

1 **Planning & Zoning Commission Minutes**
2 **May 19, 2020**
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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 (participating by phone)
9 Kimberly Brandon-Wintermote, Vice Chairman
10 Linda Putney (participating by phone)
11 Duncan Bonine
12 Richard Jones
13

14 **Staff Present:**

15 Joy Hill, Planning Director
16 Kim Dillivan, Planner II
17 Patti Umphlett, Planner I
18 Jolene Brakke, Office Assistant III
19 Mary McKinney, Weed and Pest
20

21 Acting Chairman Brandon-Wintermote opened the meeting at 6:05pm.
22

23 **APPROVAL OF MINUTES**
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25 Acting Chairman Brandon-Wintermote asked the Board for comments or changes to the March
26 17, 2020 meeting minutes. A MOTION was made by Commissioner Jones to approve the
27 minutes; the motion was SECONDED by Commissioner Morrison to approve the minutes as
28 corrected. Motion was carried unanimously.
29

30 **REGULAR AGENDA**
31

32 **PUBLIC HEARING – Merit Energy Oregon Basin Tower SUP-195:** Merit Energy Company
33 requests a Special Use Permit for a Major Utility Use for a 50' self-supporting communication
34 tower. The proposed tower will be located within a 2.55-acre site approximately ten (10) miles
35 east-southeast of Cody, Wyoming, on BLM land (Oregon Basin Field), described as a parcel of
36 land located in Sec. 7, T51N, R100W, 6th P.M., Park County, Wyoming. There is no designated
37 county zoning district as it is located on BLM land.
38

39 Acting Chairman Brandon-Wintermote opened the public hearing at 6:07pm, reviewed the rules
40 of a public meeting and introduced the Board and Staff.
41

42 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
43 Staff Report.
44

45 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
46 Hearing none, Acting Chairman Brandon-Wintermote asked if other staff present had any
47 comments.

- 48 • Mary McKinney explained why she did not require a noxious weed plan. The area is
49 already subjected to considerable disturbance. She has shared management practices
50 with the applicant. Upon loosening up of the pandemic restrictions, she is hoping to meet
51 with some employees at the site to share some information.
52

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

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- 54 • Mark Barringer said the purpose of the tower is for control and monitoring of equipment in
55 the field. Acting Chairman Brandon-Wintermote asked about the proximity of this tower to
56 the recent power generation plant. Mark said this tower will be across the road.
57

58 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
59 applicant. There being none, Acting Chairman Brandon-Wintermote asked if there were
60 comments from any members of the public. There were no comments from those in attendance.
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62 Commissioner Bonine made a MOTION to close the hearing at 6:20pm; SECONDED by
63 Commissioner Jones. The motion was carried unanimously.
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65 Acting Chairman Brandon-Wintermote asked commission members if they had any discussion.
66 Commissioner Putney suggested the following findings be added:

- 67 • Add a finding #26 that no public comments were received.
68 • Add a finding #27 that the tower is not within an irrigation district.
69 • Add a finding #28 that the tower will not be within 20 feet of a County road right-of-way.

70 The Commission agreed with the addition of these findings.
71

72 Commissioner Bonine made a MOTION to approve Resolution 2020-07 with the following
73 conditions, shared by Commissioner Morrison:
74

- 75 1. Park County noise, lighting, and other nuisance regulations shall apply; and
76 2. The applicant shall otherwise comply with standards in the Park County
77 Development Standards and Regulations.
78

79 The motion was SECONDED by Commissioner Jones. The motion carried unanimously. See
80 Resolution 2020-07 attached hereto and incorporated herein.
81

82 **PUBLIC HEARING – Lennon Major Subdivision Preliminary Plat:** Jason and Christine Lennon
83 request to vacate and re-subdivide Lot 13 of the Musser Subdivision #3 into one 2.16-acre lot and
84 one 3.83-acre lot, each for residential use. This parcel is located north of Highway 14-16-20,
85 approximately 2.6 miles east of Cody, with an address of 33 Musser Road, Cody, WY. The
86 subdivision is located within in a Rural Residential 2-acre (RR-2) zoning district.
87

88 Acting Chairman Brandon-Wintermote opened the public hearing at 6:26pm.
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90 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
91 Staff Report.
92

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

- 94 • Commissioner Morrison asked if the utilities need to be adjacent to the lot or if the stubbing
95 had to be done specifically. Kim Dillivan said we do not normally require a specific stubbing
96 location as opposed to making sure the utility adjacent to the lot meets our regulations
97 when required. Acting Chairman Brandon-Wintermote asked if it needed to be on the
98 same side of the road. Kim Dillivan said yes.
99 • Commissioner Morrison mentioned waiting for getting state approval back in time for final
100 plat review. Is the state getting better with responding? The Planning Director responded
101 that there are two primary reasons state review takes so long. First, their board only meets
102 quarterly and they require information well in advance of their meetings. Second, review

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103 and approval by the state is most often delayed by incomplete application materials.
104 Applicants are encouraged to contact the state to find out exactly what is needed to be
105 complete.
106

107 Acting Chairman Brandon-Wintermote asked if Weed and Pest had any comments.

- 108 • Mary McKinney said a long-term noxious weed management plan has been received and
109 approved and she will work with the applicants on mitigation.
- 110 • Acting Chairman Brandon-Wintermote asked if Public Works had any additional
111 comments. They told Staff prior to the meeting that they did not.
112

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

- 114 • Christine Lennon mentioned that she did not receive the staff report due to email
115 problems, but she was okay with what was shared. She asked the Director if the irrigation
116 district's review and approval counted as state approval. It does not.
117

118 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
119 applicant. There being none, Acting Chairman Brandon-Wintermote asked if there were
120 comments from any members of the public. There were no comments from those in attendance.
121

122 Commissioner Jones made a MOTION to close the hearing at 6:46pm; SECONDED by
123 Commissioner Morrison. The motion was carried unanimously.
124

125 Acting Chairman Brandon-Wintermote asked commission members if they had any discussion.

- 126 • Acting Chairman Brandon-Wintermote asked about testing of the water well on proposed
127 Lot 2. Kim Dillivan said it is not required since they plan to connect to Northwest Rural
128 Water District water.
- 129 • Commissioner Putney asked about findings:
 - 130 ○ Finding #9 – add after subdivision; new access will require an approved ROW
131 permit.
 - 132 ○ Finding #19 – change to “Cody Canal Irrigation District has indicated approval of
133 the water distribution plan.”
 - 134 ○ Finding #26 – A runoff and erosion control plan is not required at this time.
- 135 • Commissioner Putney asked if the plat should show that Northwest Rural Water is
136 available. If on-lot wells are proposed, landowners shall obtain the appropriate permit from
137 the State of Wyoming. Commissioner Morrison asked about the use of a statement
138 indicating that no domestic water test was done. Staff indicated that it is not required.
139 Commissioner Jones added that he thinks it adds no value because years could pass and
140 the water test results could be different.
141

142 Commissioner Jones made a MOTION to approve Resolution 2020-08 with the following
143 conditions:
144

- 145 1. The applicant shall provide all easements as requested by applicable utilities and
146 special districts, irrigation districts or public agencies providing services. The
147 width of any utility easement shall be sufficient to allow adequate maintenance of
148 the system, but in no case shall such utility easement be less than 20 feet in width.
149 Easements must be identified on the final plat;
- 150 2. A water rights distribution plan must be submitted to and approved by the State
151 Engineer prior to final plat review;

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- 152 3. The applicant shall otherwise comply with standards in the Park County
153 Development Regulations and the minimum subdivision requirements as set forth
154 in Wyoming Statute 18-5-306; and
- 155 4. The final plat shall include a note stating the following: "Northwest Rural Water is
156 available to serve the subdivision. If onsite wells are proposed, landowners must
157 obtain a well permit from the State".

158
159 The motion was SECONDED by Commissioner Bonine. The motion carried unanimously. See
160 Resolution 2020-08 attached hereto and incorporated herein.

161
162 **PUBLIC HEARING – Cody Shooting Complex SUP-194:** Cody Shooting Complex requests a
163 Special Use Permit for a Major Recreation Facility, including special events. The proposed use
164 will be located in the NW1/4 of Section 23 and the SW1/4 of Section 14, T53N R102W, 6th P.M.,
165 Park County, Wyoming, approximately 2.25 miles northwest of the City of Cody, with an address
166 of 61 Road 7WC.

167
168 Acting Chairman Brandon-Wintermote opened the public hearing at 7:01pm.

169
170 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
171 Staff Report.

172
173 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 174 • Commissioner Bonine asked for clarification on the actual SUP. If in fact the SUP is for
175 the use, is it a reclassification? Kim Dillivan explained that the use is considered pre-
176 existing. A significant change in the use requires a permit. The large annual event is really
177 what triggered this permit requirement. The Planning Director added after much
178 discussion, it was felt it would be best to address the facility as a whole. Due to the nature
179 of the facility and the number of special events, it was determined the best option would
180 be the Major Recreational Facility use category with the understanding that there will be
181 frequent special events. The existing facilities are not so much of a concern as the
182 potential growth of the facility and attendance at events and how this will impact their ability
183 to accommodate that growth.
- 184 • Commissioner Jones clarified that this classification keeps them from having to individually
185 permit their events.
- 186 • Commissioner Morrison asked about the number of events. The proposed conditions have
187 not addressed limitations or thresholds. The Planning Director encouraged the
188 Commission to discuss this matter with the applicant. Commissioner Morrison said she
189 would like more attention to the RV spaces and to parking during events.
- 190 • Commissioner Putney asked if the number of parking spaces required for each event and
191 venue have been determined and are adequate. Kim Dillivan added that staff received
192 parking space information from the applicant and did not calculate required spaces. The
193 applicants have stated that parking has been adequate.
- 194 • Commissioner Putney asked how old the septic systems are and if they have been
195 reviewed for adequacy to support public events. The Planning Director indicated the septic
196 systems were all reviewed and appear sufficient to serve typical use. The applicant will
197 need to clarify the plans for adding portable toilets for large events.
- 198 • Acting Chairman Brandon-Wintermote asked about Public Works' comment regarding the
199 use of onsite aggregate material. There is no requirement for additional permitting for the
200 use of their onsite material to serve their use.

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- 201 • Mary McKinney said it is a very well-maintained facility. She was impressed during a
202 recent visit to the facility. There is a small cheat grass issue, but that is common in the
203 County. She will help them work on mitigation techniques for that. She sees it as mostly
204 outstanding undisturbed land. She would hate to see them dig up the land for borrow
205 material. It would be hard to reclaim those areas. There were some noxious weeds but
206 they have been treated. Any future expansion of the facilities for archery or similar
207 activities wouldn't really require much ground disturbance. The fencing that will be
208 required is a bit of an unknown but will likely result in minimal disturbance. She
209 recommends best management practices and preservation of native species.
- 210 • Commissioner Morrison sought clarification on irrigation water rights. Kim Dillivan said he
211 assumes there are no water rights.
- 212 • Commissioner Morrison asked about the signs. Kim Dillivan said that no new signs are
213 proposed.
- 214 • Commissioner Morrison asked if we are including everything under the same umbrella
215 even though the new land has not yet been acquired and won't the new land have to be
216 re-zoned. Kim Dillivan and the Planning Director indicated that the land will automatically
217 be zoned GR-35 according to the regulations.

218
219 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 220 • The applicant had no comments.

221
222 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
223 applicant.

- 224 • Commissioner Morrison would like details regarding the RV space management during
225 shooting events. She would also like to understand how the applicant wants the permit to
226 be conditioned to accommodate what exists and what may be planned.
- 227 • Bob Posner, Secretary at the Complex, said the RV section is a dry camp with electrical
228 outlets. They only allow participants to utilize the spaces. Interested parties contact the
229 club and request a spot. There are 24 spots. The Magpul Shoot last year was the first time
230 for the event. They had about 300 families, with the expectation that the event would
231 possibly grow this year. The numbers will be capped. They bring in porta-potties. They
232 have never seen the restrooms have issues with people lining up. People are generally
233 there for one or two nights. Commissioner Jones asked about event management and RV
234 sites and restrooms. He assumes there is an estimated size and the complex provides
235 additional accommodations for the extra volume of people. Commissioner Jones asked if
236 they have plans to grow beyond the 24 spaces. Bob said no. The Planning Director stated
237 that the camping spaces may not be used for the general public's use. That has been
238 made clear by the Board of Commissioners.
- 239 • Commissioner Jones asked the applicant about proposed lighting. Bob indicated that they
240 do not have lights that stay on.
- 241 • Commissioner Morrison asked if a member of the complex has family in town, would they
242 be allowed to stay in the RV sites. Bob said they are not allowed to do that according to
243 staff. They also intend to leave them dry and only use them as used in the past.
- 244 • Commissioner Morrison asked what the applicant would like to see as far as the
245 parameters for the use. How many events? Use as used historically? Bob said they have
246 essentially had the same events year in and year out. The biggest problem is volunteers.
247 There are smaller one-day events for 75-100 shooters. He does not see the use expanding
248 much beyond what they have been doing. They have expanded some of the youth
249 programs.

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- 250 • Commissioner Morrison stated that she would like to reduce the need for the applicant to
251 have to return should changes occur.
- 252 • Commissioner Jones mentioned that the season for events is limited. He doesn't see the
253 need for emphasis on limiting the events as they are.
- 254 • Commissioner Morrison asked the commission to consider what would be the threshold,
255 if necessary, that would trigger them needing to come back.
- 256 • Commissioner Putney asked how many clubhouses there are. Bob said there are four
257 clubhouses and one classroom used for hunter safety programs. There are several
258 storage buildings.
- 259 • Commissioner Putney mentioned there are four septic systems permitted. Bob concurred.
- 260 • Commissioner Putney asked about hazardous materials, such as ammunition, and
261 whether they are locked up. Bob said there are maybe two or three cases and they are
262 locked up. Very seldom sold.
- 263 • Commissioner Putney asked since there are firearms and lead involved, do they need to
264 meet any EPA requirements. How do they manage keeping the areas cleaned up? Bob
265 said that a company came in years ago and reclaimed material, but they do a test of how
266 much lead has fallen. They just don't get the volume of shooting to warrant more
267 reclamation activities.
- 268 • Acting Chairman Brandon-Wintermote asked about the number of buildings. Bob provided
269 clarification on two of the facilities being connected.
- 270 • Kim Dillivan mentioned that if an SUP is approved, the regulations mention that any
271 significant changes require an amended SUP. When it comes to determining what is
272 "significant" it is up to Staff to make that determination.
- 273 • Commissioner Morrison asked if any of the other ranges are tested or mined aside from
274 the shotgun range. Bob said it is hard to do due to topography (hillsides and rock).
- 275 • Acting Chairman Brandon-Wintermote asked if there are any irrigation rights. The
276 applicant stated there are not.
- 277
- 278 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
279 public. There were no comments from those in attendance.
- 280
- 281 • Commissioner Morrison asked for additional discussion with the hearing remaining open.
- 282 • Commissioner Jones said Staff evaluation of changes on the property are best to yield the
283 least burden on the applicant. He is comfortable with not putting caps or limits.
- 284 • Commissioner Morrison said it puts a lot of responsibility on staff. The Planning Director
285 stated that due to the County relationship to the facility as the landowner, it gives the Board
286 of County Commissioners more ability to be involved in those decisions as well therefore,
287 providing more oversight to the use. The current management has been very
288 accommodating to work with and there are no concerns with compliance; however, if there
289 were to be a change in management, there could be significant changes proposed. It
290 would be advisable to have some reasonable limitations imposed on the number of
291 attendees for larger events, any additional structures or additions should require further
292 review, the camping spaces need to be addressed and restricted to dry spaces only. It
293 should also be noted that the existing long-term portable toilets are permitted under this
294 SUP and that short-term portable toilets are allowed for their events. Of course, noise and
295 nuisance regulations apply. Patti Umphlett also stressed that any structures added to the
296 property will need to be permitted with a building/zoning permit and are not automatically
297 permitted under the SUP.
- 298 • Commissioner Morrison asked how the commission wants to develop the conditions.

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- Commissioner Jones asked with the specificity of events, what problem is being solved. The Planning Director indicated the possible future change of management is the biggest concern and having guidelines and limitations in place would be important in that case. Commissioner Jones doesn't see the necessity in being too granular with the requirements.
 - Potential conditions were discussed.
 - Commission discussed findings to be changed as follows and discussed the wording of the conditions to be applied to the permit:
 - Finding #37: Add that there are four long-term portable toilets and four permitted septic systems and any expansion of septage to impact the in-ground systems will require DEQ review;
 - Finding #11: The property has ten (10) existing venues and 24 existing dry camping spaces; camping is not for public use and is only to be used for related activities;
 - Finding #6 should reflect 248 acres;
 - Finding #12 should show there are four clubhouses and one classroom;
 - Finding #18 should show setback requirements for existing buildings have been met;
 - Finding #28 should say solid waste disposal is available and will be disposed of according to County regulation standards;
 - Finding #30: Add that there is legal access from County Road 7WC;
 - Finding #38: Add that parking has been determined to be adequate to serve the use;
 - Finding #33 should say buildings currently onsite;
 - Finding #5: Add "typical shooting complex uses and special events related to Cody Shooting Complex activities";
 - Strike condition #1 and move it to the statement of approval in the resolution.

327 Commissioner Bonine made a MOTION to close the hearing at 9:08pm; SECONDED by
328 Commissioner Jones. The motion was carried unanimously.
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330 Commissioner Morrison made a MOTION to approve Resolution 2020-09 with the following
331 conditions:
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1. Any further expansion of the use, change of use, or addition of structures as represented in the staff report will be subject to re-evaluation and/or an amendment to this Special Use Permit or a new permit;
 2. Any future expansion to include an archery range will be required to present plans to the Planning & Zoning Office for evaluation and determination of whether an amended Special Use Permit would be required;
 3. Any non-exempt signs proposed must be permitted by the Planning and Zoning Department prior to construction or installation;
 4. Maximum capacity ratings per structure, as identified by the fire district, shall not be exceeded;
 5. The applicant shall follow best management practices for controlling the spread of noxious weeds;
 6. This permit allows for up to six (6) long-term portable toilets on the property and a maximum of twelve (12) short-term portable toilets for use during special events

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347 and the applicant shall follow DEQ recommendations and requirements for the
348 disposal of wastewater associated with their use;

349 7. The existing 24 dry campsites for event participants only are allowed on the
350 property and any expansion of the number of campsites will require an amended
351 SUP;

352 8. Any proposed conversion of the dry campsites to wet campsites will require DEQ
353 review and approval;

354 9. Events with more than 2,000 attendees will require a separate Special Event SUP;
355 and

356 10. The applicant shall otherwise comply with standards in the Park County
357 Development Standards and Regulations.

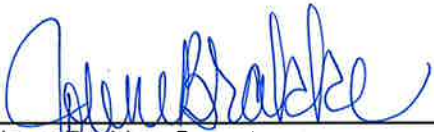
358
359 The motion was SECONDED by Commissioner Jones. Approved unanimously. The motion
360 carried. See Resolution 2020-09 attached hereto and incorporated herein.

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362 Acting Chairman Brandon-Wintermote delivered the Chair's report.

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

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366 There being no other business, a MOTION was made by Commissioner Jones to adjourn the
367 meeting at 9:46pm. The motion was seconded by Commissioner Bonine. All in favor.

368
369 Respectfully submitted,

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371 
372 _____
Jolene Brakke, Secretary

**RESOLUTION 2020 - 07
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF MERIT ENERGY COMPANY
COMMUNICATION TOWER SPECIAL USE PERMIT-195**

WHEREAS Merit Energy Company applied for a Special Use Permit for a 50-foot (50') tall communication tower with four 18-inch dish antennas and two omnidirectional antennas. The proposed tower will link Merit Energy's substation to their electrical shop and the upcoming power regeneration plant near the substation in the Oregon Basin Field;

WHEREAS the tower will be constructed on a parcel described as: 160 acres located in Sec. 7, T52N, R100W, NENE, Park County, Wyoming, on an unaddressed site southeast of Cody and east of State Highway 120 on County Road 3FK. (Longitude: 108.916870 W, Latitude: 44.413250 N) and is surrounded by predominantly General Rural 35-Acre (GR-35) zoning;

WHEREAS this project is defined by Park County as a Major Utility Use; a communication tower over 35 feet in height, a use which requires a Special Use Permit in a GR-35 zoning district;

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

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on May 19, 2020 to consider the Special Use Permit application and found the following:

1. This communication tower has been defined as a Major Utility Use;
2. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
3. The application was forwarded to agencies as required;
4. This property is managed by the Bureau of Land Management;
5. Private development activities on federal land are subject to County regulations and these activities shall be reviewed according to the zoning district of the majority of adjoining properties;
6. The majority of adjoining properties are located in the GR-35 zoning district;
7. Major Utility Use requires approval of an SUP in the GR-35 zoning district;
8. This property is located in the Sage Creek Planning Area;
9. Site Plan Review is not required;
10. The Applicant states that negative impacts from this tower, to the neighborhood/general area, will be negligible;
11. Domestic water is not required for this use;

12. A septic system is not required for this use;
13. Solid waste will not be generated by this use;
14. Hazardous substances will not be produced or used for this use;
15. Electricity will be provided by the substation onsite;
16. Legal access exists from County Road 3FK;
17. A runoff and erosion control plan is not required;
18. The parcel is not located in an overlay district;
19. There are no special site plan standards;
20. Nonconforming structures do not exist on parcel;
21. Parking standards are not applicable;
22. Sign standards are not applicable;
23. No lighting is proposed other than small status lights;
24. No nuisances, including junk vehicles, have been reported;
25. An initial weed inspection found the presence of noxious weeds and a long-term noxious weed control plan currently exists;
26. No public comments were received;
27. The proposed tower is not within an irrigation district; and
28. The proposed tower will not be within 20 feet of a County road right-of-way;

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

WHEREAS the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Merit Energy Company Communication Tower SUP-195, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of May, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020-08
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE LENNON
MAJOR SUBDIVISION PRELIMINARY PLAT**

WHEREAS Jason & Christine L. Lennon propose to vacate and re-subdivide Lot 13 of Musser Subdivision #3 (located in Book "G" of plats, Page 175, in the records of the Clerk and Recorder of Park County, State of Wyoming) into one approximately 3.83-acre lot and one approximately 2.16-acre lot, each for residential use;

WHEREAS a partial vacation of a recorded Final Plat is permitted for the purpose of subdividing a previously platted lot;

WHEREAS re-subdivision requires that the proposal shall follow the procedures outlined as if it were a new subdivision and the proposal shall meet the standards and policies for subdivisions in effect at the time of the application;

WHEREAS the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to major subdivision preliminary plats;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on February 18, 2020 to consider the sketch plan application, and unanimously recommended approval with conditions;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on May 19, 2020 to consider the preliminary plat application, and made findings as follows:

1. The applicants, Jason and Christine Lennon, intend to vacate and re-subdivide Lot 13 of Musser Subdivision #3 into one 3.83-acre lot and one 2.16-acre lot;
2. The Planning and Zoning Commission approved the sketch plan on February 18th, 2020 via Resolution 2020-04, with conditions;
3. The preliminary plat was received by the Planning and Zoning Department on April 30, 2020;
4. Planning and Zoning staff provided comments and recommended plat changes to the applicant on May 6, 2020;
5. All public notice requirements have been met for the preliminary plat review hearing;
6. No public comments have been received;

7. DEQ will no longer provide attenuated review of domestic water and wastewater plans for subdivisions that create five or fewer lots;
8. The applicant submitted subsurface evaluation data that indicates conventional septic systems will likely be sufficient should proposed Lot 1 be developed;
9. Public Works has confirmed legal and adequate access to both lots of the subdivision; a right-of-way permit will be required;
10. The applicant submitted an unsigned copy of the Lennon Major Subdivision Restrictions and Covenants;
11. The US Postal Service confirmed that mail delivery is available for both lots along Musser Road;
12. Rocky Mountain Power and Black Hills Energy can provide electricity and natural gas, respectively, to serve both lots;
13. No land-line telephone service is currently provided, though cell phone service is adequate in the area;
14. The applicant provided a letter from Park County School District #6 indicating the bus transportation can be provided for students living in the subdivision;
15. The subdivision will be served by on-site small wastewater systems, including an existing permitted system to serve Lot 2;
16. Northwest Rural Water District serves Lot 2 and the water main is adjacent to and available to serve Lot 1;
17. There is an existing water well on proposed Lot 2;
18. The applicant has not proposed any changes that would be expected to impact existing agricultural activities or related uses;
19. The Cody Canal Irrigation District has indicated approval of the water rights distribution plan;
20. An irrigation distribution plan must be submitted to the State Engineer's Office for approval;
21. The Cody Conservation District has submitted a soils report;
22. A Long-Term Noxious Weed Management Plan has been approved and submitted;
23. Easements are shown on the preliminary plat;
24. The subdivision complies with all design and improvement standards;
25. A Subdivision Improvements Agreement is not required; and
26. A runoff and erosion control plan is not required at this time;

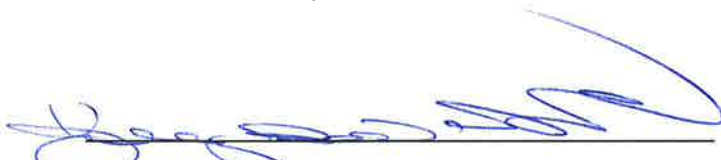
WHEREAS the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the 2015 Park County Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the preliminary plat for the Lennon Subdivision, 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 water rights distribution plan must be submitted to and approved by the State Engineer prior to final plat review;
3. The final plat shall include a note stating the following: "Northwest Rural Water is available to serve the subdivision. If onsite wells are proposed, landowners must obtain a well permit from the State"; and
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.

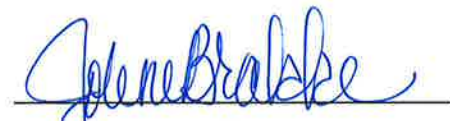
ADOPTED by the Park County Planning & Zoning Commission this 19th day of May, 2020.

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



Kimberly Brandon-Wintermote, Vice Chair

ATTEST:



Jolene Brakke, Secretary

**RESOLUTION 2020 - 09
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE CODY SHOOTING COMPLEX SUP-194
WITH SITE PLAN REVIEW**

WHEREAS Cody Shooting Complex requests approval to allow a Major Recreational Facility use to operate a shooting complex with special events in a General Rural 35-Acre (GR-35) zoning district;

WHEREAS this use is defined as a Recreational Use - Major recreation facility: Any commercial recreation business or outdoor recreation facility with over 5,000 square feet of building floor space or over one acre of land developed in association with use including driving ranges, golf courses, shooting ranges, skeet and trap ranges, commercial bird raising and hunting operations, outdoor riding arenas, and cross-country (Nordic) ski centers;

WHEREAS Recreational Use – Major recreation facility use is allowed in a GR-35 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 May 19, 2020 to consider the SUP Application and review the site plan and made findings as follows:

1. The 297.5-acre property subject to the use is in a General Rural 35-Acre zoning district and is split by the Clark Planning Area (north portion) and Cody Local Planning Area (south portion);
2. The property is located at 61 Road 7WC, Cody, approximately 2.6 miles north of Cody;
3. The owner of this property is Park County, Wyoming;
4. Park County, Wyoming and the Cody Shooting Complex entered into a lease agreement (dated August 6, 1996) for the purpose of operating a shooting complex at the site;
5. The shooting complex has been operating typical shooting complex uses and special events related to Cody Shooting complex activities continually since August 6, 1996;
6. The shooting complex is expected to expand onto an additional 248+/- acres adjacent to the property which is soon to be transferred out of federal ownership;
7. The applicant states no new structures are proposed as a part of the future archery range planned for the expansion area;
8. The applicant states there have historically been special events held on this property and there are special events scheduled on their 2020 calendar;

9. The use is classified as a Major Recreational Facility – which is allowable in this zoning district and planning area provided a Special Use Permit is approved;
10. Neighboring land uses are exempt public lands;
11. The property has ten (10) existing venues and 24 existing dry camping spaces;
12. There are four (4) clubhouses and one (1) classroom used for various events;
13. The applicant states the months of operation are January through December, weather-dependent;
14. The applicant states members have access seven days a week via an electronic gate accessed by card;
15. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
16. The application was forwarded to agencies as required;
17. No public comments have been received;
18. Setback requirements for existing buildings have been met;
19. No covenants exist or are proposed;
20. There are no known nonconformities on the property;
21. No nuisances have been reported at this location;
22. A soils report was received stating no digital data is available. The report shows nothing that stands out except the obvious wind erosion from a lack of vegetation on the berms the shooting complex has installed;
23. Domestic water is provided by Northwest Rural Water District;
24. The property is located within the Heart Mountain Irrigation District and the District has no concerns with the proposed development;
25. The property is not located within an overlay district;
26. Electricity is provided by Rocky Mountain Power;
27. No new signs are proposed;
28. Solid waste disposal is available and will be disposed of according to County regulation standards;
29. Site Plan Review is required for the proposed use;
30. Park County Public Works has no concern with the existing access across Bureau of Reclamation lands from County Road 7WC - a legal access exists;
31. A runoff and erosion control plan is not required due to the existing use and features having been established for years;
32. Weed and Pest suggests the applicant follow best management practices for the control and spread of noxious weeds;
33. Park County Fire District #2 provided an occupant load calculation for each of the public assembly buildings currently onsite;

34. The use is not expected to impact any lakes, reservoirs or streams;
35. No federally protected wetlands are expected to be impacted by this use;
36. Air quality is not expected to be impacted by this use;
37. There are four long-term portable toilets and four permitted septic systems and any expansion of septage to impact the in-ground systems will require DEQ review; and
38. Parking has been determined to be adequate to serve the 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;

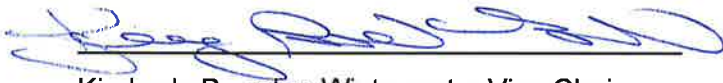
NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the existing shooting complex uses and special events as a Recreational Use – Major Recreation Facility Cody Shooting Complex SUP-194, subject to the following conditions:

1. Any further expansion of the use, change of use, or addition of structures will be subject to re-evaluation and/or an amendment to this Special Use Permit or a new permit;
2. Any future expansion to include an archery range will be required to present plans to the Planning & Zoning Office for evaluation and determination of whether an amended Special Use Permit would be required;
3. Any non-exempt signs proposed must be permitted by the Planning and Zoning Department prior to construction or installation;
4. Maximum capacity ratings per structure, as identified by the fire district, shall not be exceeded;
5. The applicant shall follow best management practices for controlling the spread of noxious weeds;
6. This permit allows for up to six (6) long-term portable toilets on the property and a maximum of twelve (12) short-term portable toilets for use during special events and the applicant shall follow DEQ recommendations and requirements for the disposal of wastewater associated with their use;
7. The existing 24 dry campsites for event participants only are allowed on the property and any expansion of the number of campsites will require an amended SUP
8. Any proposed conversion of the dry campsites to wet campsites will require DEQ review and approval;
9. Events with more than 2,000 attendees will require a separate Special Event SUP; and
10. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

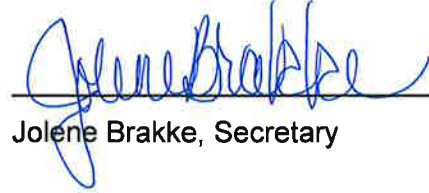
ADOPTED by the Park County Planning & Zoning Commission this 19th day of May, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice 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, May 19, 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 March 17, 2020 meeting.

REGULAR AGENDA

[PUBLIC HEARING – Merit Oregon Basin Tower SUP-195](#)

[PUBLIC HEARING – Lennon Major Preliminary Plat](#)

[PUBLIC HEARING – Cody Shooting Complex SUP-194](#)

OTHER BUSINESS

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

ADJOURN

