way as a local street, or 80-foot right-of-way as a collector.
- 192 • Finding *bb* shall reflect that a weed inspection occurred and a Long-Term Noxious Weed  
193 Management Plan will be required;
- 194 • Finding *ee* shall reflect that subsurface evaluation data is not required due to the  
195 availability of sewer services from the City of Powell for Lots 2-4;
- 196 • Discussion ensued about subsurface evaluation for Lot 5 and whether City of Powell  
197 sewer system would be available for that lot should it be developed in the future. It was  
198 determined that since the development of this lot is not anticipated in the near future, this  
199 would be addressed at the time development is proposed. It was also determined that

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- 200 should the applicant not secure sewer service from the City of Powell for Lots 2-4,  
201 subsurface evaluation will be required.
- 202 • Finding o shall reflect that the applicant states that mail delivery is available along the  
203 County road; the applicant stated that he has not yet received a letter from the Post Office.
  - 204 • Chairman Morrison would like to see Condition #2 state that a Long-Term Noxious Weed  
205 Management Plan is required.
  - 206 • Commissioner Putney would like Condition #4 to reflect that the variance, if approved, will  
207 require a note on the plat about utilities not being stubbed to Lot 5.
  - 208 • Commissioner Putney asked if they wanted to address the applicant's intent to increase  
209 the width of the easement to Lot 5, to be added as finding *nn*.
  - 210 • The County Engineer would like to see the recording information for any easements noted  
211 on the plat.

212  
213 Chairman Morrison asked if there were comments from any members of the public.

- 214 • Mr. DiPilla added that the lot to the south of Lot 4 does have connection to the city sewer.  
215 He also got approval from the city council to get connections for Lots 2-5. Their letter  
216 should be forthcoming.

217  
218 Commissioner Bonine reviewed the conditions being considered/proposed:

- 219 1. The applicant shall provide all easements as requested by applicable utilities and special  
220 districts, irrigation districts or public agencies providing services. The width of any utility  
221 easement shall be sufficient to allow adequate maintenance of the system, but in no case  
222 shall such utility easement be less than 20 feet in width. Easements must be identified on  
223 the final plat;
- 224 2. The applicant must provide an approved Long-Term Noxious Weed Management Plan to  
225 the Planning and Zoning Department prior to sketch plan review by Board of County  
226 Commissioners and otherwise comply with best management practices identified by Weed  
227 and Pest;
- 228 3. An irrigation water rights distribution plan must be submitted to the Shoshone Irrigation  
229 District for their review and recommendations prior to sketch plan review by County  
230 Commissioners;
- 231 4. Electricity and natural gas must be stubbed to the lot line of proposed Lot 5, unless the  
232 applicant is granted a variance to this condition by the Board of County Commissioners. If  
233 said variance is granted, there shall be a note on the plat regarding the variance;
- 234 5. The applicant must provide to the Planning and Zoning Department a statement from the  
235 City of Powell of their ability to supply small wastewater services to this subdivision prior  
236 to sketch plan review by County Commissioners;
- 237 6. The applicant shall otherwise comply with standards in the Park County Development  
238 Standards and Regulations.

239  
240 Commissioner Smith made a MOTION to close the hearing at 7:13pm; SECONDED by  
241 Commissioner Brandon-Wintermote. The motion was carried unanimously.

242  
243 Chairman Morrison asked commission members if they had any discussion. There being none,  
244 Commissioner Bonine made a MOTION to approve Resolution 2019-29 with the conditions earlier  
245 stated. The motion was SECONDED by Commissioner Putney. The motion carried. See  
246 Resolution 2019-29 attached hereto and incorporated herein.

247  
248 **PUBLIC HEARING – Buffalo Bluff RV Park SUP-190:** Ronald and Kelly Hunt request approval  
249 of a Special Use Permit Application to construct a 7-acre, 78-space RV Park in a General Rural-

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250 5 Acre (GR-5) zoning district. The proposed facility would be located within a 13.42-acre parcel  
251 described as being in Tracts 50 and 47, West of Highway 120, T53N, R101W, 6th P.M., Park  
252 County, WY, with an address of 137 Highway 120 (Belfry Highway), Cody, WY.  
253

254 Chairman Morrison opened the public hearing at 7:13pm. She made a statement that she is  
255 distantly related to some of the folks involved with this development; however, she does not feel  
256 that it will cloud her judgement on the matter.  
257

258 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
259 Staff Report and mentioned the following actions which occurred after the original submission of  
260 the report to the Commission members:

- 261 • Weed and Pest completed an initial inspection and a Long-Term Noxious Weed  
262 Management Plan will be required.
- 263 • Northwest Rural Water District indicated that they do not provide enough water for fire  
264 flow.
- 265 • Black Hills Energy responded that they have a two-inch gas main on the east side of the  
266 highway and could serve buildings for this use if needed.
- 267 • Staff received a letter from a member of the public – the letter was provided to commission  
268 members in advance of the meeting.
- 269 • Prior to the meeting, the project engineer sent a graphical depiction of proposed leach  
270 field designs to serve the use.  
271

272 The Planning Director read the statements in the Staff Report that were provided by the City of  
273 Cody's Planner citing concerns about small wastewater.  
274

275 The County Engineer added that there have been concerns about the safety of access to the site.  
276 Both he and the local WYDOT engineer evaluated the site. He feels that a lot of thought went into  
277 their reviews. He has no concerns with access from the highway. As for on-site roads, he  
278 discussed the plans with the project engineer and their request for administrative relief on certain  
279 requirements. Administrative relief has been granted for the 18-foot road width, which should also  
280 be sufficient for emergency response. Enough information has not yet been provided to support  
281 waiving the pavement requirement on this project. The project engineer agreed with the  
282 suggestion on a security barrier. Some on-site stormwater storage retention will be needed and  
283 the project engineer is considering what level of effort will be needed for that.  
284

285 The Planning Director summarized the contents of the single public comment that was received  
286 which include concerns about safety of access and that they are in the process of urging WYDOT  
287 to reconsider the approval of access, compatibility of the use with surrounding properties,  
288 undesirable environmental impact and creating hazards and unsightliness.  
289

290 Mary McKinney indicated that areas to be disturbed should be taken into consideration as noxious  
291 weeds are present and a Long-Term Noxious Weed Management Plan will be required along with  
292 continued maintenance. She would also like the potential for pest transmission by way of firewood  
293 to be considered and mitigated.  
294

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

- 296 • Chairman Morrison asked if the road width considerations on the interior roads would still  
297 allow for large RVs to make turns onto each of the interior roads. The County Engineer  
298 took a cursory look at it but would defer to the project engineer for more insight.  
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301 Chairman Morrison asked if the applicant had any questions or comments.

- 302
- 303 • Kelly Hunt, the applicant, addressed the Commission. She has a representative present, Mr. Rob Overfield, to help address questions.
  - 304 • Mr. Rob Overfield, Engineering Associates, said he sent an email from the Tilden Water Association stating there are no concerns. He said the Fire Marshal felt the turning radius would be sufficient for fire trucks. The turning radii will be double-checked in the next phase of review. The developers reviewed the 1998 Land Use Plan to evaluate the use proposed in this district. They chose the RV park as a result of that consideration. Rob said they feel it is compatible with the surrounding land uses. They realize it is a transitional zone, bumping up next to commercial and industrial uses. They are trying to make the transition reasonable for the developer and the community. There is a substation across the highway which is about as industrial as you can get. The Game and Fish structure will be nearly 20,000 square feet. They will have a shop and parking and it will exceed the size of the development proposed for the RV park. It seems as if it is also another high-traffic enterprise nearby. There is a significant tree line barrier along the west side to shield the view. He feels they have shown that they have the access with WYDOT approval, they have a sewer schematic included, they have water available and other needed utilities are available. They felt they needed a site plan to provide a picture of the intent of the layout. They have provided some of the construction details. The developer is hesitant to invest in greater design pending the potential for approval. The burden of the investment seems unfair pending approval. He feels that sometimes permit approval can be obtained prior to site plan approval, or they can be processed concurrently. They feel stuck in between a rock and a hard place. He would like to see approval in two motions – one, approve the SUP with conditions 1, 2, 3, 10 and 11 and then a second motion to approve the site plan with conditions 4-9, deleting the comment that it must be completed prior to it going to the Board of Commissioners. He would like to see approval before the investment needs to be made.
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329 Chairman Morrison asked if any commission members had questions for the applicant.

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- 331 • Chairman Morrison said she just received the septic diagram. Rob indicated that it is a sample of two locations, not for the entire park. Chairman Morrison wanted to know how the system would be protected from the weight of the RVs. Rob said the chambers would not be parked on or traveled over as they would be located in the open space adjacent to the driveway/parking area for the RV's.
  - 335 • The Planning Director stated that while she sympathizes with the applicants regarding the investment associated with the project, proof of adequacy regarding water and sewer will be required regardless of the direction they decide to go; hooking into City sewer or having engineered septic systems. The best course of action may be to make this decision and address the requirements one way or another as it would be very unadvisable to recommend approval of a permit without a clear picture of what will be in place.
  - 341 • Chairman Morrison asked about fire flow – the Planning Director deferred to the fire officials for input on that subject since the water district and city have both indicated that neither has fire flow capability.
  - 344 • Rob said the district doesn't have fire flow available anywhere in the county. He reiterated their concerns (e.g., time and expense) about having to have septic approval in advance of Board consideration. He also added that they have completed perc tests.
  - 347 • Chairman Morrison asked about stormwater management for these tight quarters. Rob pointed out some thoughts he has on a large copy of the site plan on display. Among his thoughts were the development of a berm along the highway side as a water retention feature. Chairman Morrison asked if stormwater management was a partial consideration
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- 351 for the non-paving of internal roads. Rob said yes, they would prefer not to pave but would  
352 be agreeable to paving some of the areas if it was determined to be needed.
- 353 • The Planning Director questioned if there would be a decrease in the number of RV spaces  
354 should the septic systems be installed and what flow calculation was being used. Rob  
355 indicated that there was no plan to reduce the number of spaces at this time as they feel  
356 the chambered system will fit in the open space adjacent to each parking space. The flow  
357 was calculated at 100 gal/space as per DEQ regulations.
  - 358 • The Planning Director addressed the known presence of a Cody Cobbles layer beneath  
359 the surface at varying depths on the property and how this could substantially affect perc  
360 rates in different locations.
  - 361 • Rob stated they completed two perc test areas and felt that was reasonable for the size,  
362 initially. He agreed that UIC and DEQ would have stricter development requirements. He  
363 feels that satisfying those requirements at this time is premature.
  - 364 • The Planning Director asked for a sense of the direction that the property owner is  
365 heading; are they wishing to connect to City sewer? Rob indicated that they have been in  
366 discussion with the City of Cody regarding the possibility, however they are waiting on  
367 cost estimates and funding possibilities.
  - 368 • Dennis Lewis asked what the perc rates were? Rob indicated 30 and 10 or 12.  
369

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

- 371 • Linda Gillett, representing Trail Creek Partners, said that the septic information has not  
372 been turned in nor provided to them for review. She feels that the application was  
373 incomplete. She added that the SUP was noticed but the site plan review requirement was  
374 not as is required by the regulations. It requires strict compliance. She added that the  
375 Planning office admitted it was not a complete application as far as the site plan is  
376 concerned. They have not addressed how the use is compatible, nor have they sufficiently  
377 addressed other components of compatibility. She added the threat of safety to the public  
378 was not addressed sufficiently by WYDOT.
- 379 • Joey Darrah, on behalf of Trail Creek Ranch, said he has a number of questions, many  
380 discussed by the County Planner. They are most concerned about the access approval  
381 from WYDOT. They said it was a change in use. On page 3 of the staff report there is a  
382 colored map that shows different aspects of access, all in close proximity to this use. He  
383 is concerned there is no turn lane; he hasn't seen evidence of a traffic study. There is a  
384 whole series of regulations as to how this is to be considered. The previous commercial  
385 use access permit was for a minor use compared to this one. He feels they need more  
386 time to evaluate WYDOT's review. He compared this use to a subdivision, a small city.  
387 What happens if there is a line of RVs coming in to register at the same time, how will  
388 overflow be handled? He requests that P&Z table this item until they have an opportunity  
389 to review some of these items. He referred to regulations (item 14 of site plan  
390 requirements) which provides for the county to require a traffic study and projected traffic  
391 flow patterns. The impact of this traffic on abutting existing private and public ways – peak  
392 hour traffic levels. They ask that a good traffic study be done by the applicant or the  
393 County. He is concerned about slow moving traffic stacking up.
- 394 • Chairman Morrison asked Mr. Sam Wilde, Cody Fire Marshall, about the lack of availability  
395 of fire flow for firefighting. He said they would look at it no differently than any other  
396 commercial application and haul their own water. The only change would be if the site is  
397 annexed and the potential for having other water supply available.
- 398 • Todd Stowell, Cody City Planner, thanked the commission for taking comments. The City  
399 generally supports the concept of the RV park. He feels it is a reasonable request for the  
400 area. There is a right way to do it and a wrong way. He addressed the density of the



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401 project. If it were a subdivision it would be the equivalent of approximately 46.8 residential  
402 units on 7 acres: 6.7 houses per acre. The County's heaviest density is the R-H zone. If  
403 you were to translate that into RV spaces it would allow approximately 23 RV spaces.  
404 They are asking for three times as much. He is not certain the state has density  
405 requirements for septic. He fears it percs too fast. He is concerned about environmental  
406 impacts and proximity to the river [Dry Creek] and he urges the County to require the DEQ  
407 review. They are very concerned about the density of septic discharge and would offer  
408 connection to city sewer as a solution. This is an urban development. The City has limited  
409 ability to expand. This is an area where they look to expand. He feels urban services  
410 should be extended. They have done some initial analysis and have approached  
411 neighbors about getting easements to reach out and provide sewer to this area. Cost is a  
412 big component of this consideration. City Public Works was concerned about safety of  
413 access as well. They propose a 4-way intersection at 2ABN to serve Game and Fish and  
414 the RV Park. This proposal precludes a 4-way intersection plan. They request continuance  
415 for further findings to occur. He feels an SUP is more discretionary than Site Plan Review.  
416 He said it is reasonable to consider site monitoring by DEQ if on-site septic is chosen.

- 417 • Chairman Morrison asked what the City's timeframe is for addressing the sewer question.  
418 Todd said they are also talking with Game and Fish since they are moving forward with  
419 their building plans. They are reluctant to throw out a number as to how much the City can  
420 throw at it. It all depends on what DEQ imposes.
- 421 • The Planning Director asked if the applicant connects to City sewer, would the applicant  
422 be required to annex. Todd said annexation wouldn't necessarily impact the connection to  
423 other utilities (water and power). In similar situations the City would not allow connection  
424 without annexation.
- 425 • Kelly Hunt asked for clarification on the need for sewer and water upon annexation. Todd  
426 said they may not be able to provide full fire flow to the site. He said they would have to  
427 take city sewer but not city water (NWRW would have to give permission).
- 428 • Joe Tilden said he has two concerns. He is the water master for HMID. He has already  
429 talked with Mrs. Hunt about the irrigation pump and how it overflows onto their property.  
430 There is a waste ditch and it overflowed last year. In the future, if the pump fails and  
431 overflows, it is going to flood Game and Fish and the RV Park. He would like to see that  
432 taken care of as a part of all this. His other concern is about the safety of access for the  
433 long, slow-moving RVs. He appreciates the speed limits being referenced, but he doesn't  
434 believe drivers are complying, based upon observation of highway patrol activity. He said  
435 if nothing is done to mitigate access safety, there should be signage, hazard warnings or  
436 similar. He fears there will be problems if not.

437  
438 Chairman Morrison asked if the commission had any discussion.

- 439 • Commissioner Smith asked about the condition of the Tilden Water Association. Chairman  
440 Morrison said it sounds like it needs to be addressed as there are concerns about irrigation  
441 water.
- 442 • Commissioner Smith asked about the construction of the roads with crushed gravel and if  
443 the dimensions need to be more clearly defined. In particular, Condition 9, is more  
444 clarification needed about the pavement and the speed limit. Public Works would address  
445 in their review letter.
- 446 • Commissioner Putney asked if the applicant has considered downsizing the density of the  
447 development. Rob said he doesn't necessarily agree with Todd's calculation. He said it  
448 would be closer to 20 homes on 7 acres. He said they could look at downsizing. The  
449 applicant just came back from a conference that suggested the longer spaces are better  
450 and if that suggestion was followed it would have the potential to reduce the number of  
451 spaces.

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- 452       • Commissioner Putney indicated she feels there are too many conditions and too many  
453 unknowns for her to feel comfortable making a recommendation to the Board of County  
454 Commissioners.

455  
456 Commissioner Putney made a MOTION to continue the hearing to the regular meeting on  
457 December 17<sup>th</sup> at 6:00pm; SECONDED by Commissioner Bonine. The motion was carried  
458 unanimously.

459  
460 **PUBLIC HEARING – Maxx Diesel Repair SUP-189:** Skylar Sheets (dba Maxx Diesel Repair)  
461 requests approval of a Special Use Permit to develop a cottage industry (diesel repair shop) in a  
462 General Rural-Powell (GR-P) zoning district. The proposed business would be located in an  
463 existing 4,000 sq. ft. shop building on a 2.5-acre parcel owned by Skylar Sheets and described  
464 as Lot 1 of Thompson SS-41, 6<sup>th</sup> P.M., Park County, WY with an address of 1071 Lane 11 ½,  
465 Powell, WY.

466  
467 Chairman Morrison opened the public hearing at 9:00pm. Commissioner Brandon-Wintermote  
468 said she was approached by someone who wanted to turn the site in (for a violation) and is  
469 opposed to the development. She encouraged the individual to report their concerns to the  
470 Planning and Zoning Department. She does not feel the contact will cloud her judgement in any  
471 way.

472  
473 There being no further comments from Commission members, Kim Dillivan, Planner II, presented  
474 the Staff Report.

475  
476 County Engineer, Brian Edwards, mentioned that the County does do business with this  
477 individual. He said any of his concerns had been answered and otherwise it is pretty  
478 straightforward.

479  
480 Mary McKinney recommends that they do bare ground control around the shop and parking areas.

481  
482 Chairman Morrison asked if any Commission members had questions for Staff.

- 483       • Chairman Morrison asked Public Works about the stormwater runoff and erosion control  
484 plan not being required. What did they mean by storage? Brian said it is kind of a gray  
485 area. He doesn't feel it refers to vehicles that are parked outdoors but more to materials;  
486 storage drums of fluids, pallets, etc. and is more dependent on how materials are stored  
487 (indoor vs. outdoor).
- 488       • Chairman Morrison asked if there are any covenants that apply. Staff is unaware other  
489 than what the applicant stated.
- 490       • Commissioner Putney asked staff if the floor drain works and doesn't leak. Has it been  
491 permitted? Staff does not have proof other than his word. Commissioner Putney asked  
492 how long the business has been operating in this location. Staff is unaware that is has  
493 been operating.
- 494       • Brian Edwards said it would likely be easy to test the tank for leakage.
- 495       • The Planning Director indicated that she had discussed this tank with DEQ and was  
496 surprised at their absence of concern regarding it.
- 497       • Kim Dillivan added that Mr. Sheets has been operating the use in the City of Powell and  
498 for some reason he has to leave the city and find a new spot.
- 499       • Commissioner Putney asked if Mr. Sheets lives there, who is the person employed? Staff  
500 said Mr. Sheets. Commissioner Putney asked who Tranyelle Coplen is? Staff said she is  
501 the applicant's representative.

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- 502  
503 Chairman Morrison asked if the applicant had any questions or comments.
- 504 • Tranyelle Coplen addressed the concerns identified in a letter of opposition and conditions  
505 to be upheld. Mr. Sheets does plan to do test drives in different areas other than Lane 11.  
506 As for limiting numbers of vehicles, the residence is set back and hard to see from the  
507 road. His personal vehicles are visible from the road. As for signage, he would be willing  
508 to add that. The other two letters summarize concerns about speeding and loud noises  
509 from trucks. She said a neighbor who has lived there for 40 years testified that there has  
510 been ongoing speeding on that road not related to Mr. Sheets.
  - 511 • Commissioner Brandon-Wintermote asked where the tank is. Game and Fish was  
512 concerned about the irrigation ditch on the side. Mr. Sheets said the drain is in the center  
513 of the floor, mostly for catching meltwater from snow and ice. It is right by the shop door  
514 so a pump truck could easily access the tank through the door.
  - 515 • Commissioner Brandon-Wintermote asked about the customer vehicles that were visible.  
516 Mr. Sheets said he was doing some work on his driveway and those vehicles were only  
517 parked there temporarily.
  - 518 • Commissioner Bonine asked how he addresses washing vehicles. He said he lives there.  
519 He takes his vehicles to the car wash. Commissioner Bonine asked about the used oil that  
520 is stored to be burnt. He asked what he estimates the total accumulation would be in a  
521 summer. He said after three years in business he had just barely has filled a 300-gallon  
522 tote.
  - 523 • Commissioner Brandon-Wintermote asked about him not having employees and how if he  
524 chooses to employ someone down the line it would require a change to his SUP. He does  
525 not intend to have employees.
  - 526 • Commissioner Putney mentioned the burning of the waste in an oil heater. Mr. Sheets  
527 said the burner is inside and he hasn't used it yet. Commissioner Putney asked about  
528 exhaust or air pollution from the burner. Steve Thompson said it's a commercial heater  
529 and they are designed to burn cleanly.
  - 530 • Patti Umphlett asked if the totes would be stored inside or outside. There are empty ones  
531 outside.
  - 532 • Chairman Morrison mentioned the speeding on Lane 11 ½ and the issue that he is just  
533 moving out there. He has lived there since November of 2018. His city site closed in June  
534 so he had to move out. He has been operating at this location since June. He said he  
535 wishes he would have put a GoPro camera out to capture speeding vehicles. He does not  
536 test vehicles on the road. He goes out to the rolling hills on Emblem Highway.
  - 537 • Chairman Morrison asked about the types of vehicles he works on. He said dump trucks,  
538 pick-up trucks, semis, etc.
  - 539 • Tranyelle wanted to add that Skylar has worked for big companies and he is very used to  
540 all the requirements that come with working in a shop. He has been in charge of shop  
541 functions before. He is not new to this or unfamiliar to this. This is probably the smallest  
542 operation he has run.
  - 543 • Chairman Morrison asked if there are covenants preventing this development. Mr.  
544 Thompson said there are no covenants.
  - 545 • Chairman Morrison said that no loud tools are to be used, yet public comments indicate  
546 that it is loud, trucks are loud. Noise is an issue. Skylar said a vehicle starting from zero  
547 will be louder than one speeding by. But again, it will only be one vehicle at a time. He  
548 said his tools are all inside.
  - 549 • Commissioner Bonine asked for clarification on the tank, sump and floor drain. Was the  
550 tank poured with the floor? Skylar said it was poured with the shop floor.

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- 551 • Commissioner Putney asked how onerous it would be to test the tank. Skylar said it would  
552 be fine to test it. His well is directly southeast of the tank and he wouldn't do anything to  
553 jeopardize his drinking water.  
554

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

- 556 • Levi Davis is a close neighbor. They share a portion of the driveway. They have had no  
557 issues with Skylar. Skylar has asked them if he is being too loud. As far as visual issues  
558 – Skylar has asked if it is a problem. They don't hear much other than a diesel idling on  
559 occasion. They have farm ground all around them so are used to equipment noises. His  
560 kids ride bikes down those roads and everyone is polite to them.  
561 • Kyle Sletten is a neighbor on Lane 11 ½. He is surprised there is no covenants as he has  
562 covenants on his property and he is pretty sure they are in the same subdivision. This is  
563 new and unusual to have a business in the neighborhood and they do notice how busy he  
564 is.  
565 • Steve Thompson said there are no covenants; this is a different subdivision.  
566 • Tranyelle Coplen said that one letter addressed a decrease in property values (the  
567 individual lives across the street). She is not a realtor, but she doesn't see how that would  
568 impact her home value or her ability to sell. Everything is very contained and not visible  
569 from the road. The increase in traffic will mostly be from his personal life, not his  
570 establishment.  
571

572 Chairman Morrison asked for further discussion.

- 573 • Commissioner Smith is interested in condition language for testing of the tank.  
574 Commissioner Bonine asked if it is unreasonable for them to require this for a sump.  
575 Commissioner Brandon-Wintermote added that she was required to fill one in on her  
576 property by DEQ. Chairman Morrison said environmental consideration is important. Steve  
577 Thompson added that there are barriers between the ditch and the tank. Patti Umphlett  
578 asked if the applicant had any contact with the DEQ during installation. They indicated  
579 they did not.  
580 • Commissioner Putney wants findings changed as follows:  
581 ○ Item *d* – did receive  
582 ○ Item *o* – weed and pest did inspection and weed plan is not required however best  
583 management practices should be followed.  
584 ○ Item *p* – added to state that the applicant states there will be no test drives  
585 performed on Lane 11H.

586 Condition:

- 587 1. The applicant shall otherwise comply with standards in the Park County Development  
588 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute  
589 18-5-306.  
590

591 Commissioner Bonine made a MOTION to approve Resolution 2019-30 with the condition stated.  
592 SECONDED by Commissioner Putney. The motion was carried unanimously.  
593

594 Commissioner Bonine made a MOTION to close the public hearing at 9:49pm. SECONDED by  
595 Commissioner Brandon-Wintermote.  
596

597 **PUBLIC HEARING – West Meditation Large Impact Structure SUP-191:** John Skolnick (agent  
598 for Psalm 2019, LLC) requests approval of a Special Use Permit to construct a 70,684 sq. ft.  
599 meditation space in a General Rural 20-acre (GR-20) zoning district. The proposed facility would  
600 be located within an approximately 2,465-acre parcel, located 8.5 miles southeast of Cody, WY,

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601 with an address of 61 Nielson Road. The site of the proposed development is in the SW quarter  
602 of Section 11, T51N, R101W, 6th P.M., Park County, WY.

603  
604 Chairman Morrison opened the public hearing at 9:49pm.

605  
606 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
607 Staff Report. Information received since the staff report was sent to the commission and includes  
608 the following:

- 609 • Game and Fish response including Sage Grouse Core Area requirements and a  
610 recommendation to cease construction activities between November 15th and April 30<sup>th</sup>  
611 due to Mule Deer Critical Winter Range.
- 612 • Weed and Pest completed initial inspection and found the presence of noxious weeds.  
613 Therefore, an approved Long-Term Noxious Weed Management Plan will be required.
- 614 • Wyoming Assistant State Fire Marshall indicated they will require a plan review and  
615 subsequent construction inspections by their electrical and fire supervisors.
- 616 • Kim mentioned the intended use of the structure cannot be for commercial or public use.  
617 He cited examples not limited to group use, church services, community events, and  
618 similar. Should any of these things be proposed, we would request the property owner  
619 submit the proposal to us and we would determine what, if any, permitting would be  
620 required at that time.

621  
622 The Planning Director stated that Staff learned that John Skolnick, the applicant's representative,  
623 is likely no longer associated with the project. Also, this morning and in the hours immediately  
624 before the meeting, staff learned that the intended use of the structure has likely changed. She  
625 respectfully requested that the Chair immediately address the applicant or the applicant's  
626 representative to gain a clear statement of the exact use intended for the structure as it may  
627 change the classification of the use. Further, it is known that a significant amount of pre-  
628 construction work and site preparation work has occurred and continues to occur. Staff notified  
629 the key point of contact for this project of the requirement of a permit before site preparation work  
630 could occur; we have confirmed that earthwork has continued at the site despite this notice. It is  
631 imperative that the landowner cease all work related to the preparation of the site or construction  
632 of anything related to the use until proper permits have been obtained. The Planning Director will  
633 send a letter to the landowner indicating this requirement following the meeting.

634  
635 Chairman Morrison asked if the applicant or the applicant's representative could clarify the  
636 intended use. Zack Walters indicated he is a representative of the owner and stated that the  
637 intention, as of now, is residential, which was not reflected in these drawings. The site locations  
638 will remain the same and the dome will remain the same. Commissioner Putney said the  
639 ownership appears to have changed and she is concerned about who the actual agents or  
640 representatives are for this project. She is appalled by the complete disregard for the regulations  
641 and after the hours of review that have occurred, the project that is currently proposed is not what  
642 was being reviewed.

643  
644 Chairman Morrison indicated that she felt the public hearing should be closed as the project is no  
645 longer what has been reviewed and owner and representative information is unclear.

646  
647 Commissioner Putney made a MOTION to close the public hearing, then amended to make a  
648 MOTION to deny the application for West Meditation Large Impact Structure SUP-191 at  
649 10:20pm; SECONDED by Commissioner Brandon-Wintermote.

650

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651 Chairman Morrison called for discussion. There being none, the matter was brought to vote. Vote  
652 was unanimous. Motion carried.

653  
654 Commissioner Putney asked that before the public hearing was closed, she would request that  
655 there be a cease and desist order on the work being done. She said it is a complete abuse of  
656 County regulations.

657  
658 Chairman Morrison called for any further comment before closing the public hearing.

- 659 • Kane Morris said everything is staying the same. It is still going to be the same meditation  
660 structure, but there will be residential pods surrounding the structure.
- 661 • The County Engineer added that he agrees with the Planning and Zoning Commission  
662 that the use has completely changed. Staff has spent a lot of time reviewing the project  
663 based on it being a private space.
- 664 • Kane indicated he understands the Commission and staff's frustration, however, the  
665 owner changed his mind and he wants to make this his residence and, giving him credit,  
666 he wanted to be forthcoming and let the change be known of before the project was  
667 approved rather than waiting until it had been reviewed and then saying he changed his  
668 mind. He knows the timing is bad and they apologize for that. Kane added that the intent  
669 is for the residence to be solely for the landowner's use. This takes away from public  
670 perception as to what is happening on the property.
- 671 • Chairman Morrison stated that the Commission needs transparency and honesty from the  
672 applicant and any representatives so that all parties that have put time into the project;  
673 County Staff, Planning Commission, contractors, architects, etc. don't feel that they have  
674 wasted time and are confident that plans are following the regulations put in place by the  
675 residents of the county.
- 676 • Kane indicated that he respects and agrees with that. However, things change, that's life.  
677 People change their minds. Agents can change. It's not an excuse - it's life.
- 678 • The Planning Director asked that it be made clear to the property owner that changes to  
679 any project can completely change the classification and cause the project to have to be  
680 started over as is the case with this now. A long-term plan or an idea of what his vision is  
681 for not just this project but possibly the entire property would go a long way to give him  
682 the best chance of having the project reviewed properly and without these types of issues.
- 683 • Kane assured that the intent was not to cause issues, it was just a change of plans. He  
684 will do his best to get things as solidified with the property owner as possible. The property  
685 owner is aware that this change of mind has created the need to start this process all over.
- 686 • Mary McKinney said that she spoke with Zack and Kane. Mary had a hard time connecting  
687 with someone who wasn't just a project manager; someone who has some longevity on  
688 and knowledge of the site, which is what she needed for her purposes. We need local,  
689 established contacts when we are unable to contact the landowner.
- 690 • The Planning Director added that we need to be notified immediately when changes such  
691 as this (agent change) occur.
- 692 • Kane assured that they will make sure there are established contacts moving forward.
- 693 • Mike Arnold apologized for West Ranch. Things changed so fast. There was a contractor  
694 from L.A. who started doing everything without checking with anyone about permits. That  
695 individual is no longer with them, but things will be right from now on.
- 696 • Brian Edwards said it would help staff, since this is not a usual project in our world,  
697 knowing the chain of command and having a Wyoming licensed engineer or architect  
698 available to speak to all aspects of the engineering and drive the boat, so to speak.
- 699 • Kane said they are working on getting a licensed engineer. They are in the conceptual  
700 stages.



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- 701
- Chairman Morrison asked who is moving the dirt.
- 702
- Mike said Harris Construction. Kane and Mike said they will speak with them in the
- 703
- morning about ceasing work.
- 704
- Sam Wilde said it would be good to get the conceptual ideas on the table early with all the
- 705
- right players in the room to weigh in.
- 706
- Kane indicated that they are attempting to do this as right now things are very conceptual
- 707
- and there could still be some things changing before finalized plans come forth.
- 708
- The Planning Director asked that an application be complete and clear before starting this
- 709
- process again.
- 710
- Kane stated that the intention of the applicant is to be open and honest throughout the
- 711
- process and that is why the change in plans was brought forward at this time even though
- 712
- it was at the last minute and unfortunate timing.
- 713

714 Chairman Morrison sought the input of the commission members on the motion with a second  
715 that is on the table. All were in favor of closing the public hearing at 10:37pm. Motion carried  
716 unanimously. See Resolution 2019-31 attached hereto and incorporated herein.

717  
718 Chairman Morrison gave her report. She thanked the members of the Commission for the time  
719 and consideration they provide to each of the projects. The Commission members expressed  
720 their frustration with the apparent incompleteness of the applications.

721  
722 The Planning Director explained that staff is experiencing a lot of pressure from the applicants to  
723 move the projects forward. They are told that they are taking a risk with P&Z by submitting  
724 incomplete packets. It is hoped that if the applicants experience denials and/or continuations, this  
725 may help the applicants and their representatives to understand the importance of complete  
726 applications.

727  
728 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to  
729 adjourn the meeting at 10:57pm. The motion was SECONDED by Commissioner Putney. All in  
730 favor.

731  
732 Respectfully submitted,

733  
734  
735



Jolene Brakke, Secretary



**RESOLUTION 2019 - 28  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR  
ALKALI CREEK SIMPLE SUBDIVISION – 258 (SS-258)**

**WHEREAS**, Ricardo Rodriguez proposes to divide a 111.86-acre parcel into two lots consisting of one 15.02-acre lot and one 14.59-acre lot, leaving a remainder parcel of 82.25 acres. The intended use of the subdivision is for single-family residences;

**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 November 19, 2019 to consider the sketch plan application and made findings as follows:

- a. Ricardo Rodriguez Living Trust is the owner of the property (Document #2019-4085);
- b. A Notice of Intent to Subdivide was published on October 8, 2019 and October 15, 2019;
- c. The lots as configured conform to the GR-P zoning district where they are located;
- d. The property is not within one mile of a municipality;
- e. All notice requirements have been met;
- f. All agency referral requirements have been met;
- g. No public comments have been received;
- h. Pre-application meeting requirements have been met;
- i. A complete sketch plan application, including payment, was received on October 21, 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. 1;
- n. School bus service is available along Road 17 and Lane 10;
- o. Electricity is adjacent to each lot;
- p. Natural gas is available in the area;
- q. Cable television service is not available in the area;

- r. Cellular phone service is adequate in the area;
- s. There are no apparent or identified hazardous conditions on the lots;
- t. The Powell-Clarks Fork Conservation District has submitted a soils report;
- u. The Heart Mountain Irrigation District was notified and indicated that the parcel does have water rights;
- v. The Heart Mountain Irrigation District has received an irrigation water rights distribution plan, requires a water association be formed, and requires sprinkler irrigation only on future lots; however, the applicant intends to request an exception from the sprinkler irrigation requirement;
- w. An existing irrigation ditch is shown on the sketch plan;
- x. An initial weed inspection has been completed and a Long-Term Noxious Weed Management Plan will be required;
- y. Legal access to both lots is available from County Road 17 and access to Lot 2 is also available from Lane 10;
- z. Easements are shown on the sketch plan;
- aa. Subsurface evaluation data indicates that enhanced septic systems are likely to be required, due to the presence of high groundwater;
- bb. Northwest Rural Water District service is not available in this area;
- cc. This parcel is located in an Agricultural Overlay District and, as a result, is subject to Agricultural Overlay District review;
- dd. There are no wells for domestic water on either of the proposed lots;
- ee. A water quality test on a neighboring well has been completed and shows high nitrogen content in the water;
- ff. The lot sizes proposed conform to the lot design and improvement standards;
- gg. The subdivision is not within the mapped floodplain;
- hh. No open spaces, natural areas, schools or parks are proposed; and
- ii. Postal service is available, but delivery points are yet to be determined.

**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 Alkali Creek SS-258, 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 note on the final plat referring to high nitrogen found in a water sample from a neighboring well is required;
3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to final plat review by the Board of Commissioners and the applicant shall otherwise comply with the requirements of Weed and Pest;
4. The final plat shall state that enhanced septic systems may be required due to high ground water levels, should either of these lots be developed;
5. An irrigation water distribution plan must be approved by the Heart Mountain Irrigation District prior to final plat review by the Board of Commissioners; and
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 19<sup>th</sup> day of November, 2019.

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



Marion Morrison, Chair

**ATTEST:**



Jolene Brakke, Secretary

**RESOLUTION 2019 - 29  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR  
HEART VIEW MINOR SUBDIVISION (MS – 33)**

**WHEREAS** Pete & Tanna DiPilla propose to create a five-lot minor subdivision: proposed Lot 1 is 2.0 acres, proposed Lots 2 through 4 are each 1.0 acre, and proposed Lot 5 is 15.47 acres. The use intended for all lots is residential and possibly agricultural. The subdivision will divide a 20.47-acre parcel of land;

**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 November 19<sup>th</sup>, 2019 to consider the sketch plan application and made findings as follows:

- a. Ownership is affirmed by warranty deed (dated April 29, 2019) to Peter J. DiPilla and Tanna Mae DiPilla, husband and wife, as tenants by the entirety, not as joint tenants or tenants in common, from Troy J. Bell aka Troy Jay Bell, a single person, and Bobbie J. Bell aka Bobbie Bell, a single person. (WD Document # 2019-2162);
- b. The lots as configured conform to the GR-P zoning district where they are located;
- c. The subdivision is within one-half mile of the City of Powell;
- d. The City of Powell reviewed this subdivision application and did not recommend any changes to the plat, however, if annexed by the City of Powell, access to proposed Lot 5 would require a 60-foot right-of-way as a local street or 80-foot right-of-way as a collector;
- e. All notice requirements have been met;
- f. All agency referral requirements have been met;
- g. No public comments have been received;
- h. Pre-application meeting requirements have been met;
- i. A Notice of Intent to Subdivide was published on October 15, 2019 and October 22, 2019;
- j. A complete sketch plan application, including payment, was received on October 16, 2019;
- k. Title report has been submitted;
- l. No new subdivision roads or open/public spaces are proposed;

- m. Garbage disposal service is available through local, private companies;
- n. Fire protection is available from Park County Fire District No. 1;
- o. The U.S. Postal Service has not responded; however, the applicant states mail delivery is available along County Road 8;
- p. School bus service is available along Road 8 and at the intersection of Road 8 and DiPilla Lane;
- q. Electricity is adjacent to proposed Lots 1 through 4 only;
- r. Natural gas is adjacent to proposed Lots 2 through 4 only;
- s. Cable television service is not available in the area;
- t. Cellular phone service is adequate in the area;
- u. A draft disclosure statement has been submitted;
- v. There are no apparent or identified hazardous conditions on the lots;
- w. The Powell-Clark's Fork Conservation District has been notified of the proposed subdivision and has submitted a soils report;
- x. An irrigation distribution plan has been submitted to, but not approved by, the Shoshone Irrigation District;
- y. The irrigation distribution plan does not require state review;
- z. Park County Weed & Pest was notified on October 15, 2019;
- aa. An initial weed inspection has been completed and a Long-Term Noxious Weed Management Plan will be required;
- bb. Legal access to Lot 1 will be from DiPilla Lane and access to Lots 2, 3, 4 and 5 will be from County Road 8;
- cc. Easements are shown on the sketch plan;
- dd. Subsurface evaluation data is not required due to the availability of sewer services from the City of Powell; It is the applicant's intention to apply for city sewer services and will be subject to approval by the City of Powell;
- ee. Northwest Rural Water District does not provide service in this area;
- ff. There is currently a water well on proposed Lot 1;
- gg. Proposed Lots 2, 3, 4, and 5 will have individual wells for domestic water;
- hh. New water wells require state approval;
- ii. This parcel is located in an Agricultural Overlay District, and as a result, is subject to Agricultural Overlay District review;
- jj. A water quality test from the well on proposed Lot 1 has been submitted;
- kk. The lot sizes proposed conform to the lot design and improvement standards;
- ll. The subdivision is not within the mapped floodplain; and

mm. The applicant will increase the existing easement to proposed Lot 5 to 40 feet.

**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 Heart View MS-33, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant must provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to sketch plan review by Board of County Commissioners and otherwise comply with best management practices identified by Weed and Pest;
3. Electricity and natural gas must be made adjacent to proposed Lot 5, unless the applicant is granted a variance to this condition by the Board of County Commissioners. If said variance is granted, there shall be a note on the plat regarding the variance;
4. The applicant must provide to the Planning and Zoning Department a statement from the City of Powell indicating their ability to supply small wastewater services prior to sketch plan review by County Commissioners or the applicant shall provide acceptable subsurface evaluation data;
5. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 19<sup>th</sup> day of November, 2019.

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



Marion Morrison, Chair

**ATTEST:**



Jolene Brakke, Secretary

**RESOLUTION 2019 - 30  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE MAXX DIESEL REPAIR SUP-189**

**WHEREAS** Skylar Sheets requests approval to operate a diesel repair shop (Maxx Diesel Repair) to be located in the shop portion of the applicant's residence at 1071 Lane 11 ½, Powell, in a General Rural-Powell (GR-P) zoning district;

**WHEREAS** this use is defined as a Cottage Industry: A business located in the proprietor's home or out of other buildings on the same parcel as the proprietor's home with no more than 5,000 square feet of building floor area devoted to the business and no more than five (5) non-resident employees;

**WHEREAS** cottage industry uses are allowed in a GR-P zoning district provided a Special Use Permit (SUP) is approved;

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

**WHEREAS** the Planning & Zoning Commission held a duly noticed meeting on November 19, 2019 to consider the sketch plan application and made findings as follows:

- a. Sklyar Sheets is the owner of the property (Document #2018-5484);
- b. All notice requirements have been met;
- c. All agency referral requirements have been met;
- d. Public comments have been received;
- e. Garbage disposal service is available through local, private companies;
- f. Fire protection is available from Fire District No. 2;
- g. Rocky Mountain Power provides electricity to serve the use and natural gas is not needed to serve the business, though it is available to heat the residence;
- h. A soils review is not required for this use because the structures already exist;
- i. The parcel is located within Shoshone Irrigation District;
- j. Legal access to this use is from County Lane 11H;
- k. Subsurface evaluation is not required because there is an existing small wastewater system;
- l. A water quality test was not required because no domestic water was proposed;
- m. The proposed use is not within a floodplain, airport, or agricultural overlay district;



- n. An initial weed and pest inspection has been completed and no Long-Term Noxious Weed Management Plan is required, however best management practices should be followed; and
- o. The applicant states that there will be no test driving performed on County Lane 11 ½.

**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 Cottage Industry use for Maxx Diesel Repair SUP-191, subject to the following conditions:

- 1. 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 19<sup>th</sup> day of November, 2019.

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

**ATTEST:**



Marion Morrison, Chair



Jolene Brakke, Secretary

**RESOLUTION 2019 - 31  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO DENY THE WEST MEDITATION  
LARGE IMPACT STRUCTURE SUP-191**

**WHEREAS** John Skolnick (agent for Psalm 2019, LLC) requests approval to construct a 70,684 sq. ft. meditation space in a General Rural 20-acre (GR-20) zoning district within an approximately 2,465-acre parcel, located 8.5 miles southeast of Cody, WY, with an address of 61 Nielson Road. The site of the proposed development is in the SW quarter of Section 11, T51N, R101W, 6th P.M., Park County, WY;

**WHEREAS** this use is defined as a Large Impact Structure: Any building larger than 10,000 square feet accessory to any use;

**WHEREAS** large impact structures are allowed in a GR-20 zoning district provided a Special Use Permit is approved;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on November 19, 2019 to consider the Special Use Permit Application and made findings as follows:

- a. An application had been submitted to the Planning & Zoning Department on October 21, 2019, for a 70,684-square foot meditation space for personal use only;
- b. The applicant's representative changed between the time of the application and the public hearing without sufficient (written) notice to the Planning and Zoning Department;
- c. The applicant's new representative, Zack Walters, introduced himself and communicated that the intended use of the proposed structure changed from a meditation space for personal use only to a residential use with the addition of residential pods;

**WHEREAS** the Planning & Zoning Commission concludes that the proposed change in use resulted in a new use classification and, therefore, will require a new application;

**WHEREAS** the application and supporting documents under consideration are not in substantial compliance with the Park County Development Standards and Regulations pertaining to special use permits;

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends denial of the West Meditation Large Impact Structure SUP-191 with the following conditions:

1. The applicant shall cease all site preparation work/construction related to the proposed use.

**ADOPTED** by the Park County Planning & Zoning Commission this 19<sup>th</sup> day of November, 2019.

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

**ATTEST:**



Marion Morrison, Chair



Jolene Brakke, Secretary

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING November 19, 2019

		Heart View MS-33 Sketch Plan	
		Buffalo Bluff RV Park SUP-190	
		Maxx Diesel Repair SUP-189	
		West Meditation Large Impact Structure SUP-191	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	ROS OVERFIELD	BUFFALO BLUFF RV - Dev Rep	
2	KIM BANATHY	ALKALI CREEK / BUFFALO BLUFF - DEV. REP	
3	Kathleen Lowe	ALL interests	
4	Kelly Hunt	Buffalo Bluff	yes
5	Caryl Cline	Buffalo Bluff	NO
6	ROY CLINE	Buffalo Bluff	NO
8	LAURIE + Anthony DiPilla	Heart View Sketch Plan	NO
9	BRIAN EDWARDS	ALL	IF NEEDED
10	BEN McDONALD	ALL	IF NEEDED
11	Mary McTimney	✓	✓
12	Linda Gillette	Trail Creek Ranch Partners	Yes
13	Tommy Darrach	Trail Creek Ranch Partner, LLC	
14	Mike Arnold	West Lake	
15	Pete DiPilla	Heart View	if needed
16	Linda Sweet	Ric Rodriguez	NO
17	Sam Wilde	Fire Marshal	IF Needed
18	NICK HANSON	WV State FMO	IF Needed
19	Tranjerie Copen	Skylar Sheets SUP	Yes/ if needed
20	Toby Sheets	Skylar Sheets SUP	☺
21	Ruth Long	Skylar Sheets SUP	NO
22	Skylar Sheets	Skylar Sheets	Yes
23	Kyle Burkhardt	<del>Skylar</del> Skylar Sheets	NO
24	Philip Sheets	Skylar Sheets	NO
25	Leslie Schreiber	West Lake	IF needed
26	Todd Slovill	RV Park	Yes
27	Tammy Thiel	RV Park / Meditation	NO
28	Levi Davis	MAXX DIESEL	IF NEEDED
29	Kyle Sletten	MAXX DIESEL	YES
30	Kamila Kudelsky	Westlake	

**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**November 19, 2019**

		Heart View MS-33 Sketch Plan	
		Buffalo Bluff RV Park SUP-190	
		Maxx Diesel Repair SUP-189	
		West Meditation Large Impact Structure SUP-191	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	Steve Thompson	Skyler Sheets	IF needed
2	Nane Long	Skyler Sheets	
3	Brett Farmer		No
4	Zach Waters	West Lake	If needed
5	Joe T. Williams	RV Park	
6	Kane Morris	West Lake	
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## **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, November 19, 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 October 15, 2019 regular meeting.

#### **REGULAR AGENDA**

[Alkali Creek SS-258 Sketch Plan](#)

[PUBLIC HEARING – Heart View MS-33 Sketch Plan](#)

[PUBLIC HEARING – Buffalo Bluff RV Park SUP-190](#)

[PUBLIC HEARING – Maxx Diesel Repair SUP-189](#)

[PUBLIC HEARING – West Meditation LIS SUP-191](#)

#### **OTHER BUSINESS**

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

#### **ADJOURN**