

1 **Planning & Zoning Commission Minutes**

2 March 17, 2020

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 6:00pm in
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

6
7 **Commission Members Present:**

8 Marion Morrison, Chairman (by phone)
9 Kimberly Brandon-Wintermote, Vice Chairman
10 Linda Putney (by phone)
11 Duncan Bonine
12 Richard Jones

13
14 **Staff Present:**

15 Joy Hill, Planning Director
16 Kim Dillivan, Planner II
17 Jolene Brakke, Office Assistant III
18 Mary McKinney, Weed and Pest
19 Brian Edwards, County Engineer (by phone)

20
21 Acting Chairman Brandon-Wintermote opened the meeting at 6:00pm. She indicated that the
22 Chairman is participating by phone so she will be running the meeting in her absence. Acting
23 Chairman Brandon-Wintermote reviewed the rules of a public meeting and introduced the Board
24 and Staff.

25
26 **APPROVAL OF MINUTES**

27
28 Acting Chairman Brandon-Wintermote asked the Board for comments or changes to the February
29 18, 2020 meeting minutes. A MOTION was made by Commissioner Jones to approve the
30 minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes as
31 corrected. Motion was carried unanimously.

32
33 **REGULAR AGENDA**

34
35 **PUBLIC HEARING CONTINUED – Ravens Ranch Sketch Plan:** Angie Valcarce requests
36 approval of the sketch plan proposing a major subdivision comprised of eight lots: Lot 1 & 4 are
37 1.5 acres, Lots 2 & 5 are 1.8 acres, Lot 3 is 1.3 acres, Lot 6 is 3.2 acres, Lot 7 is 6.7 acres and
38 Lot 8 is 8.2 acres. The parcel being divided is southeast of Cody, less than 500 feet from city
39 limits, west of Highway 120 South and north of the Spicer Subdivision and Reesy Road in Park
40 County, WY. The property has an address of 2799 Highway 120 South, Cody WY, and is located
41 within Planned Unit Development #3 (PUD-3).

42
43 Acting Chairman Brandon-Wintermote continued the hearing at 6:02pm.

44
45 There being no comments from Commission members, Kim Dillivan, Planner II, presented new
46 information that has been received by the Planning and Zoning Department since the last hearing:

- 47
- 48 • A letter was received from DEQ indicating no adverse recommendations on water and
49 sewer as presented.
 - 50 • The applicant provided the WYDOT required traffic impact study; however as of the date
51 of this meeting, WYDOT has not provided any comments regarding this study.
 - 52 • A letter was received from the State Engineer's Office indicating they are not supportive
53 of the subdivision based upon information submitted so far.

54 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

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55 • Chairman Morrison asked about the status of the wetlands review as no information had
56 been provided to date. Staff indicated that no information about wetlands has been
57 provided to date.

58
59 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

60 • Applicant Angie Valcarce said that the Army Corps of Engineers provided a report on the
61 wetlands, however it apparently has not been submitted to the Planning and Zoning
62 Department. Mr. Steve Schulz shared information about their attempt to locate a water
63 line on their property (at the past meeting it was referred to as the Sage Creek Water User
64 line). They were able to find the exact location of the water line through the WYDOT right-
65 of-way. They were told it was a Marathon water line. They called Marathon headquarters
66 and they say there is no such Marathon water line in the right-of-way. They used dousing
67 rods to locate the line. They believe they have confirmed the water line. Using the map
68 provided (WYDOT) they have researched and were able to find the exact location of the
69 secondary Sage Creek water line going through their property. They used an excavator
70 and hit the line at five feet depth. Upon preliminary plat approval, they will find a best path
71 to reroute the water line around the lots. They will provide the water association with a
72 formal easement, finally, which does not exist at this time.

73
74 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
75 applicant.

76 • Commissioner Jones said at the last meeting the location of the water line was not
77 confirmed. He sought clarification that the line has been found to enter and exit the
78 Valcarce property. Mr. Schulz drew a depiction of the lot, highway and canal and showed
79 the approximate location of the water line based upon their exploration work. He identified
80 diversion boxes. He showed the line being live through the WYDOT right-of-way. He
81 repeated that there is no Marathon water line in the right-of-way according to the Rocky
82 Mountain Region office of Marathon. He doused (witched) the line along the right-of-way.
83 The secondary line crosses the property and the canal. They excavated and found the live
84 line through their property. They are thinking about providing an easement along the east
85 side of the property, to redirect water away from the planned lots. They have spoken with
86 some contractors about moving the line. They have not been able to locate any easement
87 for the water line. They would like to reroute the line and provide Sage Creek water users
88 with a formal easement. The applicant stated that all of the work was done and will be
89 done at the applicant's expense.

90 • Chairman Morrison asked if the lot configuration is going to be changed to accommodate
91 the proposed realignment of the water line. The applicant stated they have not changed
92 the lot configuration and would be able to reroute the water line into the easement that is
93 designated for the other various utilities.

94 • Chairman Morrison asked if the applicant has contacted all the folks on the Sage Creek
95 water line to see if they have any issues with moving the line. Steve said the water line
96 does not hold any formal meetings. There is no formal way to move this through their
97 association.

98 • Angie Valcarce said she spoke with Bucky Hall to find the line. They spoke with Baileys
99 who also tie into the line along the highway. They spoke with Todd Frost (WYDOT), as
100 well. They also spoke with Jim Nicholson, but not with regard to whether everyone is okay
101 with moving the water line. Steve said the change would consist of digging the whole line
102 in and within a couple of hours could continue to provide service to the Williams'.

103
104 Acting Chairman Brandon-Wintermote asked the County Engineer if he has any questions for
105 staff or the applicant.

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- 106 • At this time, Brian doesn't have any comments, though he would like to know if WYDOT
107 accepted or approved the traffic study/plan. He understands there are some
108 recommendations/comments resulting from the study that may impact the applicant's
109 plans. He is not aware of any limiting factors for the subdivision development otherwise.
110 • Kim Dillivan said we have not received any confirmation from WYDOT. We don't know if
111 they have received, approved or denied the report.
112 • Acting Chairman Brandon-Wintermote asked about the turning radii and the hammerhead.
113 Brian said he spoke with the applicant's engineer and got feedback from the fire
114 department. The comments they had have been addressed and he is happy with the
115 current layout.
116 • Acting Chairman Brandon-Wintermote asked if Mary McKinney of Weed and Pest has any
117 questions or comments for the applicant. Mary said they must have a Long-Term Noxious
118 Weed Management Plan and she strongly encourages careful movement of material
119 during excavation work.
120
121 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
122 public.
123 • Jalie Meineke spoke on behalf of her clients, Ben and Kate Williams. She said they have
124 not yet been approached about a proposal, including the one that was presented to the
125 board tonight. Everything the board has been told has been based upon assumption. Until
126 7 days ago, when they excavated and broke the water line, they were not included. The
127 line provides domestic, livestock watering and irrigation water to the Williams'. The lines
128 in the right-of-way are old and shutdown, since replaced by Northwest Rural Water. The
129 line across the Valcarce property is the Williams' primary water line. The Williams' do not
130 want to move the water line. She feels the board cannot approve the sketch plan unless
131 the Williams' had agreed to the movement of the water line. She has no concern about
132 the water line running along the right-of-way since she is unaware that it is even active at
133 this time. The primary concerns at the last meeting were made clear. There are several
134 lots proposed across the water line with no protection offered (e.g., building envelopes).
135 Further, the applicants moved the irrigation ditches without permission from her clients.
136 The applicant has had a month to address issues and they have not made any attempt to
137 communicate except for seven days ago when they broke the line. There should be
138 approval from all users of the water line prior to any proposed movement of the line.
139 • Commissioner Jones recalled from the previous meeting that ownership and easement
140 for the line were unclear. He asked what evidence there is that anyone owns the line or is
141 responsible for it. Jalie said there is an implied easement.
142 • Commissioner Jones asked about the applicant's declaration that they would cover the
143 expense of moving the line. Jalie said the mention of the relocation of the line was just
144 revealed this evening. Commissioner Jones said he feels securing the easements would
145 be an improvement for all involved. Jalie said they need to know more about what is being
146 proposed to consider all the economic implications. There are some economic
147 repercussions that they would not favor.
148 • Mr. Ben Williams approached the map drawn on the board. He stated that the water
149 witching was not accurate. When they bought the property, they were told exactly where
150 the water came across the [Valcarce] property. He identified the pre-1971 Marathon line
151 – there are documents showing it. He said their water line goes under the canal, across
152 several proposed lots of the Valcarce subdivision, and to the Williams property. Years ago,
153 a water leak helped them locate the water line direction running south of their property.
154 Four years ago, Mr. Williams dug and found where the water line hits the south edge of
155 his property, adjacent to the Valcarce property. He knows there is highway work coming

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- 156 that could change some things in the right-of-way. He is familiar with past and current line
157 placement on his property. There is connection to the front and back of the house. There
158 is no "secondary" water line as mentioned. The crossover point at the canal is not clearly
159 known. But in earlier years their water shutoff was done at a point he indicated on the
160 drawing. It was later moved.
- 161 • Commissioner Jones asked if the water line was moved, would it matter to Mr. Williams
162 where it comes to the point on his property. Mr. Williams said it does matter to him. He
163 has irrigation rights on the Valcarce property at multiple locations. He stated that Mr.
164 Schulz moved the irrigation ditches and then got aggressive. He said he won't allow them,
165 as long as he can, to get rid of his water. They are going to have to put the irrigation line
166 back. They have an historical easement and that is where it is going to stay as long as he
167 has anything to say about it.
 - 168 • Kate Williams said they are very frustrated by the situation. It is an historical easement
169 and they feel that by the law they do not have to move it and do not care to move it.
170 According to Mr. Williams they (Valcarce and Schulz) have been dishonest with the
171 Planning Director.
 - 172 • Mr. Bucky Hall is the de facto secretary of the Sage Creek water line. The responsibility
173 was sort of dropped in his lap. He and others (Paul Roberts, Justin Bailey and Ben
174 Williams) have been taking care of the line for years. The fact that the applicant suspects
175 there is water along the highway is news to him. He is skeptical that that is the case. He
176 pointed out where the shutoff for the Williams' water line is on the south side of the
177 Valcarce property as shown on the drawing. He is fairly sure there is no water line along
178 the highway. If he had to convene the Sage Creek water users, he supposes they could
179 convene to "vote" on moving the line. His property is to the south and they have had their
180 own issues with wells and pipelines. It is highly unlikely that Roberts will ever tie back in.
181 He doesn't see that there would be a problem with moving the line further towards the
182 highway. He said both parties have good points about property rights. This is a PUD which
183 is a different animal. He suspects that the lion's share of the users could care less. As long
184 as the Williams' would be on board, he doesn't think it would be an issue. Mr. Hall added
185 that the Valcarce property has drainage issues. The Williams' property needs to be
186 protected from drainage related to development on the Valcarce property. He also figures
187 septic will be a problem and enhanced systems will likely be required. But the Williams'
188 would need to be protected from runoff and drainage once development starts. There are
189 no schematics of the water line. It is a very old line.
 - 190 • Acting Chairman Brandon-Wintermote asked about the number of users. Bucky said there
191 are about 10 users on the line and it would be expensive for folks to tie into Northwest
192 Rural Water.
 - 193 • Kim Dillivan added that a subdivision improvements agreement and runoff and erosion
194 control plan will be required.
 - 195 • Joy Hill added that engineered systems will be required per DEQ.
 - 196 • Bucky Hall said there should be some verbiage on the plat to protect the owner to the
197 north.
 - 198 • Commissioner Jones asked about expectations for runoff and erosion control plan.
 - 199 • Commissioner Putney said that Brian from Public Works will require a runoff and erosion
200 control plan and he will require approval of subdivision improvements before they are
201 finalized.
 - 202 • Bucky Hall asked when that would be addressed. Staff added prior to final plat.

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203 Commissioner Bonine opened discussion.

- 204 • Commissioner Bonine said location of the water line is necessary to be noted. The lots
205 would need to be reconfigured if the water line can't be moved. At that point, we wouldn't
206 have an approvable sketch plan. If there is resolution to be had with what is known, it
207 would be different, but they can't approve anything without knowing.
- 208 • Commissioner Jones said he agrees that they can't approve anything without finality. He
209 said there should be some communication with the water users. There is an opportunity
210 for improvement of the water line. He would not want to approve anything without a
211 proposal that is resolved.
- 212 • Bucky Hall said the system is dated and showing wear. He said they have a handle on
213 how to fix breaks when they occur. As of now they are reasonably sure there are no
214 buildings constructed over the lines.
- 215 • Chairman Morrison agrees with the others in that it would be premature to approval the
216 sketch plan as it is incomplete per our regulations.
- 217 • Commissioner Putney also agrees that there are too many unknowns and the plan is
218 incomplete and could be changed quite drastically from where it is.
- 219 • Mr. Schulz stated that Mr. Hall told him the only way he knows about the whereabouts of
220 anything is when there is a line break. He said he would like to improve the distance across
221 their property with a new line. He said there are likely other breaks along the line. Whatever
222 happens, they would dramatically improve the line and provide a formal easement if
223 agreed upon.

224

225 Commissioner Bonine made a MOTION to continue the hearing indefinitely; SECONDED by
226 Commissioner Jones. The motion was carried unanimously. The Planning Director asked for
227 clarification as to what the applicant must provide to be considered complete. Commission
228 members stated approval of water line users, a clear sketch of the location of water lines; if the
229 proposal includes relocation of the line, there needs to be approval of the users. There needs to
230 be a clearer, more complete sketch plan.

- 231 • Commissioner Putney said in addition to solving the water line issue, we also have a long
232 list of other conditions from the previous meeting, items on the condition list that should
233 be addressed. Since there is a long continuance, they have time to address some of these
234 items. The Planning Director indicated that the hearing would not be set and re-noticed
235 until all requested information is received by the Planning office and deemed complete.
- 236 • Kim Dillivan said it would be nice to get the irrigation concerns addressed. They will have
237 to submit an irrigation plan from the Cody Canal District and it would be nice to have that
238 resolved.
- 239 • Acting Chairman Brandon-Wintermote indicated she would like some clarification
240 regarding the existence of the canal on the property.
- 241 • The Planning Director stated that there is an active canal in existence that is the boundary
242 of the South side of the property and it has been brought to her attention by Bucky Hall
243 that there is a fair amount of seepage from the canal and the irrigation district should have
244 some input on this topic.

245

246 **PUBLIC HEARING – 3 Sisters MS-34:** Lonnie (Russ) and Diane Whitlock request approval of
247 the sketch plan for the 3 Sisters Minor Subdivision-34. The proposed subdivision is comprised of
248 four lots: one 5-acre lot, one 6.38-acre lot, one 10.4-acre lot and one 15.7-acre lot designated for
249 residential use. The proposed subdivision is located on a 37.54-acre parcel located in Lot 37-J,
250 Section 36, T52N, R103W of the 6th P.M., Park County, Wyoming, with an address of 26 Jody
251 Lane, Cody, Wyoming in a GR-5 (General Rural-5 acre) zoning district.

252

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- 253 Acting Chairman Brandon-Wintermote opened the public hearing at 7:09pm.
254
255 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
256 Staff Report.
257
258 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
259
 - Brian Edwards stated that he doesn't really have any comments in addition to what he has
260 stated already. He met with the applicant on-site about access. The current configuration
261 of two shared proposed driveways is suitable in his opinion. There will be driveway
262 standards to be met.
 - Chairman Morrison asked staff if we know what the distance is to the water well noted in
263 the staff report. The applicant stated 200 feet from the west boundary of lot 4.
 - Chairman Morrison asked since Lot 1 is served by Northwest Rural Water District, will the
264 other lots be served by them. Staff added that the plan is for the other lots to be served by
265 wells.
 - Mary McKinney of Weed and Pest has not yet completed an on-site survey. She has
266 spoken with the applicant about previous surveys. She will complete a survey. A Long-
267 Term Noxious Weed Plan will be required.

268
269
270
271
272 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.
273
 - Mr. Russ Whitlock said he owns the property. He said he intended to have the property
274 for his daughters, but the statutes have changed for family exemptions. He intends to have
275 two of his daughters on the property. Lot 2 will be next to develop. Lot 3 will be later. Lot
276 4 is intended to stay with him, as well as Lot 1.

277
278 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
279 applicant.
280
 - Acting Chairman Brandon-Wintermote asked about a drain line needing to be shown on
281 the sketch plan per the irrigation district. The applicant stated that the surveyor is aware
282 of the requirement and they have been instructed to tag the pipe where it daylights and
283 where the line is buried. It is in the works. It will be on the plat before the next phase.
 - Acting Chairman Brandon-Wintermote mentioned that the irrigation plan indicates that Lot
284 1 owners are responsible for purchasing the gated pipe. Is there a plan for an HOA for
285 when Lot 1 is potentially sold? The applicant stated that there will need to be something
286 in place.
 - Acting Chairman Brandon-Wintermote asked if the applicant will enter into a road
287 maintenance agreement with the other lot owners regarding Jody Lane. The applicant
288 indicated he would.
 - Chairman Morrison asked about the water line shown from the north down to Lot 1 and if
289 it is NRWD. She asked if there are taps that could potentially feed the other lots. Mr.
290 Whitlock is hesitant to give easement. He handed letters from NRWD and the fire
291 department to staff. He said he is hesitant to put three more water service lines across the
292 pasture. He will help his kids if they want it, however the well water is just as good out
293 there and readily available. His problem is that NRWD needs to be responsible for putting
294 easements along public rights-of-way and not across private ground.

295
296
297
298
299 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
300 public.
301
 - Mr. Steve Bales is a neighbor and board member of the Lakeview Irrigation District. They
302 haven't had a chance to formally meet with Mr. Whitlock yet. He sees that he is intending

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303 to use flood irrigation. He asked if the drain ditches will drain the water off the lot without
304 affecting the neighboring lots. Mr. Whitlock drew a picture of the property and showed how
305 the water flows on the property. Mr. Bales asked about the wastewater coming off of Lots
306 1 and 2. He wants to make sure water does not flow from one lot onto the other. He said
307 the irrigation district has been a bit more lax than others, but when you get into the smaller
308 lots the irrigation districts are requiring sprinklers. If there is a plan that will work, they will
309 approve it. But when you get people moving in that don't understand water, flood irrigation
310 is not the most efficient.

311
312 Commissioner Jones made a MOTION to close the hearing at 7:35pm; SECONDED by
313 Commissioner Morrison. Commissioner Putney asked for discussion to go over the conditions
314 prior to closing the hearing. Chairman Morrison asked to do so.

315
316 Conditions proposed in the staff report were addressed/changed as follows:

- 317 - Delete #2;
- 318 - Delete #3;
- 319 - Delete #4;
- 320 - Delete #5;
- 321 - Change #6 to reflect the need for further clarification and recommendation from the
322 irrigation district prior to final plat;
- 323 - Update finding i to show that public works submitted a response;
- 324 - Update finding p to show that the postal service response has been received;
- 325 - Update item q to show that a response has been received from the school district;
- 326 - Update item l to show that a response from the fire district was received;
- 327 - Update item gg to show that subsurface eval is complete;
- 328 - Update item o to reflect comments in the letter provided by NRWD; and
- 329 - Update item u to show that a letter was received from Lakeview Irrigation District.

330
331 Commissioner Bonine made MOTION to close the public hearing at 7:50pm. SECONDED by
332 Commissioner Jones. The motion was carried unanimously.

333
334 Commissioner Jones made a MOTION to approve Resolution 2020-5 with the following conditions
335 as discussed and changes to the findings as discussed:

- 336
337 1. The applicant shall provide all easements as requested by applicable utilities and
338 special districts, irrigation districts or public agencies providing services. The width of
339 any utility easement shall be sufficient to allow adequate maintenance of the system,
340 but in no case shall such utility easement be less than 20 feet in width. Easements
341 must be identified on the final plat;
- 342 2. An irrigation/water distribution plan has been submitted to Lakeview Irrigation District,
343 for their comments and recommendations, and prior to final plat additional
344 clarification and recommendations shall be provided;
- 345 3. A long-term noxious weed management plan must be approved by Weed & Pest prior
346 to final plat review by the Board of County Commissioners;
- 347 4. Electricity from Rocky Mountain Power must be stubbed to each lot line prior to final
348 plat review by the Board of County Commissioners; and
- 349 5. The applicant shall otherwise comply with standards in the Park County Development
350 Regulations and the minimum subdivision requirements as set forth in Wyoming
351 Statute 18-5-306.

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352 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution
353 2020-5 attached hereto and incorporated herein.
354

355 **PUBLIC HEARING – Zoning of Un-zoned Parcel-Zoning Map Amendment:** Request to
356 consider the zoning district to be assigned to an un-zoned 297.5-acre parcel owned by Park
357 County with a site address of 61 Road 7WC (Newton Lake Road). The property is described as
358 the NW1/4 of Section 23 and the SW1/4 of Section 14, T53N R102W, 6th P.M., Park County,
359 Wyoming. The land was previously under federal ownership and was, therefore, un-zoned; the
360 Board of County Commissioners and Director of Planning and Zoning have requested that a
361 zoning district designation be considered by way of the zoning map amendment process.
362

363 Acting Chairman Brandon-Wintermote opened the public hearing at 7:55pm.
364

365 There being no comments from Commission members, Joy Hill, Planning Director, presented the
366 Staff Report.
367

368 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 369 • Commissioner Brandon-Wintermote asked if anyone knows why the BLM land remains
370 within. No one knows.
- 371 • Chairman Morrison asked about the land to be acquired.
- 372 • Chairman Morrison asked about other zoning district possibilities.
- 373 • Chairman Morrison asked if the existing use was grandfathered.
- 374 • Commissioner Bonine asked if there is any merit in considering different zoning within the
375 different planning areas of the property.
376

377 There were no members of the public in attendance.
378

379 Commissioner Bonine made a MOTION to close the hearing at 8:21pm; SECONDED by
380 Commissioner Jones. The motion was carried unanimously.
381

382 Chairman Morrison made a MOTION to recommend GR-35 zoning for the un-zoned parcel by
383 Resolution 2020-06.
384


385 The motion was SECONDED by Commissioner Putney. The motion carried. See Resolution
386 2020-06 attached hereto and incorporated herein.
387

388 Chairman Morrison asked about updates on the Planning and Zoning Department happenings.
389

390 The Planning Director delivered a report for the Planning and Zoning Department.
391

392 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the
393 meeting at 8:30pm. The motion was seconded by Commissioner Jones. All in favor.
394

395 Respectfully submitted,
396
397
398



Jolene Brakke, Secretary

**RESOLUTION 2020 - 05
PARK COUNTY PLANNING & ZONING COMMISSION**

TITLE: RECOMMENDATION TO APPROVE 3 SISTERS MS - 34 SKETCH PLAN

WHEREAS Lonnie R. and Diane C. Whitlock propose to create a four-lot subdivision comprised of one 5.07-acre lot, one 6.38-acre lot, one 10.40-acre lot and one 15.70-acre lot designated for residential use. The proposed subdivision is located on a 37.55-acre parcel located in Lot 37-J, Section 36, T52N, R103W of the 6th P.M., Park County, Wyoming, with an address of 26 Jody Lane, Cody, Wyoming in a GR-5 (General Rural-5 acre) zoning district.

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 March 17, 2020 to consider the sketch plan application and made findings as follows:

- a. The lots as configured conform to the GR-5 zoning district where they are located;
- b. Quitclaim Deed (dated June 1, 2017) to Lonnie R. Whitlock and Diane C. Whitlock, husband and wife, from Cedarhedge, LLC, a Wyoming Limited Liability Company, affirms ownership. (QCD Document #2017-2604);
- c. The subdivision is not within a mile of any municipality;
- d. A complete sketch plan application, including payment, was received on January 21, 2020;
- e. A Notice of Intent to Subdivide was published on December 31, 2019 and January 7, 2020;
- f. A Public Hearing notice was published in the *Cody Enterprise* on February 25, 2020 and March 10, 2020;
- g. All agency referral requirements have been met;
- h. Park County Treasurer's office confirmed 2019 property taxes are paid on this property;
- i. Park County Public Works was notified on February 20, 2020 and has responded;
- j. A Jody Lane Maintenance Association Agreement has been submitted;
- k. Garbage disposal service is available through local, private companies;
- l. Park County Fire District #2 was notified on February 10, 2020 and has responded;

- m. Park County Weed & Pest has conducted an initial weed inspection and a long-term noxious weed management plan is required;
- n. Wyoming Game & Fish Department was notified on February 10, 2020 but has not responded;
- o. Northwest Rural Water District was notified, responded, and currently provides service to proposed Lot 1;
- p. United States Postal Service was notified on February 10, 2020 and has responded;
- q. Park County School District #6 was notified on February 10, 2020 and has responded;
- r. TCT was notified on February 10, 2020 and is available to provide terrestrial wireless internet service and VOIP phone and internet service to this property;
- s. State Fire Inspector, Nick Hudson, was notified on February 10, 2020 but has not responded;
- t. Cody Conservation District submitted a soils report;
- u. Lakeview Irrigation District was notified of the subdivision in December of 2019, and has submitted comments;
- v. Lakeview Irrigation District has received an irrigation/water distribution plan;
- w. No public comments have been received;
- x. Pre-application meeting requirements have been met;
- y. A title report has been submitted;
- z. No new subdivision roads or open/public spaces are proposed;
- aa. Electricity is adjacent to proposed Lots 1 and 2;
- bb. Natural gas is not available in the area;
- cc. Cellular phone service is adequate in the area;
- dd. There are no apparent or identified hazardous conditions on the lots;
- ee. Legal access to each lot is from Jody Lane;
- ff. Easements are shown on the sketch plan;
- gg. A complete subsurface evaluation data has been submitted;
- hh. A water analysis has been conducted on a water well in the vicinity;
- ii. The lot sizes proposed conform to the lot design and improvement standards;
- jj. The subdivision is not within the mapped floodplain; and
- kk. The subdivision is located in the mapped agricultural overlay district.

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 3 Sisters Minor Subdivision-34, 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. Comments and/or recommendations, if any, from the Lakeview Irrigation District regarding the irrigation/water distribution plan must be submitted prior to sketch plan review by the Board of County Commissioners;
3. A long-term noxious weed management plan must be approved by Weed & Pest prior to final plat review by the Board of County Commissioners;
4. Electricity from Rocky Mountain Power must be stubbed to each lot line prior to final plat review by the Board of County Commissioners; 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.

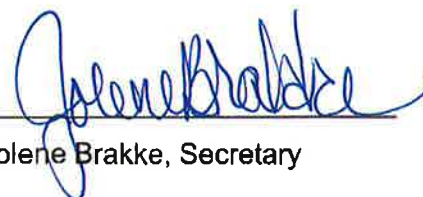
ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chairman



Jolene Brakke, Secretary

1

**RESOLUTION 2020 - 06
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO DESIGNATE A GENERAL RURAL 35-ACRE
ZONING DISTRICT TO A PARK COUNTY PROPERTY, THUS AMENDING THE
COUNTY ZONING MAP**

WHEREAS, on November 10, 2010, Park County claimed the patent to approximately 297.50 acres of land previously held in ownership by the United States with the following legal description: T.53 N., R.102 W., 6TH P.M. SEC.14, NW¹/₄SW¹/₄, W¹/₂NE¹/₄SW¹/₄, S¹/₂S¹/₂NE¹/₄NE¹/₄SW¹/₄, SE¹/₄NE¹/₄SW¹/₄, W¹/₂SW¹/₄SW¹/₄, W¹/₂NE¹/₄SW¹/₄SW¹/₄, W¹/₂SE¹/₄SW¹/₄SW¹/₄, SE¹/₄SE¹/₄SW¹/₄SW¹/₄, E¹/₂SE¹/₄SW¹/₄, E¹/₂NW¹/₄SE¹/₄SW¹/₄, E¹/₂SW¹/₄SE¹/₄SW¹/₄, SW¹/₄SW¹/₄SE¹/₄SW¹/₄ and SEC. 23 NW¹/₄;

WHEREAS, the land was un-zoned at the time of the transfer of ownership;

WHEREAS, the Park County Planning and Zoning Director and Board of County Commissioners requested that the Planning and Zoning Commission consider and recommend a zoning district designation to be assigned to the Park County parcel ("the parcel") to determine the uses allowed to be permitted on the land;

WHEREAS, the Park County Planning and Zoning Commission held a duly noticed special meeting and public hearing on March 17, 2020 to consider a zoning district designation for the parcel and found the following;

- a. Public lands surround the parcel on all sides causing this parcel to appear as an island in this midst of un-zoned territory;
- b. The property lies mostly within an area marked as "Conservation" in the 1998 Land Use Plan which is intended for low-density and low-impact development;
- c. The property lies partially within or on the cusp of "Medium Intensity Rural" in the Land Use Plan which is suitable for 5-acre and larger subdivision lots and allows for more commercial and light industrial development than the Conservation category does;
- d. The property is split nearly in half with the northern portion in the Clark Planning Area and the southern portion in the Cody Local Planning Area;
- e. The Clark Planning Area encourages large lot sizes (20+ acres);
- f. The Cody Local Planning Area encourages lower density and larger open spaces with density decreasing and open space increasing with distance from town;
- g. The land is currently occupied by a shooting complex and related activities;
- h. There are numerous buildings, small wastewater systems and other

developments (RV sites, shooting areas, trails, etc.) on the property to support the shooting complex use;

- i. The nearest zoning districts/private lands are GR-35 approximately 1,300 feet to the west and GR-5 approximately 2,500 feet to the east;
- j. The nearest private lands are predominantly classified as "agricultural" according to the Assessor's records;
- k. Agricultural activities are not known to have occurred on this land;
- l. Private land in the Clark Planning Area is all zoned GR-35, while private land in the Cody Local Planning Area, outside of the city limits, is predominantly GR-5 and RR-2;
- m. The average parcel size within ½ to 2 miles of the parcel ranges from just over 6,362 acres down to ~287 acres;
- n. Significant un-zoned, public open space/undeveloped acreage exists nearby in the Clark and Cody Local Planning Areas, the future zoning of which is important to consider;
- o. GR-35 zoning promotes the retention of open space and rural areas;

WHEREAS the Planning & Zoning Commission concludes that the land in question, when considered within its surroundings, lends itself best to a low-density zoning designation, such as General Rural 35-Acre (GR-35), which supports large-acre parcels and the protection of open spaces that have been preserved by federal ownership, and allows applicants to seek a variance for unallowable uses within any zoning district;

WHEREAS, amending the County Zoning Map to assign a GR-35 zoning district to the Park County parcel meets the following criteria:

- i. The map amendment does not single out a parcel of land for a zoning classification that would promote a land use that is incompatible and inconsistent with the existing or planned uses of the surrounding areas;
- ii. The map amendment is in accordance with the County's Land Use Plan; and
- iii. The map amendment substantially addresses a public purpose or need that outweighs any detriment to the rights of neighboring property owners;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends an amendment to the County Zoning Map to assign a GR-35 zoning designation to the Park County parcel described herein.

ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice Chairman



Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **6:00 P.M.**, Tuesday, March 17, 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.

APPROVAL OF MINUTES

Approve minutes from February 18, 2020 meeting.

REGULAR AGENDA

[PUBLIC HEARING CONTINUED – Ravens Ranch Major Subdivision Sketch Plan](#)

[PUBLIC HEARING – 3 Sisters MS-34 Sketch Plan](#)

[PUBLIC HEARING – Zoning Map Amendment – Cody Shooting Complex/Park County Land](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING March 17, 2020

		Ravens Ranch Major Sketch Plan	
		3 Sisters Minor Subdivision-34 Sketch Plan	
		Zoning of Unzoned Parcel-Zoning Map Amendment	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Steve Balos	3 Sisters	NO
2	Ellen Bales	3 Sisters	NO
3	Ross Whitlock	3 SISTERS	yes
4	JAYE MEINECKE	Ravens Ranch	Y
5	Kat Williams	Ravens	
6	Ben Wilhan	Ravens	
8	Bucky Hall	RAVENS	maybe
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