

Planning & Zoning Commission Minutes
January 21, 2020

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
Richard Jones

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Planner II
Patti Umphlett, Planner I
Jolene Brakke, Office Assistant III

Chairman Morrison opened the meeting at 6:01pm.

ELECTION OF OFFICERS

Chairman Morrison asked for nominations of officers. Commissioner Putney nominated Marion Morrison as Chairman with Kimberly Brandon-Wintermote as Vice Chairman. SECOND by Commissioner Bonine. MOTION passed unanimously.

APPROVAL OF MINUTES

Chairman Morrison asked the Board for comments or changes to the December 17, 2019 meeting minutes. A MOTION was made by Commissioner Brandon-Wintermote to approve the minutes as corrected through email with Jolene Brakke; the motion was SECONDED by Commissioner Putney to approve the minutes as corrected. Motion was carried unanimously.

REGULAR AGENDA

CONTINUED PUBLIC HEARING– Buffalo Bluff RV Park SUP-190: Ronald and Kelly Hunt request approval of a Special Use Permit Application to construct a 7-acre, 78-space RV Park in a General Rural-5 Acre (GR-5) zoning district. The proposed facility would be located within a 13.42-acre parcel described as being in Tracts 50 and 47, West of Highway 120, T53N, R101W, 6th P.M., Park County, WY, with an address of 137 Highway 120 (Belfry Highway), Cody, WY.

Chairman Morrison indicated that the applicant had requested a continuance to the February 18, 2020 meeting. Chairman Morrison asked staff for information.

The Planning Director said that the applicant, Ms. Hunt, requested another continuance due to uncertainty on the annexation process with the City of Cody. The Planning Director recommended that the Commission consider continuing the hearing to a time and date uncertain with the requirement for the applicant to request continuance at a later date to be noticed accordingly.

The applicant, Ms. Hunt, confirmed that the Planning Director's assessment was correct and she agrees with the recommendation to continue to a time and date uncertain. Linda Gillett was on the phone and she asked for clarification on the continuance.

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56 Commissioner Brandon-Wintermote made MOTION to continue the hearing to a date uncertain
57 to be re-noticed according to County regulations. SECOND by Commissioner Putney. MOTION
58 passed unanimously.

59

60 **Jensvold SS-259 Sketch Plan:** Jensvold Enterprises, LLC. requests Planning and Zoning
61 Commission approval of the sketch plan for the Jensvold Simple Subdivision (SS-259), which
62 proposes to create one 9.22-acre lot and one 13.25-acre lot for residential use. This parcel is
63 described as the portion of Lot 62L from the resurvey boundary line adjustment, south to Lot 62-
64 M, and between Lots 70-G and 62-K T55N, R98W, 6th PM, Park County, WY, with an address of
65 955 Road 6 and is in a General Rural-Powell (GR-P) zoning district.

66

67 Chairman Morrison acknowledged that a public hearing was not required and directed Planning
68 and Zoning staff to commence with the staff report at 6:06 pm.

69

70 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
71 Staff Report. Public Works submitted comments and indicated that they do not have any concerns
72 about the access proposed.

73

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

75

- 76 • Commissioner Putney said that the staff report references a different deed than the sketch
77 plan and the web Map Server. Patti said Deed 2015-5236 is the correct deed.
- 78 • Commissioner Putney said the address should be 955, not 953.
- 79 • Commissioner Putney asked what the no build area is for. Kim said he is unsure. Patti
80 said it was intended to protect the view of the existing home.
- 81 • Chairman Morrison said the irrigation district's letter talks about showing the easement
82 and Marion indicated that the easement should be shown on the sketch plan.

82

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

84

- 85 • Steve Follweiler, Morrison-Maierle, said he spoke with the irrigation district and they
86 haven't completed all of the fieldwork as of yet. They will locate all the ditches that the
87 district wants located and they will put those easements on the final plat. He will also get
88 the Shoshone district plan to the irrigation district so they can comment prior to Board
89 review.

89

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

91

- 92 • Commissioner Putney asked if he (Mr. Jensvold) knows where the first water sample was
93 taken. He said it was taken from the same place that the second sample was taken; the
94 bathroom faucet.
- 95 • Chairman Morrison asked if he did any treatment to the well. The applicant stated he
96 chlorinated the well.

96

97 Chairman Morrison asked members of the public if they had any discussion. There were none.

98

99 Chairman Morrison asked if Weed and Pest had any comments. Mary McKinney indicated that
100 she met with Mr. Jensvold and he intends to take appropriate measures per his weed plan.

101

102 Chairman Morrison asked if there was any further discussion from the Commission members.

103

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104 Commissioner Jones made a MOTION to approve Resolution 2020-01 with the following
105 conditions:

- 106
- 107 1) The applicant shall provide all easements as requested by applicable utilities
108 and special districts, irrigation districts or public agencies providing services. The
109 width of any utility easement shall be sufficient to allow adequate maintenance of
110 the system, but in no case shall such utility easement be less than 20 feet in
111 width. Easements must be identified on the final plat;
 - 112 2) An irrigation water rights distribution plan must be received by the Shoshone
113 Irrigation District, for their review and recommendations, prior to Final Plat review
114 by County Commissioners;
 - 115 3) A note on the plat shall state there is a "No-Build Area" in proposed Lot 2;
 - 116 4) A note on the plat shall state "Due to slow percolation rates, an engineered septic
117 system may be required on Lot 2;" and
 - 118 5) The applicant shall otherwise comply with standards in the Park County
119 Development Regulations and the minimum subdivision requirements as set
120 forth in Wyoming Statute 18-5-306.

121
122 The motion was SECONDED by Commissioner Bonine. MOTION passed unanimously. See
123 Resolution 2020-01 attached hereto and incorporated herein.

124
125 Leroux SS-260 Sketch Plan: John F. Leroux, Trustee of the John F. Leroux Revocable Trust,
126 requests Planning and Zoning Commission approval of the sketch plan for the Leroux Simple
127 Subdivision (SS-260), which proposes to divide a 9.19-acre lot from a 65-acre parcel. The
128 intended use of the subdivision lot is residential. This parcel is described as the portion of Lot
129 72, Resurvey, being that portion of the NE1/4SE1/4, Section 22, Original Survey, located south
130 and southeast of the centerline of the Shoshone River; and that part of Lot 72,, Resurvey, being
131 described as SE1/4SE1/4 of Section 22, Original Survey, T53N, R101W, 6th PM, Park County,
132 WY, with an address of 251 Adams Lane and is in a Residential ½-acre (R-H) zoning district.

133
134 Chairman Morrison acknowledged that a public hearing was not required and directed Planning
135 and Zoning staff to commence with the staff report at 6:28pm.

136
137 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
138 Staff Report. The City of Cody's Planner emailed staff and indicated that any subdivision within
139 ½ mile of a city requires a right-of-way dedication on the map and in the owner's certificate. He
140 said that the road going through the subdivision as an easement should be depicted as a right-
141 of-way. Staff has not had an opportunity to research that. Mr. Stowell added that he suggests the
142 property be part of the road maintenance association agreement, if one exists. Staff did not
143 receive comment from the City otherwise. Staff recently received email communications from Mr.
144 Bales of the Cody Canal to and from Mr. Steve Follweiler regarding water rights on the property.
145 It is unclear to staff whether there are or are not water rights based upon those communications.

146
147 Chairman Morrison asked if any Commission members had questions for Staff.

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- 148 • Chairman Morrison asked if Mary McKinney from Weed and Pest had any comments.
149 Mary indicated that she has not gotten down below on the property and she plans to do
150 so. However, there are Russian Olive trees on the upper part of the property and she
151 would like to see some of those controlled.
- 152 • Commissioner Putney asked Kim about the letter from Public Works which was received
153 on January 17, 2020. In the letter Public Works indicated that the road was a public way.
154 Kim said his understanding is that Adams Lane ends before the exempt lot.
- 155 • Commissioner Jones asked if an easement would need to be put in place into the
156 subdivision. Kim said there is an existing easement.
- 157 • Commissioner Brandon-Wintermote said the city is saying it is a privately maintained road.
158 Clarification is needed.
- 159 • Commissioner Jones would like to see the applicant's proposal to change that designation.
- 160 • Chairman Morrison asked about the statement related to the airport overlay and this
161 application not impacting airport operations. Kim indicated that we have not received
162 comments from the airport.
- 163 • The Planning Director added that the size of Lot 1 was reduced slightly based upon the
164 easement issue.
165

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

- 167 • Steve Follweiler said that you can dedicate a right-of-way to the public, but it doesn't mean
168 the County would maintain it. He addressed the issue with the easement and said that Mr.
169 Leroux originally wanted to set the easement along the west 60 feet of Lot 1, but after the
170 letter from the City was received, Mr. Leroux wanted that easement on the exempt parcel.
171 He does not want it dedicated to the public. He would be willing to dedicate an easement
172 to the public later should he wish to further divide the land. Mr. Leroux does not want to
173 dedicate it as a public road at this time. Steve said he looked at the statute and it says that
174 any plat shall show any dedicated streets or roads. Mr. Leroux simply wants to provide
175 access to Lot 1.
- 176 • Steve addressed the water rights. He said he and Jerry Bales hashed it out. He has a map
177 that shows where the water rights are and there are none on the 10 acres. He is only
178 irrigating what is on the exempt parcel. He can provide a map of the rights to staff.
179

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

- 181 • Commissioner Brandon-Wintermote asked if the applicant intends to connect to NRWD.
182 Steve said whoever owns the lot would connect to the District. Steve said he will note on
183 the plat the domestic water can be or will be supplied by NRWD.
- 184 • Commissioner Putney would like to see a note on the plat the NRWD is available, but no
185 water quality information was available.
- 186 • Commissioner Jones mentioned the requirements on the road issue. Adams Lane is a
187 publicly dedicated right-of-way, but it is privately maintained. We need to clarify what is
188 required or not. The Planning Director said staff needs more time to delve into this matter
189 and has not yet heard from City council.
- 190 • Steve said there is an access and utility easement identified.
- 191 • Chairman Morrison said that Public Works has not seen the new sketch (with the
192 easement outside of Lot 1).
- 193 • Steve said Mr. Leroux does not want to have public access to the end of the easement
194 because what good does it do to having the public going there.
- 195 • Commissioner Bonine did not believe that the Adams Lane access and road maintenance
196 agreement issue needed to be conditioned. The Planning Director responded that staff

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197 would be researching the statute referenced by the City of Cody Planner and would
198 confirm how this would impact this particular subdivision.

199

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

201

202 Commissioner Putney asked for consideration of the following:

- 203 - Finding *a* shall show correct acreages;
- 204 - Consider adding to finding *k* that no comments were received from the City of Cody,
205 however comments were received from the City planner;
- 206 - Finding *bb* shall show there are no adjudicated water rights on proposed Lot 1;
- 207 - Finding *ee* shall show that access to Lot 1 will be through an easement;
- 208 - Add finding *mm* that no domestic water tests were provided or completed, however NRWD
209 is available to provide domestic water;
- 210 - Add finding *nn* that Public Works has reviewed and commented, however they have not
211 reviewed the revised sketch plan.

212

213 Commissioner Brandon-Wintermote asked if proposed condition 2 should be stricken. Steve
214 mentioned that it is on the sketch plan. As of the date of this plat there are no adjudicated water
215 rights, but if someone would want to seek water rights, they could do so through the State
216 Engineer's Office. Chairman Morrison said it would make sense that you would want to date it.

217

218 Commissioner Brandon-Wintermote would like to see a new condition added related to answering
219 the question of the easement or right-of-way and possibly the road maintenance agreement.
220 Commissioner Putney would like to see clarification prior to final plat what the easement or right-
221 of-way requirement is or is not. Chairman Morrison asked for thought about down the road if more
222 lots are created. Steve feels now is not the time with the creation of a new lot. Commissioner
223 Jones said that Mr. Stowell's comment said it might be fair for the applicant to consider joining
224 the association. For now, the road is public access with private maintenance and it is not our issue
225 at this time. Chairman Morrison mentioned the Circle Star P where people were using the road
226 and not contributing it. Chairman Morrison asked staff if this is approved and the plat recorded, is
227 the easement legitimized by being on the plat. The Planning Director said that she always
228 recommends that easements be recorded separately, in advance of the plat, and be reference on
229 the plat.

230

231 Chairman Morrison asked if there were any comments from members of the public. There were
232 none.

233

234 Commissioner Putney recommended the addition of a condition addressing that no water analysis
235 was conducted, but that Northwest Rural Water is available.

236

237 Steve Follweiler had the plat for the Adams No. 1 Subdivision. He noted that it was done in the
238 1970s. They stated that the roads were set aside for public use forever.

239

240 Patti Umphlett asked for clarification of the water rights on the entire parcel, and how it is
241 understood that the acreage for Lot 1 is not included. Steve showed a map of the water rights and

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242 there are none currently assigned on the area designated as proposed Lot 1. Since no change in
243 use is proposed, there are no further requirements.

244

245 Commissioner Putney clarified the new condition regarding water rights.

246

247 Commissioner Putney made a MOTION to approve Resolution 2020-02 with the following
248 conditions:

249

250 1. The applicant shall provide all easements as requested by applicable utilities
251 and special districts, irrigation districts or public agencies providing services.

252 The width of any utility easement shall be sufficient to allow adequate
253 maintenance of the system, but in no case shall such utility easement be less
254 than 20 feet in width. Easements must be identified on the final plat;

255 2. The final plat shall state, "As of the date of this plat, Lot 1 has no water rights";

256 3. The final plat shall state, "No water analysis was conducted; NRWD service is
257 available";

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

261

262 The motion was SECONDED by Commissioner Brandon-Wintermote. Commissioner Bonine
263 sought a change to finding ee to show that access to Lot 1 is through the easement on the exempt
264 parcel. Chairman Morrison sought clarification on Condition #3. Commissioner Putney amended
265 her motion to reflect the changes. The amended motion carried unanimously. See Resolution
266 2020-02 attached hereto and incorporated herein.

267

268 **PUBLIC HEARING – Llamas Unlimited SUP-193:** Justin and Levi Gerlach request review of a
269 Special Use Permit with Site Plan Review for a Dude Ranch and Resort use in order to operate
270 a llama ranch as an educational retreat. This proposed use will be located at 5 Heart View Lane,
271 Powell, WY on 15.03 acres described as a parcel of land in Tract 3 of Lot 63 (Resurvey), T55N,
272 R100W of the 6th P.M., Park County, Wyoming in a General Rural-Powell (GR-P) zoning district.

273

274 Chairman Morrison opened the public hearing at 7:34pm.

275

276 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
277 Staff Report. Kim indicated that staff met with the applicant and requested an updated site plan
278 due to concerns about water and septic setbacks and proposed RV spaces. Staff has requested
279 a more thorough water quality analysis be performed.

280

281 The Planning Director stated that staff had met with the applicant just recently after a review of
282 the septic by DEQ and it was determined that there needed to be some adjustments to the septic
283 system plan. The applicant has addressed most of these issues and provided a new site plan
284 which reduces the number of cabins to three (3) and does not provide septic for the RV sites. The
285 new plan also eliminates traffic travelling over any of the septic lines. The applicant has been
286 informed that in order to be considered a "dry" campground as defined by DEQ, they either have
287 to provide some type of septic disposal method if water is provided, or they cannot provide either

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288 water or septic to the RV's. Parking and access issues have also been addressed in the new site
289 plan. A lot of discussion has occurred since the staff report was presented to the commission.
290

291 Chairman Morrison asked if Weed and Pest had anything to add. Mary McKinney stated that she
292 has not yet done a thorough review of the site. She said it does appear that the planned
293 disturbance is in an area that has already been disturbed. She expects a recommendation to
294 follow best management practices. Mary would like to meet with the applicant and take a look at
295 the site to provide recommendations.
296

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

- 298 • Commissioner Bonine asked if the application for the SUP was specific to the months of
299 April through October. Staff indicated it was.
- 300 • Chairman Morrison asked if ponds and mosquitoes come under the purview of Weed and
301 Pest. Mary said they do not usually do mosquito abatement.
- 302 • Chairman Morrison asked about the size of the septic tank. Staff said 2,000 gallons.
303 Marion asked in reducing the number of cabins, if the size of the leach field had changed.
304 Unknown at this time.
- 305 • Chairman Morrison asked if the DEQ had any recommendations about water quality for
306 the public. The Planning Director explained that DEQ does not consider it a public water
307 supply unless it serves 25 people or more per day. The well was discussed and it has
308 been determined to request a more comprehensive water test.
- 309 • Commissioner Putney asked if the silos were considered cabins. Staff said yes.
- 310 • Commissioner Putney asked about access. Heart View Lane is on the neighboring parcel,
311 so is there an easement for the use of the private lane. Staff confirmed that there is a
312 recorded easement for the property.
- 313 • Commissioner Putney said Public Works indicated a drainage and runoff control plan is
314 not necessary though staff indicated that it is required. Staff will seek a response from
315 Public Works.
316

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

- 318 • Levi Gerlach said she understands that the RVs will need to be completely dry. They will
319 fence in the well and nothing else will be near the well except for some parking.
320

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

- 322 • Commissioner Brandon-Wintermote asked for clarification on the site plan. Levi pointed
323 out the access and the elements of the proposed use.
- 324 • Commissioner Putney asked about the building next to the well pit. Levi said there is no
325 building there at this time.
- 326 • Levi indicated that no water will be run to the RVs.
- 327 • Commissioner Brandon-Wintermote asked if there are irrigation ditches. Levi said the
328 irrigation canal is to the north.
- 329 • Commissioner Brandon-Wintermote asked where the water would come from for the pond.
330 Levi said from the well.
- 331 • Chairman Morrison asked where the irrigation drain is. Levi said along the southwest
332 corner of the property.
- 333 • Commissioner Jones asked about staff recommendation #13 which addresses max
334 capacity for cabins at 3 people. He feels that requirement may be too restrictive for the
335 RVs.

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- 336 • Commissioner Brandon-Wintermote asked if she plans to have any tents. Levi said no.
337 Chairman Morrison said if they were to have tents, they would have to provide restroom
338 facilities.
339 • Commissioner Putney asked if the septic was designed based on a maximum number of
340 people. Staff indicated the it was designed based upon the number of bedrooms.
341 • Chairman Morrison said there were some comments in the staff report that the trekking
342 business was not permitted and should it be approved as part of this SUP. Staff indicated
343 that is the intent.
344

345 Chairman Morrison asked if there were comments from any members of the public. There were
346 no comments from those in attendance.
347

348 Chairman Morrison added the down shielding of lights is required. She also addressed staff's
349 recommendation for a more robust water quality test. Kim clarified the importance of those details
350 since the water will serve the public. Chairman Morrison offered the recommendation for a new
351 site plan with better detail and dimensions prior to Board review.
352

353 Commissioner Putney said the applicant mentioned tents and special events. Those things will
354 require a new SUP. Levi clarified that there will be no tents as part of the use. She added that
355 special events are a thought for the future but she understands that she would need a permit for
356 that. Commissioner Putney asked if the RVs would need to be self-contained.
357

358 Commissioner Brandon-Wintermote asked about number of parking spaces. Levi showed the
359 designated parking spaces. Dimensions were not provided. Commissioner Brandon-Wintermote
360 mentioned that a new site plan should be more clearly labeled.
361

362 Commissioner Putney asked to scratch the condition related to vehicular traffic over septic pipes.
363

364 Chairman Morrison asked about fill around the site. Levi mentioned that they removed material
365 from the pond area and used it to level the site where the cabins will be placed.
366

367 Commissioner Jones made a MOTION to close the public hearing at 8:29pm; the motion lacked
368 a second.
369

370 Commissioner Putney wanted to review the findings as follows:
371

- 372 - Finding 30 should reflect three 1-bedroom cabins, not to exceed 500 square feet each and
373 2 RV sites are proposed;
374 - Finding 33 should reflect adequate sewage will serve the 3 cabins and no mention of
375 vehicular traffic;
376 - Finding 34 should reflect that proposed RV spaces will not be served with water or septic;
377 - Finding 40 should show a response was received from Public Works;
378

379 Commissioner Bonine asked if we need to make the distinction between silo and cabin. Staff
380 indicated that it does not matter to them outside of the size of the structure and the number of
381 bedrooms.
382

383 Commissioner Jones asked that we not concern ourselves with operation hours. Commissioner
384 Putney felt that it should be left as a finding since the applicant noted it in the application.
385 Commissioner Jones would like Condition #9 stricken. Commission members discussed removing
386 conditions #5, #7 and #10 as well. Commissioner Putney asked to add a condition that proposed

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387 RV sites shall not be served by water or sewer. Add a condition about new comprehensive water
388 test being required prior to Board review. Levi asked to have condition #8 removed so there are
389 no restrictions on months of operation. Change condition #13 to reflect maximum occupancy of 4
390 people in the cabins with no restriction on RV occupancy. Findings relating to stricken conditions
391 to be updated, as well. Remove condition #16. Add a condition requiring a clearer site plan, drawn
392 to scale, showing utilities, easements, parking, etc.
393

394 Commissioner Bonine made a MOTION to close the hearing at 9:03pm. SECONDED by
395 Commissioner Putney. The motion was carried unanimously.
396

397 Chairman Morrison asked commission members if they had any discussion.
398

399 Commissioner Bonine made a MOTION to approve Resolution 2020-03 with the following
400 conditions:
401

- 402 1. Any non-exempt signs proposed must be permitted by the Planning and Zoning
403 Department prior to construction or installation;
- 404 2. Any proposed expansion or change will require an amended Special Use Permit;
- 405 3. Any proposed special events will require a separate Special Use Permit;
- 406 4. This Dude Ranch and Resort Use requires a two-night minimum stay;
- 407 5. An increase in the number of cabins or RV sites will require an amendment to this
408 SUP;
- 409 6. There shall be no more than two resident employees;
- 410 7. There shall be no employee housing onsite, with the exception of the proprietor's
411 existing residence;
- 412 8. Maximum capacity per cabin shall be no more than 4 guests;
- 413 9. There shall be posted on-site an emergency contact phone number for the
414 proprietor;
- 415 10. A runoff and erosion control plan shall be submitted and approved prior to review
416 by the Board of County Commissioners;
- 417 11. RV sites shall not offer water and sewer;
- 418 12. A comprehensive water test shall be provided prior to review by the Board of
419 Commissioners;
- 420 13. A clarified site plan, showing utilities, easements, etc. shall be provided prior to
421 review by the Board of Commissioners;
- 422 14. The applicants shall otherwise comply with standards in the Park County
423 Development Standards and Regulations.

424
425 The motion was SECONDED by Commissioner Brandon-Wintermote. The motion carried. See
426 Resolution 2020-03 attached hereto and incorporated herein.
427

428 Chairman Morrison indicated she did not have anything to report for the Chair's Report.
429

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- 436
- The Planning Director reported that the Board of County Commissioners have requested that the Planning and Zoning Commission and staff resume work on Short Term Rental regulations and regulation amendments. A workshop was scheduled for February 5, 2020 from 1 p.m. to 4 p.m. to begin this process.
 - The Planning Director informed the board that the Land Use Plan update has been delayed until after the 2020 census in order to utilize data received.

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438

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440

There being no other business, a MOTION was made by Commissioner Putney to adjourn the meeting at 9:37pm. The motion was seconded by Commissioner Brandon-Wintermote. All in favor.

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444

Respectfully submitted,



Jolene Brakke, Secretary

**RESOLUTION 2020 – 01
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR
JENSVOLD SIMPLE SUBDIVISION – 259**

WHEREAS, Dale L. Jensvold, registered agent for Jensvold Enterprises, LLC proposes to divide a 22.48 acre-parcel into two lots with proposed Lot 1 being 9.22 acres and proposed Lot 2 being 13.26 acres. The intended use of the subdivision lots is residential;

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 January 21, 2020 to consider the sketch plan application and made findings as follows:

- a. A subdivision application was received November 18, 2019;
- b. This simple subdivision will divide a 22.48-acre parcel into two lots with proposed Lot 1 being 9.22 acres, and proposed Lot 2 being 13.26 acres;
- c. The subdivision meets the classification of a simple subdivision;
- d. Jensvold Enterprises, LLC, a Wyoming limited liability company is the owner of the property (Document # 2015-5236);
- e. The lots are located approximately 2.0 miles southeast of Powell;
- f. The lots as configured conform to the GR-P zoning district in which they are located;
- g. The lots are located in the Powell Planning Area;
- h. The neighboring uses are primarily agricultural with some residential uses nearby;
- i. There is an existing residence on proposed Lot 1 and no existing structures on proposed Lot 2;
- j. The lots are not located within one mile of a municipality;
- k. All agency referral requirements have been met;
- l. No public comments have been received;
- m. Pre-application meeting requirements have been met;
- n. A Notice of Intent to Subdivide was published on November 12, 2019 and November 19, 2019;
- o. A title report has been submitted;
- p. No new subdivision roads or open/public spaces are proposed;

- q. Garbage disposal service is available through local, private companies;
- r. Fire protection is available with Fire District No. 1;
- s. USPS mail service is available;
- t. School bus service is available along County Road 6;
- u. Electricity (Garland Light & Power) is adjacent to each lot;
- v. Natural gas (Montana-Dakota Utilities) is adjacent to proposed Lot 1;
- w. Cable television service is not available in the area;
- x. Cellular phone service is adequate in the area;
- y. There is a buried natural gas pipeline located along the right of way of County Road 6, and an existing overhead power line and a large irrigation district open drain located on the property. There are no other apparent or identified hazardous conditions on the lots;
- z. Powell-Clarks Fork Conservation District submitted a soils report;
- aa. A water distribution plan is required by the Shoshone Irrigation District;
- bb. A Long-term Noxious Weed Management Plan is required and has been approved;
- cc. There is a "No-Build Area" in the northwest corner of proposed Lot 2;
- dd. Access to both Lots 1 and 2 will be directly from County Road 6;
- ee. Due to a slow percolation rate (60 mpi), engineered septic systems may be required on proposed Lot 2, should the lot be developed;
- ff. An excavation pit was dug on proposed Lot 1 to the depth of 10 feet and no groundwater was encountered;
- gg. A water quality analysis was completed from the well on Lot 1, and high TDS was indicated;
- hh. The applicant has provided evidence that a permit was issued from the state for the existing well on Lot 1;
- ii. The parcel is not located within an Agricultural Overlay District;
- jj. The subdivision is not expected to significantly impact current agricultural operations;
- kk. No portion of the proposed subdivision falls within the mapped special flood hazard area; and
- ll. No open spaces, natural areas, schools or parks are proposed or required;

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 Jensvold SS-259, 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. An irrigation water rights distribution plan must be received by the Shoshone Irrigation District, for their review and recommendations, prior to Final Plat review by County Commissioners;
3. A note on the plat shall state there is a "No-Build Area" in proposed Lot 2;
4. A note on the plat shall state "Due to slow percolation rates, an engineered septic system may be required on Lot 2;" and
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 21st day of January, 2020.

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



Marion Morrison, Chair

ATTEST:



Jolene Brakke, Secretary

**RESOLUTION 2020 - 02
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR
LEROUX SIMPLE SUBDIVISION – 260**

WHEREAS, John F. Leroux, Trustee of the John F. Leroux Revocable Trust proposes to divide one 9.19-acre lot from a 65-acre parcel. The intended use of the subdivision lot is residential;

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 January 21, 2020 to consider the sketch plan application and made findings as follows:

- a. A complete subdivision application was received on December 23, 2019;
- b. This simple subdivision will divide a 9.19-acre lot out of a 65-acre parcel, leaving an exempt remainder parcel of 55.81 acres;
- c. The subdivision meets the classification of a simple subdivision;
- d. John F. Leroux Revocable Trust, is the owner of the property (Document # 2019-2775);
- e. The proposed lot is located just northeast of Cody city limits;
- f. The lot as configured conforms to the R-H zoning district in which it is located;
- g. The lot is located in the Cody Local Planning Area;
- h. The neighboring uses are primarily residential with some agricultural uses nearby;
- i. There are no structures on proposed Lot 1;
- j. The lot is located within one mile of the Cody city limits;
- k. No comments have been received from the City of Cody; however, comments were received from the City of Cody Planner;
- l. All agency referral requirements have been met;
- m. No public comments have been received;
- n. Pre-application meeting requirements have been met;
- o. A Notice of Intent to Subdivide was published on December 31, 2019 and January 7, 2020;
- p. A title report has been submitted;
- q. No new subdivision roads or open/public spaces are proposed;

- r. Garbage disposal service is available through local, private companies;
- s. Fire protection is available with Fire District No. 2;
- t. USPS mail service is available in the area;
- u. School bus service is available in the Cooper Lane area;
- v. Electricity (Rocky Mountain Power) is adjacent to proposed Lot 1;
- w. Natural gas (Black Hills Energy) is adjacent to proposed Lot 1;
- x. Cable television service is available in the area;
- y. Cellular phone service is adequate in the area;
- z. Cody Conservation District submitted a subdivision soils evaluation report;
- aa. Cody Canal Irrigation District has been notified of the proposed subdivision;
- bb. There are no adjudicated water rights on proposed Lot 1;
- cc. A Long-Term Noxious Weed Management Plan is not required;
- dd. Weed and Pest recommended that the applicant should follow best management practices to control the spread and influence of Russian olive;
- ee. Access to Lot 1 will be via an easement through the exempt parcel;
- ff. Subsurface evaluation was completed for small wastewater system consideration and revealed percolation rates between 3.47 and 20.8 minutes per inch which is in the acceptable range for conventional septic systems;
- gg. An excavation pit was dug on proposed Lot 1 to the depth of 10 feet and no groundwater was encountered;
- hh. The parcel is located within an Airport Overlay District; however, creation of this subdivision will not impact airport operations;
- ii. The parcel is not located within an Agricultural Overlay District;
- jj. The subdivision is not expected to significantly impact current agricultural operations;
- kk. No portion of the proposed subdivision falls within the mapped special flood hazard area; and
- ll. No open spaces, natural areas, schools or parks are proposed or required;
- mm. No domestic water analysis was provided or completed; however, NRWD is available to provide domestic water;
- nn. Park County Public Works has reviewed and commented; however, Public Works has not reviewed the revised sketch plan.

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 Leroux SS-260, 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 final plat shall state, "As of the date of this plat, Lot 1 has no adjudicated water rights";
3. The final plat shall state, "No domestic water analysis was conducted; however, NRWD service is available";
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 21st day of January, 2020.

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



Marion Morrison, Chair

ATTEST:



Jolene Brakke, Secretary

**RESOLUTION 2020 - 03
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE LLAMAS UNLIMITED SUP-193
WITH SITE PLAN REVIEW**

WHEREAS Justin D. Gerlach and Levi K. Gerlach request approval to allow a Dude Ranch and Resort use to operate a llama ranch as an educational retreat in a General Rural-Powell (GR-P) zoning district;

WHEREAS this use is defined as a Recreational Use - Dude ranch and resort: A centrally managed facility which provides full-service lodging, dining or cooking facilities, and recreational or educational activities. A dude ranch or resort typically includes an organized program of activities such as hunting, fishing, nature study, arts and crafts, skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A dude ranch or resort does not solicit one-night accommodations and provides bar or food service only to guests. Motels and hotels are not considered resorts or dude ranches. Guest lodging within a resort or dude ranch shall not be used for long-term (greater than 6 months) residency;

WHEREAS Recreational Use – Dude Ranch and Resort 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 SUPs;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on January 21, 2020 to consider the SUP application and to review the site plan, and made findings as follows:

1. The owner of this property is Justin D. Gerlach and Levi K. Cvikel, joint tenants with rights of survivorship from Fannie Mae a/k/a Federal National Mortgage Association;
2. The property lies within a GR-P (General Rural-Powell) zoning district;
3. The property lies within the Cody/Powell Rural planning area;
4. The property is located at 1473 Highway 14A, Powell, approximately 3.3 miles southwest of Ralston and approximately 14 miles northeast of Cody
5. The use is classified as a Recreational Use – Dude Ranch and Resort, which is allowable in this zoning district and planning area provided a Special Use Permit is approved;
6. Neighboring land uses are residential and agricultural;
7. The property has an existing residence;
8. The property has an existing llama ranch-type trekking business (not permitted), which the applicants intend to continue as part of this expanded use;

9. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
10. The application was forwarded to agencies as required;
11. No public comments have been received;
12. The applicant states that negative impacts from this use to the neighborhood/general area will be minimal;
13. Setback requirements for proposed buildings have been met;
14. The applicant states that no special events are proposed;
15. No covenants exist or are proposed;
16. Outdoor lighting is proposed for the porch of each cabin, at each RV site, and at the common area/patio/gazebo;
17. The applicants state they have plans to plant additional trees in the area of the cabins;
18. The applicants will be the only two resident employees;
19. The office will be located in the applicants' residence;
20. There are no known nonconformities on the property;
21. No nuisances have been reported at this location;
22. No correct soils summary information was received. Another report was requested;
23. Legal access exists from U.S. Highway 14A;
24. Domestic water will be supplied from an existing well permitted by the State of Wyoming Well (Permit #131014);
25. Domestic water quality tests have been submitted and show the water to be safe due to the absence of Total Coliform and E-Coli Coliform;
26. The property is located within the Shoshone Irrigation District and the District has no concerns with the proposed development;
27. The property is located within the Agricultural Overlay District and all requirements are met;
28. There are three (3) one-bedroom cabins, not to exceed 500 square feet each, and two (2) RV sites proposed;
29. The applicant expects maximum occupancy to be no more than 4 guests per cabin;
30. Sewage and wastewater disposal is proposed for this use;
31. Adequate sewage treatment has been proposed to serve the three cabins;
32. The proposed RV spaces will not have domestic water or septic service;
33. Electricity is to be provided by Garland Light & Power;
34. Signs are proposed of sizes that exempt them from the sign regulations;

35. Solid waste will be disposed of according to County regulation standards;
36. Site Plan Review is required for the proposed use;
37. Park County Treasurer states the first half of the 2019 property taxes have been paid;
38. A response has been received from Public Works;
39. A runoff and erosion control plan is required;
40. No response has been received from Weed and Pest;
41. No response has been received from Park County Fire District #1;
42. The use is not expected to impact any lakes, reservoirs or streams;
43. No federally protected wetlands are expected to be impacted by this use; and
44. Air quality is not expected to be impacted by this use.

WHEREAS the Planning & Zoning Commission concludes the proposed special use 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 Recreational Use – Dude Ranch and Resort SUP-193, subject to the following conditions:


1. Any non-exempt signs proposed must be permitted by the Planning and Zoning Department prior to construction or installation;
2. Any proposed expansion or change will require an amended Special Use Permit;
3. Any proposed special events will require a separate Special Use Permit;
4. This Dude Ranch and Resort Use requires a two-night minimum stay;
5. An increase in the number of cabins or RV sites will require an amendment to this SUP;
6. There shall be no more than two resident employees;
7. There shall be no employee housing onsite, with the exception of the proprietor's existing residence;
8. Maximum capacity per cabin shall be no more than 4 guests;
9. There shall be posted on-site an emergency contact phone number for the proprietor;
10. A runoff and erosion control plan shall be submitted and approved prior to review by the Board of County Commissioners;
11. RV sites shall not have domestic water or sewer service;
12. A new comprehensive water test shall be provided prior to review by the Board of Commissioners;

13. A clarified site plan, showing utilities, easements, and to scale, shall be provided prior to review by the Board of Commissioners;
14. The applicants shall otherwise comply with standards in the Park County Development Standards and Regulations.


ADOPTED by the Park County Planning & Zoning Commission this 21st day of January, 2020.

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

ATTEST:



Marion Morrison, Chair



Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **6:00 P.M.**, Tuesday, January 21, 2020 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.

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Approve minutes from December 17, 2019 meeting.

REGULAR AGENDA

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

[Jensvold SS-259](#)

[Leroux SS-260](#)

[PUBLIC HEARING – Llamas Unlimited SUP-193](#)

Regulation Amendments Discussion

OTHER BUSINESS

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

ADJOURN

