

Planning & Zoning Commission Minutes

June 16, 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 (participating by phone)
 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
 Mary McKinney, Weed and Pest

Acting Chairman Brandon-Wintermote opened the meeting and introduced the Board and Staff at 6:00 pm.

APPROVAL OF MINUTES

Acting Chairman Brandon-Wintermote asked the Board for comments or changes to the May 19, 2020 regular meeting minutes and the May 27, 2020 special meeting minutes. Commissioner Morrison said on the May 19th minutes, line 126 refers to the District, but she would like it to reflect Northwest Rural Water District to be clear. She also mentioned lines 282-283 should reflect that there are no concerns with compliance. She commented on page 6 of the meeting minutes from the 27th, line 269 to add "name of the" before the word entity. A MOTION was made by Commissioner Morrison to approve the minutes as amended; the motion was SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

REGULAR AGENDA

Hertzler SS-261 Sketch Plan: Joe Hertzler, owner of Hertzler Aviation Group, LLC requests consideration to create a two-lot simple subdivision consisting of one 19.99-acre lot and one 19.98-acre lot for residential use. The parcel is located in the NW1/4NE1/4 of Section 10 according to the Original Survey, also described as Lot 63-A according to the government resurvey in the Warranty Deed recorded as Document No. 2014-5064 of the deed records of the Park County Clerk and Recorder.

Acting Chairman Brandon-Wintermote acknowledged that a public hearing was not required and directed Planning and Zoning staff to commence with the staff report at 6:05pm.

There being no comments from Commission members, Kim Dillivan, Planner II, presented the Staff Report. Kim added that Public Works submitted some comments today by email since they could not be present. They said one access is existing and Lot 2 can support another access. They feel that the proposed development will have a minimal impact on traffic. The new access will require a right-of-way permit. They had no other concerns. A letter was also received from the fire district indicating that they serve the area. A letter was also received from Weed and Pest which indicated the presence of noxious weeds and a Long-Term Noxious Weed Management Plan is required. A plan has been submitted and approved. Staff did not have a copy at the time

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55 of the hearing. Comments were received from the irrigation district. Cody Conservation District
56 has provided a report. 75% of the soil on the property is loam, the remainder being gravelly loam.
57 The land is somewhat limited for drain fields.

58
59 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 60 • Commissioner Bonine asked about the residence on Lot 1 – is there an existing SWW
61 permit. Staff confirmed that permit #965 exists from 1994. Perc of 13mpi was reported
62 with a rock layer at 5 feet.
- 63 • Commissioner Putney sought confirmation of the receipt of a Long-Term Noxious Weed
64 Management Plan.
- 65 • Mary McKinney said she received the Long-Term Noxious Weed Management Plan hours
66 before the meeting. The land was recently tilled and seeded. That should help with weeds
67 that were there. Depending upon the crop planted, they will need a quarantine release
68 before moving it onto any public roadways. She has approved the plan.
- 69 • Acting Chairman Brandon-Wintermote asked if anyone had questions about Public Works'
70 comments. There were none.

71
72 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 73 • Mr. Steve Follweiler said staff did a good job of covering the material.

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

- 77 • Commissioner Morrison mentioned that the estimated total number of gallons per day of
78 water to be used to serve the subdivision was not provided. Staff does not have the water
79 usage information. Steve Follweiler said the state allows 25gpm per well, which comes
80 out to 1,500 gallons per hour. You can also irrigate an acre of land with a domestic well, if
81 a well produces that much. She also asked about plans for the mitigation of water rights
82 conflicts was not addressed. Staff indicated that for a subdivision with lots of this size,
83 conflicts are unlikely, though drilling the wells would suggest if there are concerns about
84 volume available.
- 85 • Acting Chairman Brandon-Wintermote asked if a copy of the water distribution plan was
86 available. Steve Follweiler mentioned there are several easements drawn in on the plan.
87 Mr. Hertzler said the plan was reviewed on the 11th at the district's meeting and they have
88 not yet received a response.
- 89 • Commissioner Putney asked what the approximate location of the buried drain is that
90 takes the water away from the crops. Mr. Hertzler said it is drain tile and it is to pull the
91 water away. The water provides water for a water right about a half mile north of the
92 property. Mr. Hertzler said when he bought the property in approximately 2013(?) there
93 was no record of a drain tile. He ran into a manhole when he was tilling a field. He spoke
94 with the irrigation district about it. There was no record. He found the manholes, uncovered
95 them and had the surveyor locate them for the plat. He put in an easement to be approved
96 with the plat. This is the first time it will be documented, likely a 20' easement on the drain
97 tiles. The Planning Director asked who is to benefit from the easement. Commissioner
98 Jones asked who is responsible for the maintenance of the drain tiles. Commissioner
99 Putney suggested putting the easements on the plat before it goes to the Commissioners.
100 She doesn't see any easements noted for utilities. Steve said they will be noted if
101 necessary. He said they don't want to identify an easement for power when they can't
102 predict where building will occur. Commissioner Putney said none of the easements are
103 shown for the existing utilities. Steve said for the final plat he will go through the title report
104 and show any easements of record.

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- 105 • Commissioner Putney asked if an easement is created for a buried pipeline. Staff indicated
106 there could be a record or not, but staff does not know the legal means for easement
107 recording. They always suggest they be recorded separately.
108

109 Acting Chairman Brandon-Wintermote asked if there were any comments from the public. There
110 being none, the commission discussed findings and conditions.

- 111 • Finding 15 should read "Park County Public Works' response confirms that both lots could
112 have legal access to County Road 6WX, any new accesses will require a right-of-way
113 permit and no runoff and erosion control plan is required at this time."
114 • Finding 18 – a Long-Term Noxious Weed Management Plan has been submitted and
115 approved;
116 • Finding 21 – response received from Conservation District;
117 • Add the following findings:
118 o Cell phone service is adequate.
119 o Natural gas service is not currently available for this area.
120 o Irrigation distribution plan does not require state review.
121 • Strike condition 2.
122 • Strike condition 4.
123 • Add a condition, "Add to the final plat that the property is subject to flood irrigation and
124 possible shallow groundwater levels."
125 • Mr. Hertzler said he is selling the land and if the note regarding enhanced systems is
126 required, it may impact the salability of the lot. The Planning Director reviewed the perc
127 rates that were reported (60mpi, 120mpi and 5.45mpi). She indicated that it is not
128 unreasonable to make mention of the slow perc rates on the plat, but not make enhanced
129 systems a requirement.
130 • Add a condition stating that a note should be placed on the plat indicating that enhanced
131 wastewater systems may be required;
132 • Add a condition about new wells requiring state permit;
133 • Add a condition that the 20' wide buried tile drain should be identified on the plat.
134

135 Commissioner Bonine made a MOTION to approve Resolution 2020-13 with the following
136 conditions:
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- 138 1. The applicant shall provide all easements as requested by applicable utilities and
139 special districts, irrigation districts or public agencies providing services. The width of
140 any utility easement shall be sufficient to allow adequate maintenance of the system,
141 but in no case shall such utility easement be less than 20 feet in width. Easements
142 must be identified on the final plat;
143 2. Easement for the buried tile line must be identified on the final plat;
144 3. The applicant shall provide to the Planning Department, comments and
145 recommendations from the Lakeview Irrigation District, if any, prior to Final Plat
146 review with the Board of County Commissioners;
147 4. A note on the final plat shall read, "Enhanced SWW septic systems may be required";
148 5. A note on the plat shall read, "Water wells must be approved and permitted by the
149 State Engineer's Office"; and

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150 6. The applicant shall otherwise comply with standards in the Park County Development
151 Regulations and the minimum subdivision requirements as set forth in Wyoming
152 Statute 18-5-306.

153
154 The motion was SECONDED by Commissioner Putney. All in favor. The motion carried. See
155 Resolution 2020-13 attached hereto and incorporated herein.

156
157 **PUBLIC HEARING CONTINUED – Sweet Land MS-38 Sketch Plan:** Tracy Sweet requests to
158 create one 1.52-acre lot, two 1.50-acre lots for residential use and one 14.06-acre lot for
159 agricultural/residential use. The parcel is located on Highway 295, approximately 1 mile south of
160 Powell, WY in Lot 56-L, Resurvey T55N, R99W, 6th P.M., Park County, Wyoming, in a General
161 Rural-Powell (GR-P) zoning district.

162
163 Acting Chairman Brandon-Wintermote reopened the public hearing at 7:11pm, reviewed the
164 rules of a public meeting. This hearing is continued during the May 27, 2020 meeting.

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166 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
167 Staff Report. He added that Public Works provided comments via email on June 16, 2020. He
168 also mentioned that the applicant does not wish to obtain Northwest Rural Water. He also added
169 that a response has been received from the US Postal Service. A single public comment was
170 received in opposition to the subdivision.

171
172 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 173 • Commissioner Morrison asked if an HOA is required for the shared driveway. Staff
174 indicated that it is not required. A maintenance agreement would be recommended. There
175 is a note on the plat.
- 176 • Commissioner Putney asked where the well was located that was sampled. Staff said
177 there is a well on Lot 2.
- 178 • Commissioner Putney asked where the overhead power is for Lot 3. Staff said overhead
179 power is on the west side of the highway and on the north side of Lot 4.
- 180 • Commissioner Putney asked if the septic systems are permitted. There are two known to
181 be permitted by staff and a presumed third system.
- 182 • Mary McKinney did complete an inspection and emailed it May 7th. There were no noxious
183 weed species found, however due to the ag activity and planned residences, a Long-Term
184 Noxious Weed Management Plan will be required. The main concern is property left fallow.

185
186 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 187 • Don Leischner, representing the applicant, stated that the only additional information he
188 would add is that there are homes on Lots 1 and 2 with septic systems. Lot 3 is being
189 created for a son to build a house. They are trying to divide so the houses are on separate
190 property.

191
192 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
193 applicant.

- 194 • Acting Chairman Brandon-Wintermote asked if a response was received or a soils report.
195 Don indicated that neither have been received. Water well analysis has been received,
196 however the report is mixed between two separate tests so he has requested a corrected
197 report. He hasn't received the report yet.

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- 198 • Commissioner Morrison asked if Two Bit Lane will be used at all. Don said it is a private
199 lane and it will not be used to serve this subdivision.
- 200 • Acting Chairman Brandon-Wintermote asked if the applicant is amenable to the City of
201 Powell's request. Don has not had a chance to review the response.
- 202 • Acting Chairman Brandon-Wintermote asked if the applicant would be agreeable to a
203 driveway maintenance agreement. Don said it did not cross their minds.
- 204 • Commissioner Bonine asked if the applicant is aware of any shared utilities between Lots
205 1 and 2 and the different structures that are there. Don said he didn't pay attention to the
206 way the power lines ran there. Commissioner Bonine is concerned at one point the NWRW
207 was shared across the lot line. Don said he is under the impression that Lot 2 is operating
208 off the well.
- 209 • Acting Chairman Brandon-Wintermote asked why the applicant doesn't want NWRW. The
210 applicant feels that the cost is not worth it due to the fact that there is no guarantee of
211 service following the model and Lot 2 already using a well.
- 212 • Commissioner Morrison mentioned the letter from the member of the public who is in
213 opposition of the subdivision. Don said he read the letter and he feels the concerns are
214 valid, but there are no good ways to address the concerns. They are concerned about
215 access along the ditch road. They are worried about children playing in the ditch. They
216 mentioned tile drains. Don said the Shoshone Irrigation map showed a drain along the
217 southeasterly corner of the property. They went out and found manholes and are under
218 the impression that the manholes are to the south and east of the property. The irrigation
219 district does not want to say that that is absolutely correct, so there me be a different
220 location of the drain. At the time Lot 4 develops, they will have to find the drain, if it exists.
221 Don said to the best of his knowledge the drain lines are owned by the district.
- 222 • Acting Chairman Brandon-Wintermote asked if the irrigation plan changes anything about
223 how they irrigate. Don said it will change a little bit. The individual small lots will be sprinkler
224 irrigated.
- 225
- 226 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
227 public. There were no comments from those in attendance.
- 228
- 229 • Commissioner Putney asked if a response was received from the fire district. Staff said it
230 was not.
- 231 • Commissioner Putney asked about the shared access for Lots 3 and 4 through Lot 2. Don
232 said WYDOT does not want access to Lot 4 from the highway. Staff indicated that Public
233 Works' response does not suggest that the shared access is for 3 lots as they addressed
234 only two.
- 235 • Commissioner Putney referred to the WYDOT email addressing the existing residential
236 accesses.
- 237 • Commissioner Morrison said the WYDOT accesses on the sketch plan are a bit confusing.
- 238 • Commissioner Putney said she is confused about how they will get electricity to Lot 3. Don
239 said they will ask the power company how they will get power to Lot 3 and then potentially
240 provide an easement. Thus far a response has not been received from the power provider
241 in the area.
- 242 • Commissioner Morrison asked if there is a copy of the annexation agreement from the
243 City of Powell. Staff said no. She asked how it can be addressed. Acting Chairman
244 Brandon-Wintermote said it will be addressed in the findings.
- 245 • Commissioner Putney asked for discussion on the findings and conditions. Discussion
246 was as follows:
- 247 ○ Finding #2 – add "4-lot minor subdivision";

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- Finding #10 – the City of Powell has been notified and has indicated that an annexation agreement may be required. The Planning Director read the statute pertaining to city review of subdivisions;
 - Finding #20 – the Postal Service has responded and can provide delivery;
 - Finding #14 – Public Works responded, but did not address the shared accesses between Lots 2, 3 and 4;
 - Finding #15 – Weed and Pest has responded and a Long-Term Noxious Weed Management Plan will be required;
 - Finding #19 – “us” should be “use”;
 - Finding #30 – delete, it is a duplicate of #33;
 - Add finding that cell phone service is available in this area;
 - Condition #2 – the applicant shall provide an approved Long-Term Noxious Weed Management Plan prior to final plat review by the Board of County Commissioners;
 - Strike Condition #4;
 - Condition #6 – add stubbed
 - Add Condition that the applicant shall provide results of water analysis prior to sketch plan review with the Board of Commissioners;
 - Add condition about wells requiring state permit;
 - Add condition about new response from Public Works;
 - Add condition about irrigation district response.
- Commissioner Putney asked if the commission should consider continuance due to the absence of important pieces of information. Commissioner Morrison agrees that incompleteness is a good reason to consider continuance, though she also realizes the next step is still as sketch plan with the Board of Commissioners. Commissioner Jones said he feels it should move forward for the Board to sort out the conditions. Commissioner Bonine said he would be in favor of moving forward.

275 Commissioner Morrison made a MOTION to close the hearing at 8:38pm; SECONDED by
276 Commissioner Jones. The motion was carried unanimously.
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278 Commissioner Putney made a MOTION to approve Resolution 2020-14 with the following
279 conditions:
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1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
 2. The applicant shall provide to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan prior to final plat review by the County Commissioners;
 3. The applicant shall provide to the Planning and Zoning Department a statement from Park County Fire District #1 indicating their ability to provide fire protection prior to sketch plan review by the County Commissioners;
 4. The applicant shall provide to the Planning and Zoning Department a soils report from the Powell-Clarks Fork Conservation District prior to final plat review by the County Commissioners;
 5. The applicant shall provide comments and recommendations, if any, from the

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- 296 Shoshone Irrigation District prior to sketch plan review with the Board of County
297 Commissioners
- 298 6. The applicant shall provide evidence to the Planning and Zoning Department that
299 natural gas is stubbed to proposed Lot 3 prior to final plat review by the County
300 Commissioners;
- 301 7. The applicant shall provide results of the water analysis to the Planning and Zoning
302 Department prior to sketch plan review by the Board of Commissioners;
- 303 8. Future water wells must be approved and permitted by the State Engineer's office;
- 304 9. The applicant shall provide a new response from the Public Works to the Planning
305 and Zoning Department prior to sketch plan review by the Board of County
306 Commissioners; and
- 307 10. The applicant shall otherwise comply with standards in the Park County Development
308 Regulations and the minimum subdivision requirements as set forth in Wyoming
309 Statute 18-5-306.

310
311 The motion was SECONDED by Commissioner Bonine. The motion carried unanimously. See
312 Resolution 2020-14 attached hereto and incorporated herein.

313
314 **PUBLIC HEARING – Alexander MS-39 Sketch Plan:** James Alexander requests to vacate Lot
315 1 of the Kasinger Simple Subdivision (SS-86) and create two lots; one 1.51-acre lot and one 4-
316 acre lot for residential use. The parcel is located in Lot 1 of the Kasinger SS-86, Resurvey T52 &
317 55N, R99 & 100W, 6th P.M., Park County, Wyoming, in a General Rural-Powell (GR-P) zoning
318 district with physical addresses of 1252 and 1256 Lane 13, Powell, WY.

319
320 Acting Chairman Brandon-Wintermote opened the public hearing at 8:50pm.

321
322 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
323 Staff Report.

324
325 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 326 • Commissioner Bonine asked about plat note #7. There was a later resolution that deleted
327 plat note #7.
- 328 • Commissioner Morrison asked about the excavation cut and the note about high
329 groundwater on the sketch plan.
- 330 • Mary McKinney said there was snow on the ground during her inspection. The infestations
331 are minor and the property is in good condition. She recommended that the applicant treat
332 the Canadian Thistle prior to any construction. There are a lot of nuisance species in areas
333 of previous disturbance. She has recommended a particular herbicide.

334
335 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 336 • Mr. Alexander said all the points have been covered.

337
338 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
339 applicant.

- 340 • Commissioner Putney asked for clarification on a plat note. She also mentioned that a
341 new well is noted on the application and wondered if it was permitted by the State. Mr.
342 Alexander said no water quality analysis was run on the new well on Lot 1B. Commissioner

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- 343 Putney asked if any mitigation has been done on the water quality, in particular sodium
344 and lead. The applicant stated none.
- 345 • Acting Chairman Brandon-Wintermote mentioned a 25-foot wide irrigation easement on
346 the original Kasinger SS plat which is not shown on the sketch plan. It will need to be
347 shown on the plat.
 - 348 • Commissioner Morrison asked how long the applicant was drinking the water based upon
349 it's reported quality. The applicant indicated he has been drinking the water as long as he
350 has lived there.
 - 351 • Acting Chairman Brandon-Wintermote asked if Public Works was aware of the shed on
352 the property being within the County road right-of-way. Staff indicated they did not have
353 discussion about it.
 - 354 • Commissioner Putney asked where note #7 on the sketch plan came from regarding flood
355 irrigation and shallow groundwater. Mr. Alexander said in his experience the water table
356 can go from deep to shallow, but he did not find groundwater during his recent excavation.
357

358 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
359 public. There were no comments from those in attendance.

- 360
- 361 • The commission members discussed findings and conditions as follows:
 - 362 ○ Finding #2 – add Resolution 2018-11 gave approval for voiding the original plat
363 note #7 for the Kasinger Simple Subdivision;
 - 364 ○ Finding #23 – should say the irrigation district was notified and responded that they
365 are good with said plans;
 - 366 ○ Finding #32 – add conventional systems will likely be sufficient;
 - 367 ○ Finding #37 – the subdivision is located within an agricultural overlay district;
 - 368 ○ Add that cell phone service is adequate in the area;
 - 369 ○ Add that the irrigation distribution plan does not require state review;
 - 370 ○ Strike Condition #3;
 - 371 ○ Strike Condition #2
 - 372 ○ Add a condition regarding the requirement for a note on the final plat stating that
373 “although the domestic water sample test concludes the results do meet the
374 potable water parameters for Coliform and Nitrate/Nitrite test(s), it exceeded EPA
375 recommended guidelines for other contaminates. It is suggested the property
376 owner contact a dietician or a physician to see if the level of contaminates is
377 acceptable for personal health conditions and/or consider water treatment
378 options”.
 - 379 ○ Add a condition about adding/clarifying the irrigation easement along the south
380 edge of original Lot 1.

381
382 Commissioner Morrison made a MOTION to close the hearing at 9:48pm; SECONDED by
383 Commissioner Jones. The motion was carried unanimously.

384
385 Commissioner Bonine made a MOTION to approve Resolution 2020-15 with the following
386 conditions:

- 387
- 388 1. The applicant shall provide all easements as requested by applicable utilities and
389 special districts, irrigation districts or public agencies providing services. The width of
390 any utility easement shall be sufficient to allow adequate maintenance of the system,
391 but in no case shall such utility easement be less than 20 feet in width. Easements
392 must be identified on the final plat;

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- 393 2. Prior to Final Plat review, the applicant shall provide to the Planning Department
394 certification from the Park County Treasurer's Office that all ad valorem taxes
395 applicable to the proposed subdivision for years prior to the year in which approval is
396 under consideration have been paid;
- 397 3. The applicants shall work with their surveyor to identify the irrigation easement
398 located along the south portion of proposed Lot 1B;
- 399 4. The applicants shall put a note on the Final Plat that states, "Although the domestic
400 water sample test concludes the results do meet the potable water parameters for
401 Coliform and Nitrate/Nitrite test(s), it exceeded EPA recommended guidelines for
402 other contaminants. It is suggested the property owner contact a dietician or a
403 physician to see if the level of contaminants is acceptable for personal health
404 conditions and/or consider water treatment options; and
- 405 5. The applicants shall otherwise comply with standards in the Park County
406 Development Regulations and the minimum subdivision requirements as set forth in
407 Wyoming Statute 18-5-306.

408
409 The motion was SECONDED by Commissioner Putney. The motion carried. See Resolution
410 2020-15 attached hereto and incorporated herein.

411
412 Chairman Morrison delivered the Chair's report.
413 - Opportunity on ag overlay review
414 - Agency referrals matrix to show who has been contacted and who has responded. Star
415 for special conditions.
416 - Acting Chairman Brandon-Wintermote inquired about stubbing of utility lines and the
417 phrasing "adjacent to".
418

419 The Planning Director delivered a report for the Planning and Zoning Department.
420 - Upcoming permits
421 - Potential schedule change
422 - Delivery of packets
423

424 There being no other business, a MOTION was made by Commissioner Morrison to adjourn the
425 meeting at 10:47pm. The motion was seconded by Commissioner Putney. All in favor.
426

427 Respectfully submitted,
428
429
430



Jolene Brakke, Secretary

**RESOLUTION 2020-13
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR
HERTZLER SIMPLE SUBDIVISION (SS-261)**

WHEREAS, Joe Hertzler, owner of Hertzler Aviation Group, LLC proposes to divide one 39.98-acre lot into two-lots consisting of one 19.99-acre lot and one 19.98-acre lot, each for residential use, in a General Rural 20-Acre (GR-20) zoning district;

WHEREAS, the proposed subdivision is classified as a simple subdivision which must comply with the Simple Subdivision Review Process;

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 June 16, 2020 to consider the sketch plan application and made findings as follows:

1. A Subdivision Application, including payment, was received from Joe Hertzler, Owner of Hertzler Aviation Group, LLC on May 15, 2020;
2. The applicant proposes to create a two-lot simple subdivision;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (dated October 14, 2014) to Hertzler Aviation Group, LLC, a Wyoming limited liability company from Arlene M. Young, Trustee of the Arlene M. Young Living Trust dated July 7, 2006 (WD Document #2014-5064).
5. The legal description of the parcel is T51N, R103W, 6th P.M., Park County, Wyoming, Lot 63-A, Resurvey;
6. The proposed subdivision is located at 1244 Southfork Road (Highway 6WX), approximately 12.44 miles southwest of Cody;
7. Applicable regulations are Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
8. Board of County Commissioners Resolution 2020-20, dated May 5, 2020, grants permission to consider the subdivision of this 39.98-acre parcel into two similarly-sized lots, each under 20 acres;
9. Surrounding land uses are primarily agricultural;
10. Proposed Lot 1 has an existing residence and outbuildings with irrigated acreage and proposed Lot 2 is intended for residential and/or agricultural use;
11. The proposed subdivision is not within a mile of any municipality;

12. All public notice requirements have been met;
13. All agency referral requirements have been met;
14. The Park County Treasurer's Office stated that property taxes have been paid in full on this property;
15. Park County Public Works' initial response confirms that proposed Lot 1 does have legal access to County Road 6WX, and proposed Lot 2 will have access to County Road 6WX, and there are no other concerns at this time;
16. Park County Fire District #2 can provide fire protection to the proposed lots as long as all accesses are constructed to accommodate their fire equipment;
17. Park County Weed & Pest completed their initial inspection and determined a Long-Term Noxious Weed Management Plan is required;
18. A Long-Term Noxious Weed Management Plan has been submitted and approved;
19. A water distribution plan was submitted to Lakeview Irrigation District though a response from the district has not been received;
20. The applicant submitted bus route information from the Park County School District #6 webpage;
21. Cody Conservation District was notified, and a soils report has been submitted;
22. The United States Postal Service was notified and stated mail can be delivered to the subdivision once new addresses are assigned;
23. Rocky Mountain Power was notified and responded that they currently serve this area and see no conflict in providing power in accordance with the Wyoming regulatory tariffs;
24. No public comments have been received;
25. A pre-application meeting was held on March 6, 2020;
26. A title report has been submitted;
27. No roads are proposed as part of this subdivision;
28. Garbage disposal service is available;
29. Groundwater appears to be relatively shallow, though there are no other known hazards on this property;
30. A complete sketch plan has been received;
31. The Park County Small Wastewater Administrator reviewed subsurface evaluation data that was collected by the applicant and indicates that slow percolation rates and relatively shallow groundwater may result in the need for nonconventional/engineered small wastewater systems;
32. A water analysis was conducted on a water sample from the well on proposed Lot 1 and the sample was deemed "safe";

33. Proposed changes are not expected to adversely impact existing agricultural activities or related uses;
34. Cell phone service is adequate in the area;
35. Natural gas service is not available in the area;
36. An irrigation water distribution plan does not require state review; and
37. The property is not located in an 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 Hertzler SS-261, 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. Easements for the buried tile line must be identified on the final plat;
3. The applicant shall provide to the Planning Department, comments and recommendations from the Lakeview Irrigation District, if any, prior to Final Plat review with the Board of County Commissioners;
4. A note on the final plat shall read, "Enhanced SWW septic systems may be required";
5. A note on the final plat shall read, "Water wells must be approved and permitted by the State Engineer's office"; and
6. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 16th day of June, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chair



Jolene Brakke, Secretary

**RESOLUTION 2020-14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE SWEET LAND MINOR SUBDIVISION
(MS-38) SKETCH PLAN**

WHEREAS, Tracy Sweet proposes to create a four-lot subdivision consisting of one 1.52-acre lot for residential use, two 1.50-acre lots for residential use, and one 14.06-acre lot for agricultural and/or residential use in a General Rural Powell (GR-P) zoning district;

WHEREAS, the proposed subdivision is classified as a minor subdivision which must comply with the Minor Subdivision Review Process;

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 June 16, 2020 to consider the sketch plan application and made findings as follows:

1. A Subdivision Application, including payment, was received from Tracy Sweet on April 30, 2020;
2. The applicant proposes to create a 4-lot minor subdivision including one 1.52-acre lot for residential use, two 1.50-acre lots for residential use, and one 14.06-acre lot for agricultural and/or residential use;
3. Tracy L. Sweet and Stacy M. Sweet are the current owners of the property according to recorded document #2014-996WD which corrected document #2013-6411;
4. The proposed subdivision is located approximately one mile south of Powell city limits east of State Highway 295 and north of Two Bit Lane;
5. Applicable regulations are Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
6. The lots as configured conform to the GR-P zoning district where they are located;
7. Neighboring land uses are a mix of agricultural and residential;
8. Proposed Lots 1 and 2 have existing structures, while Lots 3 and 4 are currently used for agricultural purposes;
9. The subdivision is within one mile of a municipality which requires notice to the municipality;
10. The City of Powell has been notified and has indicated an agreement may be required for property annexation;
11. All public notice requirements have been met;
12. All agency referral requirements have been met;
13. Property taxes are paid in full;
14. Public Works responded but did not address the shared accesses between Lots 2, 3 and 4;
15. Weed & Pest has responded and a Long-Term Noxious Weed Management Plan is required;
16. Park County Fire District #1 has not responded;
17. Park County School District #1 is able to provide school bus service for the residence of this subdivision;
18. Northwest Rural Water District would require hydraulic modelling before a determination could be made on serving the proposed demands of the

- subdivision and said modeling would be at the expense of the applicant/developer;
19. WYDOT stated there are two existing accesses permitted off Highway 295, the northern access being sufficient to serve 3 residences and, since there is no change in use, a new permit is not required;
 20. United States Postal Service has responded and can provide service;
 21. Responses have not been received from RMP or MDU indicating their ability to serve the proposed subdivision lots;
 22. According to the applicant, Rocky Mountain Power (RMP) and Montana Dakota Utilities (MDU) currently provide services to proposed Lots 1 and 2;
 23. TCT West has not responded;
 24. The Powell-Clarks Fork Conservation District has not responded;
 25. One public comment has been received;
 26. A pre-application meeting was held on March 6, 2020;
 27. A title report has been submitted;
 28. There are existing approaches to proposed Lots 1 and 2 from Highway 295;
 29. Lot 3 and Lot 4 will utilize a proposed 40-foot wide private driveway using the approach for Lot 2;
 30. There are no known hazardous conditions on the property;
 31. Easements are shown on the sketch plan;
 32. Garbage disposal service is available through local, private companies;
 33. A complete sketch plan has been received;
 34. Percolation test data were provided for three sites within the subdivision and reveal perc rates between 11 mpi and 13.3 mpi. These perc rates are sufficient for conventional septic systems;
 35. Excavation cuts have been made and groundwater was found at a depth of 11 feet;
 36. Private water wells are proposed to provide domestic water for each lot with any newly proposed water wells requiring state approval;
 37. Water analysis results are pending on a water sample taken from a well on proposed Lot 2;
 38. The applicant has not proposed any changes that would be expected to adversely impact existing agricultural activities or related uses;
 39. The applicant intends to allocate water rights to each of the proposed lots,
 40. An irrigation distribution plan has been submitted to the Shoshone Irrigation District, though the district has not responded or provided comments;
 41. The irrigation distribution plan does not require state review;
 42. No stream or river passes within or adjacent to the proposed subdivision lots;
 43. Cell phone service is adequate in the area;
 44. The lot sizes proposed conform to the lot design and improvement standards; and
 45. The subdivision is not located in an 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 Sweet Land MS-38, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan from Park County Weed & Pest prior to final plat review by the County Commissioners;
3. The applicant shall provide to the Planning and Zoning Department a statement from Park County Fire District #1, indicating their ability to provide fire protection prior to sketch plan review by the County Commissioners;
4. The applicant shall provide to the Planning and Zoning Department a soils report from the Powell-Clarks Fork Conservation District; prior to sketch plan review by the County Commissioners;
5. The applicant shall provide comments and recommendations, if any, from the Shoshone Irrigation District prior to sketch plan review by the County Commissioners;
6. The applicant shall provide evidence to the Planning and Zoning Department that natural gas is stubbed to proposed Lot 3 prior to final plat review by the County Commissioners;
7. The applicant shall provide to the Planning and Zoning Department the results of a well water analysis prior to sketch plan review by County Commissioners;
8. Future water wells must be approved and permitted by the State Engineer's office;
9. The applicant shall provide a new response from Park County Public Works to the Planning and Zoning Department prior to sketch plan review by the Board of County Commissioners; and
10. 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 16th day of June, 2020.

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


Kimberly Brandon-Wintermote, Vice-Chair

ATTEST:


Jolene Brakke, Secretary

**RESOLUTION 2020-15
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE ALEXANDER MINOR SUBDIVISION
(MS-39) SKETCH PLAN**

WHEREAS, James O. and Suzanne D. Alexander propose to vacate and re-subdivide Lot 1 of the Kasinger SS-86 (5.51 acres), according to the plat recorded in Book "I" of plats, Page 89, according to the records of the County Clerk and Recorder of Park County, State of Wyoming, to create a two-lot subdivision comprised of one 4.0-acre lot and one 1.51-acre lot for residential use, in a General Rural – Powell (GR-P) zoning district;

WHEREAS, the proposed subdivision is classified as a minor subdivision which must comply with the Minor Subdivision Review Process;

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 June 16, 2020 to consider the sketch plan application and made findings as follows:

1. A Subdivision Application, including payment, was received from James and Susanne Alexander on May 4, 2020;
2. The applicants propose to vacate and re-subdivide Lot 1, Kasinger SS-86 to create a 2-lot minor subdivision;
3. A resolution (2018-11) approved by the County Commissioners on February 20, 2018, voided a condition on the Kasinger SS-86 plat that prevented future subdividing of Kasinger SS-86;
4. Ownership is affirmed by Warranty Deed (dated October 30, 2017, Doc. #2017-5453) to James O. Alexander and Suzanne D. Alexander, husband and wife, from Ronald B. Williams and Deborah A. Williams, husband and wife;
5. The legal description of the parcel is Lot 1, Kasinger SS-86, according to the plat recorded in Book "I" of Plats, page 89, Park County, State of Wyoming;
6. The proposed subdivision is located approximately 2.3 miles southeast of Ralston, along County Lane 13;
7. Applicable regulations are Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
8. The lots as configured conform to the GR-P zoning district where they are located;
9. Neighboring land uses are primarily agricultural;
10. Proposed Lot 1A has an existing residence and the applicants obtained a building/zoning permit and small wastewater system permit to develop a residence on proposed Lot 1B;
11. The proposed subdivision is not within a mile of any municipality;
12. All public notice requirements have been met;
13. All agency referral requirements have been met;
14. The Park County Treasurer's Office stated the 2019 property taxes have not been paid on this property;
15. Park County Public Works' initial response confirms that the parcel does have legal access to County Lane 13 and County Road 12H;
16. Park County Fire District #1 can provide fire protection, provided any and all accesses are constructed to accommodate their fire equipment;

17. Park County Weed & Pest completed their initial inspection and determined a Long-Term Noxious Weed Management Plan is not required. They recommend the applicant follow "Best Management Practices for Controlling the Spread of Noxious Weeds";
18. The United States Postal Service was notified and stated mail can be delivered to the subdivision once new addresses are assigned. Placement of mailboxes will be determined when new residents are ready for mail delivery;
19. Rocky Mountain Power indicated that they currently serve this area and see no conflict in providing power in accordance with the Wyoming regulatory tariffs;
20. Black Hills Energy responded that they can provide gas service to this subdivision from either Lane 13 or Road 12H. There will be sufficient volume for all proposed services. They will need a utility easement if they cross a lot to access another lot;
21. Park County School District #1 responded that school bus service is available with Park County School District #1. The bus would pick up and drop off at exit points on Road 12H and Lane 13;
22. Two Tough Guys currently provide solid waste collection and can continue to do so;
23. Powell-Clark's Fork Conservation District provided a soils report identifying soils on the property, some of which are limited for dwellings with basements and septic tank absorption fields;
24. The Willwood Irrigation District was notified of the subdivision by the applicant on February 25, 2020;
25. An irrigation distribution plan has been submitted Willwood Irrigation District and the District responded "as of right now they are good with said plans";
26. No public comments have been received;
27. A pre-application meeting was held February 14, 2020;
28. A title report has been submitted;
29. No new subdivision roads are proposed;
30. This site is subject to flood irrigation and possible shallow groundwater levels;
31. There are no other known hazardous conditions on the lots;
32. A complete sketch plan has been received;
33. Subsurface evaluation data was collected from proposed Lot 1B on March 28, 2020 and revealed a percolation rate 13 mpi, with no groundwater found at 8' 6" of depth, and, as a result, conventional SWW septic systems will likely be sufficient;
34. Domestic water will be provided by private water wells to be permitted and approved by the Wyoming State Engineer's Office;
35. A water analysis has been conducted on a water well located on proposed Lot 1A and indicates the water sample meets potable water parameters for Coliform and Nitrate/Nitrite, however, it exceeded EPA recommended guidelines for other contaminants. It is suggested the developer contact a dietician or a physician to see if the level of contaminates is acceptable for personal health conditions and/or consider water treatment options;
36. Proposed changes are not expected to adversely impact existing agricultural activities or related uses;
37. The lot sizes proposed conform to the lot design and improvement standards;
38. Cell phone service is adequate in the area;
39. The irrigation distribution plan does not require state review; and
40. The subdivision is located within an 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 Alexander MS-39, subject to the following conditions:

1. The applicants 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. Prior to final plat review, the applicants shall provide to the Planning Department certification from the Park County Treasurer's Office that all ad valorem taxes applicable to the proposed subdivision for years prior to the year in which approval is under consideration have been paid;
3. The applicants shall work with their surveyor to identify the irrigation easement located along the south portion of proposed Lot 1B;
4. The applicants shall put a note on the Final Plat that states, *"Although the domestic water sample test concludes the results do meet the potable water parameters for Coliform and Nitrate/Nitrite test(s), it exceeded EPA recommendation guidelines for other contaminants. It is suggested the property owner contact a dietician or a physician to see if the level of contaminates is acceptable for personal health conditions and/or consider water treatment options."*; and
5. The applicants 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 16th day of June, 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, June 16, 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 May 19, 2020 regular meeting and May 27, 2020 special meeting.

REGULAR AGENDA

[Hertzler SS-261](#)

[PUBLIC HEARING CONTINUED – Sweet Land MS-38 Sketch Plan](#)

[PUBLIC HEARING – Alexander MS-39 Sketch Plan](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
June 16, 2020

		Sweet Land MS-38 Sketch Plan	
		Alexander MS-39 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	James ALEXANDER	PLANNING & ZONING	
2	Steve Follweiler	Hertzler SS	yes
3	Mary McKinney	all	
4	DON LEISCHNER	SWEET	
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